

DELEGATED

AGENDA NO.

REPORT TO THE STATUTORY LICENSING COMMITTEE

14 September 2020

LICENSING ACT 2003 APPLICATION FOR GRANT OF A PREMISE LICENCE THE HARDWICK, 2 HIGH NEWHAM ROAD, STOCKTON-ON-TEES, TS19 8RQ

SUMMARY

The purpose of this report is for Members to determine an application for the grant of a premise licence under the Licensing Act 2003 to which there have been representations from Responsible Authorities, Local Residents and a Local Councillor.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for grant of a premise licence has been received from Mr Darren Bell, in relation to The Hardwick, 2 High Newham Road, Stockton-On-Tees. A copy of the application is attached at Appendix 1.

RESPONSIBLE AUTHORITIES

2. An initial representation was received from Cleveland Police on the grounds of the Prevention of Crime and Disorder and Public Nuisance. The applicant agreed conditions which are attached at Appendix 2.
3. A further representation was received from Cleveland Police on the grounds of the Prevention of Crime and Disorder and Public Nuisance, which is attached, with supporting documents, at Appendix 3.
4. A representation was received from the Local Councillor on the grounds of the Protection of Children from Harm and Public Nuisance, which is attached at Appendix 4.
5. Representations from local residents have been received and are attached as Appendix 5.

POLICY CONSIDERATION

6. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and Section 182 Revised Guidance issued on April 2018 under the Licensing Act 2003 when determining this application.

Paragraph 41 of the Council Policy states:

'The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern. An operating schedule should include information which is necessary to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.'

Paragraph 132 & 134 of the Council Policy states:

'Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but new or variation applications requesting that the sale of alcohol starts before 9.00am or finishes after 10.00pm in residential areas will generally be refused. In addition, new or variation applications for the supply of alcohol for consumption on the premises before 9.00am or after 11.30pm (12 midnight on a Friday and Saturday night) in residential areas will normally be refused.'

'In non-residential areas new or variation applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 3.00am will normally be refused, subject to relevant representations being received.'

7. Members must carry out their functions with a view to promoting the four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

MEMBERS OPTIONS

8. Members may consider the following options:
1. To refuse the application.
 2. To grant all or part of the application subject to the necessary conditions to promote the four licensing objectives.

ASSOCIATED PAPERS

9. The following appendices are attached for information:
- Appendix 1 - Application Form
 - Appendix 2 – Cleveland Police – Agreed Conditions
 - Appendix 3 - Representation from Cleveland Police
 - Appendix 4 – Representation from Local Councillor
 - Appendix 5 - Representations from Local Residents

**Assistant Director Administration
Democratic and Electoral Services
Contact Officer:
Telephone No.
Email Address:**

Margaret Waggott
Polly Edwards
(01642) 528544
polly.edwards@stockton.gov.uk

**Financial Implications:
Environmental Implications:**

None
The Licensing Act 2003 requires the licensing authority to have regard to:

- Public safety;
- The prevention of public nuisance

Any conditions imposed should reduce the potential for environmental harm.

Community Safety Implications:

The Licensing Act 2003 requires the licensing authority to have regard to:

- The prevention of crime and disorder

- Protection of children from harm

Any conditions imposed should reduce the potential for crime and disorder.

Legal Implications:

Depending upon the determination of this application Schedule 5 of the Licensing Act 2003 provides the applicant, the holder of a licence and/or any person who made a relevant representation in relation to the application, with the right of appeal to the Magistrates' court.

Human Rights Implications:

Members should have regard to Human Rights Act when determining this application

Background Papers:

Stockton Borough Council Licensing Policy Statement and Licensing Act 2003 Section 182 Guidance

Ward(s) and Ward Councillors:

Hardwick & Salters Lane
Councillor Nigel Cooke
Councillor Norma Stephenson