

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 8th April, 2010.

Present: Cllr Maurice Perry, Cllr Roy Rix and Cllr Bill Woodhead.

Officers: M Vaines (DNS); J Nertney (LD).

Also in attendance: Mr D P Chadwick (Applicant).

Apologies: None.

LSC 1/10 **Appointment of Chairman**

RESOLVED that Councillor Woodhead be appointed Chairman for this meeting only.

LSC 2/10 **Declarations of Interest**

No interests were declared.

LSC 3/10 **Cafe Lilli, 83 High Street, Norton, Stocton on Tees - Application for the Variation of a Premise Licence under the Licensing Act 2003**

The Chairman introduced all persons who were present and explained the procedure to be followed during the hearing.

The Licensing Officer presented the report to the Members.

Consideration was given to the application as outlined in the report by the Licensing Officer. Members noted and gave consideration to the representation that had been received. The Licensing Officer informed Members that a condition had been agreed with Cleveland Police and their representation had been withdrawn. One representation had been received from a person who owned property within the vicinity of the premises.

The applicant (Mr Chadwick) informed Members that the application was to allow him to sell bottles of wine to customers of his restaurant who may wish to purchase wines, whether singly or in cases, from the wine list in order to enjoy them at home. The premises was not going to act as an off licence and the condition agreed with Cleveland Police would ensure that wines were only sold to customers enjoying a meal.

It was noted that Cleveland Police had withdrawn their representation after agreeing a condition to be placed on the licence should the application be granted, namely:-

- No off sales to any person entering the premises solely for the purpose of purchasing alcohol. Off sales shall only be made to persons who have consumed a table meal within. However, off sales, may be collected by persons who have consumed a table meal at a later date if it is not practicable to collect it at the time of ordering.

Members had regard to the representation which had been received from a

person who owned property within the vicinity of the premises. The condition agreed with Cleveland Police addressed that persons main concern, namely that the premise would be an off licence supplying alcohol to person who had not dined at the premise, clearly this was not going to be the case.

When considering their decision Members had regard to the Statutory guidance issued under Section 182 of the Licensing Act 2003 and the Councils Licensing Policy.

Members had regard to the oral representations made to them and the one individual representation from a person who owned property within the vicinity of the premises.

Members noted that the objectors concern was addressed by the condition agreed with Cleveland Police. Members noted that the person who had made a representation was not in attendance at the committee meeting and further clarification could therefore not be sought as to whether the condition agreed with Cleveland Police addressed his concerns. Members were satisfied that if the application was granted the licensing objectives would not be undermined.

RESOLVED the application be granted for the supply of alcohol for sales off the premises between the following hours:-

Monday to Saturday: 11:00 to 23:00

- To attach the following condition to the licence:-
- No off sales to any person entering the premises solely for the purpose of purchasing alcohol. Off sales shall only be made to persons who have consumed a table meal within. However, off sales, may be collected by persons who have consumed a table meal at a later date if it is not practicable to collect it at the time of ordering.
- The Committee noted that the granting of the application posed a potential conflict with the licence conditions and in particular condition 2 of the embedded restrictions. The Committee therefore resolved to amend the conditions so that they did not conflict with the application as granted.