

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Date 23rd September 2020

1. LICENSING ACT 2003

Submitted by: **Head of Environmental Health Services**

Portfolio: **Finance & Resources**

Ward(s) affected: **Talke**

Purpose of the Report

To inform the committee of a new premises application received in relation to the sale of alcohol for consumption off the premises, which has received several relevant representations.

Recommendations

In accordance with the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy the Sub-Committee must consider the Premises Licence and have regard to the four licensing objectives, as below, when making its decision:

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

Reasons

An application was received on 28th July 2020 to apply for a new premises licence at Talke Express, 70 Newcastle Road, Kidsgrove, ST7 1RW. Three representations were made, two of which were relevant under the licensing objectives of Prevention of Crime and Disorder and Prevention of Public Nuisance.

1. Background

1.1 The licence information relating to this application is as follows:

Premises:	Talke Express
Location:	70 Talke Road, Kidsgrove, ST7 1RW
Licence Number:	20426
Applicant:	Rajan Regahunath
Designated Premises Supervisor:	Neelakandan Binumon

1.2 An application has been received, attached as **Appendix A**, to apply for a new premises licence at 70 Talke Road, Kidsgrove, ST7 1RW.

1.3 The application was made to sell alcohol off the premises on Mondays through to Sundays between the hours of 06:00 and 23:00 which matched the opening times planned for the same. The application also requests that the hours are extended for a further two hours on Christmas Day, Boxing Day and New Years Eve. The applicant has volunteered a number of

conditions to attach to the licence including CCTV being installed, the retention of recordings, having an accident log, displaying notices, Challenge 25 scheme and training requirements for staff. The full proposal is included in Appendix A.

- 1.4 There have been no representations received from the relevant authorities however two relevant representations have been received from interested parties and these are attached as **Appendices B and C**. The relevant sections of the representations relate to litter and anti-social behaviour which fall into the licensing objectives of Public Nuisance and Prevention of Crime and Disorder respectively. All other matters discussed in the representations fall outside the remit of the licensing objectives and are therefore not relevant to this application.
- 1.5 Historically, the premises at 70 Newcastle Road, Kidsgrove, ST7 1RW has been a licensed premises to sell alcohol off the premises for several years however the licence was surrendered in 29th May 2019 and therefore ceased to have effect. The hours of that licence were to open Monday to Sunday between 05:00-21:00 and to sell alcohol for consumption off the premises Monday to Sunday between 09:00-21:00 as can be seen in the historic licence attached as **Appendix D**.
- 1.6 There is no historic evidence of complaints received by this department in relation to this premises.
- 1.7 A location plan of the premises is attached as **Appendix E**.

2. **Issues**

- 2.1. 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
- 2.2. The Licensing Act 2003 requires 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. Copies of the [Council's Statement of Licensing Policy](#) and the [Government's Statutory Guidance](#) are available online and linked here.
- 2.3. In making their decision on the application the Sub-Committee are obliged to have regard to the Statutory Guidance and the Council's own Statement of Licensing Policy. The Sub-Committee must also have regard to the representations made and the evidence heard at the hearing. However, the Sub-Committee must disregard any representations that do not relate to the promotion of the four licensing objectives.

3. **Options Considered**

- 3.1 The relevant options considered in relation to this application are:
 - a.) grant the application
 - b.) modify proposed and/or agree condition (including timings) and grant the application
 - c.) refuse the application

4. **Proposal**

- 4.1 The Sub-Committee, where it considers that action under its statutory powers is appropriate, may take any of the steps outlined at section 3.1 of the report for the promotion of the four licensing objectives.
- 4.2 For this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.
- 4.3 The Sub-Committee are asked to note that they may not modify the conditions or take any other steps merely because they consider it desirable to do so. Any action taken must be appropriate in order to promote the licensing objectives.

5. **Reasons for Preferred Solution**

- 5.1 To ensure that the Council promote the licensing objectives in accordance with their statutory duty.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 *The four corporate priorities are:-*

- Local services that work for local people
- Growing our people and places
- A healthy, active and safe borough
- A town centre for all

7. **Legal and Statutory Implications**

- 7.1 To power to vary a premises licence falls under Section 34 of the Licensing Act 2003.
- 7.2 Hearings will be carried out in a fair, proportionate and consistent manner in line with:
- Article 6(1) guarantees an applicant a fair hearing
Article 14 guarantees no discrimination

8. **Equality Impact Assessment**

- 8.1 Not Applicable

9. **Financial and Resource Implications**

- 9.1 All parties have the right to appeal the decision at the Magistrates Court and if successful could apply for the award of costs.

10. **Major Risks**

- 10.1 As above

11. **Sustainability and Climate Change Implications**

- 11.1 Not Applicable

12. **Key Decision Information**

- 12.1 Not Applicable

13. **Earlier Cabinet/Committee Resolutions**

13.1 The Licensing Committee has previously resolved to have regards to its Licensing Policy

14. **List of Appendices**

14.1 Appendix A – Application for a new Premises Licence
Appendix B – Mr Gaunt Representation
Appendix C – Ms Aynsley Representation
Appendix D – Historic Premises Licence for this site

15. **Background Papers**

15.1 Licensing Policy 2015-2020

15.2 Licensing Act 2003 Statutory Guidance