

DELEGATED

AGENDA NO.

REPORT TO THE STATUTORY LICENSING COMMITTEE

13 JULY 2022

REPORT OF ASSISTANT DIRECTOR OF COMMUNITY SAFETY AND REGULATED SERVICES

LICENSING ACT 2003 APPLICATION FOR VARIATION OF A PREMISE LICENCE HERON FOODS – 11 REDHILL ROAD, STOCKTON

SUMMARY

The purpose of this report is for Members to determine an application for the variation of a premise licence under the Licensing Act 2003 to which there have been representations from individual residents, a residents group, and a Councillor.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for the variation of a Premise Licence has been received from Heron Foods LTD, in relation to Heron Foods, 11 Redhill Road, Stockton. The variation is to increase the supply of alcohol hours from Monday to Saturday 08:00-20:00 Sunday 10:00-16:00 to Monday-Saturday 07:00-22:00 and Sunday 08:00-20:00 A copy of the application is attached at Appendix 1.

RESPONSIBLE AUTHORITIES

2. Representations have been received from individual residents, a residents group and a Councillor in relation to Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Public Safety. Copies of the representations are attached at Appendix 2.

ADDITIONAL INFORMATION

3. A Google street map and ariel view, showing the location of the premises, is attached at Appendix 3.

LEGISLATION AND POLICY CONSIDERATIONS

4. 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. Copies of which can be found at:

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

5. 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. 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.

New or variation applications for late night refreshment in terms of hot food takeaways in residential areas will normally be refused beyond 12 midnight. Pg 22.

MEMBERS OPTIONS

6. 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

7. The following appendices are attached for information:
- Appendix 1 - Application Form
 - Appendix 2 - Representations received.
 - Appendix 3 - Location Map

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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

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:

Councillor Jim Beall
Councillor Barbara Inman