

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 1st November, 2010.

Present: Cllr Alan Lewis, Cllr Mrs Ann McCoy and Cllr Bill Woodhead.

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

Also in attendance: Mr P Nellist (Applicant), Mrs Dea (Training Co-ordinator for Spar).

Apologies: None.

**LSC
34/10** **Appointment of Chairman**

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

**LSC
35/10** **Declarations of Interest**

There were no interests declared.

**LSC
36/10** **Spar Store, Unit 2, Former Stoney Oak Public House, High Grange Avenue, 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 Committee. Consideration was given to the application as outlined in the report by the Licensing Officer. Members noted and gave consideration to the five representations that had been received from person who resided within the vicinity of the premises. The Licensing Officer informed the Committee that the Applicant had agreed seven conditions with Cleveland Police and they had therefore withdrawn their representation.

Mr Nellist (Applicant) stated that conditions had been agreed with Cleveland Police and their representation had been withdrawn. Mr Nellist noted that the five persons who had made a representation were not in attendance and therefore he was unable to question them about their concerns. Spar Stores were a responsible retailer and would not do anything to undermine their relationship with local residents. There was no evidence that this application would undermine the licensing objectives. The Committee were referred to relevant paragraphs in the Statutory Guidance issued under Section 182 of the Licensing Act.

It was noted that Cleveland Police had withdrawn their representation after the applicant agreed to amend their operating schedule which included a number of conditions which would be placed on the licence if granted.

The Committee had regard to the representations which had been received from five persons who resided within the vicinity of the premises.

When considering their decision the Committee 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.

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

RESOLVED that:-

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

Monday to Sunday: 07:00 to 23:00

It was noted that the premises would be open to the public for the same hours.

It was noted that the conditions as agreed by Cleveland Police would be attached to the licence with a minor amendment, namely that the Applicant had indicated that Spar Store operates a challenge 25 policy and the condition would reflect that i.e. the condition will state there should be a challenge 25 policy as opposed to challenge 21.