

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Tuesday, 11th May, 2010.

**Present:** Cllr Dick Cains, Cllr Maurice Perry and Cllr Bill Woodhead.

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

**Also in attendance:** Applicant: Aldi Stores Limited, Mr Plum and Mr Dobson from Aldi Stores (represented by Mr Radcliffe, Solicitor).

**Apologies:** None

### **LSC 13/10 Appointment of Chairman**

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

### **LSC 14/10 Declarations of Interest**

There were no interests declared.

### **LSC 15/10 Aldi Stores, North Western Junction of Finchale Avenue and The Causeway, Billingham - Application for Grant 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. Members noted and gave consideration to the three representations that had been received. The Licensing Officer informed Members that five conditions had been agreed with Cleveland Police and Environmental Health and their representations had been withdrawn. Three representations had been received from persons who resided within the vicinity of the premises.

Mr Radcliffe on behalf of the applicant stated that conditions had been agreed with the responsible authorities and their representations had been withdrawn. Aldi did not operate on a "pile em high and sell them cheap" basis, they may offer one of each product rather than a line of products as most supermarkets do. Alcohol sales were not a majority product for the store but they were an important part of a supermarket retailers business. Mr Radcliffe stated that the majority of the alcohol products sold by Aldi were their own branded products and were only available from Aldi Stores. This meant that if a young person was found to be in possession of alcohol that had come from Aldi then it could be linked to the store unlike many establishments that sell branded products. Mr Radcliffe drew Members attention to relevant case law and in particular the case of Daniel Thwaites. Mr Radcliffe noted that the three people who had made a representation were not in attendance and therefore he was unable to question them about their concerns. However Mr Radcliffe reminded Members that there was no evidence that this application would undermine the licensing objectives. Mr Radcliffe referred the Members to relevant paragraphs in the Statutory Guidance issued under Section 182 of the Licensing Act.

Members noted that Cleveland Police, Trading Standards and Environmental Health had withdrawn their representations after the applicant agreed to amend their operating schedule which included a number of conditions which would be placed on the licence if granted.

Members had regard to the representation which had been received from three persons who resided within the vicinity of the premises.

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 three individual representations from persons living within the vicinity of the premise.

Members noted that one of the objectors had raised the issue that there were sufficient premises in the locality which supplied alcohol. These were not relevant considerations for Members. Members noted that the persons who had made a representation were not in attendance at the meeting and further clarification could therefore not be sought as to whether the conditions agreed with the responsible authorities addressed their concerns. Furthermore any existing problems with youths in the area were separate issue and in the opinion of Members were not relevant to the application before them as Aldi stores could not be held responsible for any existing concerns that residents had. Members noted that the applicant had robust practices and procedures in place including comprehensive staff training. Members noted the conditions which would be attached to the licence. Members were satisfied that the licensing objectives would not be undermined and the application was granted.

It was noted that the conditions as agreed by Cleveland Police and Environmental Health would be attached to the licence.

RESOLVED that:-

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

Monday to Sunday: 08:00 to 23:00