

DELEGATED

AGENDA NO.

REPORT TO THE STATUTORY LICENSING COMMITTEE

8 MARCH 2022

LICENSING ACT 2003 APPLICATION FOR GRANT OF A PREMISE LICENCE PREMIER - 142 NORTON ROAD, NORTON

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 local residents and support from interested parties.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for the grant of a Premise Licence has been received from Mr Sagar Hussain, in relation to Premier Norton Road, 142 Norton Road, Norton, TS20 2BG. A copy of the application is attached at Appendix 1.

RESPONSIBLE AUTHORITIES

2. Representations have not been made by any Responsible Authority. Police and Environmental Health did not suggest any further additional conditions above what was put forward by the applicant, on the Operating Schedule.

INTERESTED PARTIES

3. A number of representations have been received from Interested Parties. These representations relate to the Prevention of Public Nuisance, Prevention of Crime and Disorder, Prevention of Children from Harm and Public Safety licensing objectives. Copies of these representations are attached at Appendix 2.
4. A number of representations in support of the application have also been received from Interested Parties. Copies of these are attached as Appendix 3.

ADDITIONAL INFORMATION

5. The application was for alcohol sales from 08:00am until 22:00. These hours are outside of the current Licensing Policy. Email correspondence with Mr Hussain confirmed he would be happy to amend the application to start alcohol sales from 09:00am in line with Policy.
6. The applicants legal team contacted the objectors, by email, on 11 February 2022, explaining that no Responsible Authorities have submitted representations and asked if there were any other reasonable measures or assurances the applicant could offer to avoid the need for a hearing. The legal team confirmed there was no response to these emails.

7. A Google Street map and ariel view, showing the location of the premises, is attached at Appendix 4.

LEGISLATION AND POLICY CONSIDERATIONS

8. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and Section 182 Revised Guidance issued in April 2018 under the Licensing Act 2003 when determining this application. Copies of which can be found at:

<https://www.stockton.gov.uk/media/1962147/licensing-act-policy-010221-accessible.pdf>

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Current 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.' Pg. 9.

'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.' Pg. 22.

MEMBERS OPTIONS

9. 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 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

The following appendices are attached for information:

Appendix 1 - Application Form

Appendix 2 – Copies of representations against the application

Appendix 3 - Copies of representations in support of the application

Appendix 4 - Location Map

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

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Financial Implications:	None
Environmental Implications:	<p>The Licensing Act 2003 requires the Licensing Authority to have regard to:</p> <ul style="list-style-type: none">• Public Safety.• The Prevention Of Public Nuisance <p>Any conditions imposed should reduce the potential for environmental harm.</p>
Community Safety Implications:	<p>The Licensing Act 2003 requires the Licensing Authority to have regard to:</p> <ul style="list-style-type: none">• The Prevention Of Crime And Disorder <p>Any conditions imposed should reduce the potential for crime and disorder.</p>
Legal Implications:	<p>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.</p>
Human Rights Implications:	<p>Members should have regard to Human Rights Act when determining this application</p>
Background Papers:	<p>Stockton Borough Council Licensing Policy Statement and Licensing Act 2003 Section 182 Guidance</p>
Ward(s) and Ward Councillors:	<p>Stockton Town Centre Ward Councillor Pauline Beall Councillor Paul Kirton</p>