

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO THE
LICENSING SUB-COMMITTEE**

19th March 2012

1. **APPLICATION FOR REVIEW OF PREMISES LICENCE IN RESPECT OF PREMISES KNOWN
AS CASTLE STORES, 47-49 HIGH STREET, HALMER END, ST7 8AG**

1. **Details of Application**

- | | |
|---|--|
| (a) Applicant: | Brandon Cook, Staffordshire County Council,
Trading Standards |
| (b) Premises: | Castle Stores, 47 – 49 High Street, Halmer End. |
| (c) Application for: | Review of Premise Licence |
| (d) Grounds for Review: | The Protection of Children from Harm |
| (e) Current Hours of Licensable
Activities:
Opening Hours | |
| Monday – Saturday | 08.00 – 23.00 |
| Sunday | 10.00 – 22.30 |
| (f) Sale by retail of alcohol for
consumption off the premises
only: | |
| Monday - Saturday | 08.00 – 23.00 |
| Sunday | 10.00 – 22.30 |

2. **Application**

The application is for a review of a premise licence under section 51 of the Licensing Act 2003, by Staffordshire Trading Standards. The application has raised concerns regarding the Protection of Children from Harm objective of the Licensing Act 2003.

A copy of the application is attached.

3. **Consultation**

The responsible authorities have been notified of the application and the application has been advertised by way of a poster displayed on the premise and a notice in the Sentinel newspaper.

4. **Policy Considerations**

(a) **Licensing Objectives**

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:-

- (i) the prevention of crime and disorder
- (ii) public safety
- (iii) the prevention of public nuisance
- (iv) the protection of children from harm

(b) Policy Statement

The Licensing Act 2003 required the Council to publish a "Statement of Licensing Policy" that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council made a number of policy decisions in its Statement of Licensing Policy. The following policy decisions are relevant to this application:-

- The Protection of Children from Harm

(c) Statutory Guidance

- (i) National guidance which promotes best practice ensuring consistent application of licensing powers and promotes fairness and equal treatment and proportionality came into force on 28 June 2007.

Copies of the Council's Statement of Licensing Policy and the Government's Statutory Guidance will be available at the Sub-Committee meeting.

5. Comments

In making their decision on the application, the Sub-Committee are also obliged to have regard to Statutory Guidance and the Council's own Statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However the Sub-Committee must disregard any objections that do not relate to the promotion of the four licensing objectives.

The Sub-Committee must take such of the following steps as they consider necessary for the promotion of the licensing objectives as set out in paragraph 4(a) above:-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence.

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be necessary in order to promote the licensing objectives.