

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 8th March, 2022.

Present: Cllr Paul Kirton (Chair) Cllr Eileen Johnson, Cllr Lee Spence

Officers: Jonathan Nertney (HR,L&C), Elliot Beevers, Polly Edwards, Sarah Whaley (MD)

Also in attendance: Sagar Hussain (Applicant), represented by Nick Semper (Licensing Consultant), Stephen Tate (Supporter)

Apologies: N/A

**SLS
13/21** **Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS
14/21** **Declarations of Interest**

There were no declarations of interest.

**SLS
15/21** **Previously agreed minutes from the Statutory Licensing Sub Committee meetings for signature by the Chair**

as follows:

15th December 2020

24th March 2021

19th May 2021

6th July 2021

6th September 2021

14th October 2021

RESOLVED that the minutes be signed by the Chairman.

**SLS
16/21** **Licensing Act 2003 Application For Grant Of A Premise Licence Premier - 142 Norton Road, Norton**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for Grant of a Premise Licence for Premier – 142 Norton Road, Norton, Stockton on Tees TS20 2BG.

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

A copy of the report and supporting documents had been provided to all persons present and to members of the Committee.

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered the above application, full details of which appeared before Members in their committee papers.

The Committee noted that the application was for the grant of a Premises

Licence as detailed in the application appended to the committee report.

Members of the Committee were shown a video of the premises which demonstrated the improvements that had been made including the provision of a state-of-the-art CCTV system.

The Applicant Sagar Hussain, explained to the Committee that he wished to amend his application in order that the start time for the supply of alcohol started from 9:00 a.m., which was in line with the Councils Statement of Licensing Policy.

The Applicant confirmed to the Committee that the application should be amended as follows:-

Supply of alcohol

Monday 9:00am to 10:00pm

Tuesday 9:00am to 10:00pm

Wednesday 9:00am to 10:00pm

Thursday 9:00am to 10:00pm

Friday 9:00am to 10:00pm

Saturday 9:00am to 10:00pm

Sunday 9:00am to 10:00pm

Hours that the premises are open to the public

Monday 7:00am to 10:00pm

Tuesday 7:00am to 10:00pm

Wednesday 7:00am to 10:00pm

Thursday 7:00am to 10:00pm

Friday 7:00am to 10:00pm

Saturday 7:00am to 10:00pm

Sunday 7:00am to 10:00pm

Licensing Consultant Nick Semper representing the Applicant informed the Committee that Mr Hussain had extensive experience of running licensed premises, with an excellent record with the regulatory authorities. The Applicant had never sold alcohol to a child or a drunk and had not come to the attention of any responsible authority. The Applicant had also submitted a comprehensive, suitable, and sufficient operating schedule which promoted the licensing objectives.

This was a new application where no representations had been submitted from any of the responsible authorities, therefore it could be concluded that they were satisfied with the application and content that the licensing objectives would not be undermined.

Mr Semper highlighted that there had been some objection from members of the public whose main concern appeared to be that there was no need for another licensed premise in the locality, however that was not a relevant consideration for the Committee to consider. Mr Semper also noted that some representations detailed concerns over anti-social behaviour in the community. Mr Semper referred the Committee to relevant case law including the case of Daniel Thwaites v Wirral Magistrates.

It was also noted that there had been fourteen representations from persons who supported the application.

Councillors were given an opportunity to ask questions of the applicant.

The Committee read and had regard to the seven representations received from members of the public who wished to object to the application. Most of the objections based their objection on the fact that there was no need for the premise as there were other convenience stores in the locality that supplied alcohol. The Committee also noted and had regard to the fourteen representations which supported the application.

Mr Stephen Tate was in attendance and spoke in support of the Applicant as a responsible business owner and operator.

All parties present were given an opportunity to sum up their case with the applicant invited to speak last.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by the applicant and the other parties at the meeting.

Having carefully considered those matters brought before them and in reaching their decision, Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance Issued under Section 182 of the Licensing Act 2003 (as amended) and the Council's Licensing Policy.

The Committee acknowledged that the operating schedule ensured that there were extensive conditions applied to the licence to ensure the premises did not undermine the licensing objectives. The conditions sought to address some of the concerns which had been expressed by residents who had objected to the application.

The Committee were satisfied that the applicant understood his responsibilities and would operate the premises in a responsible manner.

The Committee noted that the residents who had objected to the application were concerned at the potential for an increase in anti-social behaviour, however the Committee must consider the application for a grant of a premise licence on its own merits and were mindful that an application could not be refused based solely on residents' concerns. The Committee took into consideration that Cleveland Police had not submitted any representation and therefore were satisfied with the application and that the licensing objectives would not be undermined if granted.

After considering all of the evidence and representations, the Committee were of the view that the application could be granted subject to the amended hours as confirmed by the applicant and detailed below;

Supply of alcohol
Monday 9:00am to 10:00pm

Tuesday 9:00am to 10:00pm
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Thursday 9:00am to 10:00pm
Friday 9:00am to 10:00pm
Saturday 9:00am to 10:00pm
Sunday 9:00am to 10:00pm

Hours that the premises are open to the public

Monday 7:00am to 10:00pm
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Friday 7:00am to 10:00pm
Saturday 7:00am to 10:00pm
Sunday 7:00am to 10:00pm

The Committee also noted that conditions consistent with the operating schedule would be added to the licence.

RESOLVED that the application for grant of a Premise Licence for Premier, 142 Norton Road, Norton, Stockton on Tees TS20 2BG, be granted for the reasons and with the conditions as detailed above.