

DELEGATED

AGENDA NO.

REPORT TO THE STATUTORY LICENSING COMMITTEE

26 May 2020

LICENSING ACT 2003 APPLICATION FOR GRANT OF A PREMISE LICENCE HIGH SPIRITS, 29A PRINCE REGENT STREET, STOCKTON-ON-TEES TS18 1DF

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.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for grant of a premise licence has been received from Mr Peter Williams, in relation to High Spirits, 29A Prince Regent Street, Stockton-On-Tees.

The applicant has applied for a licence for the following:

Supply of Alcohol Off The Premises

Monday to Sunday 18.00 – 03.00

Opening Hours

Monday to Sunday 18.00 – 03.00

A copy of the application is attached at Appendix 1.

RESPONSIBLE AUTHORITIES

2. A representation on the grounds of the prevention of crime and disorder, public nuisance and the protection of children from harm objectives has been received from Cleveland Police which is attached at Appendix 2.
3. A representation on the grounds of the prevention of crime and disorder and public safety objectives has been received from Public Health which is attached at Appendix 3.
4. Environmental Health have received agreed conditions signed by the applicant which will be added to the operating schedule. A copy is attached at Appendix 4.

ADDITIONAL INFORMATION

5. The original application applied for the supply of alcohol hours Monday to Sunday 18:00 – 06:00, this was revised to Monday to Sunday 18:00 – 03:00 at the request of the applicant. An email confirming this is attached at Appendix 5.
6. Attached at Appendix 6 is a map showing the location of the premise.

POLICY CONSIDERATION

7. 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 126 of the Council Policy states:

An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to implement to ensure that:-

- *The person they are selling alcohol to is at least 18 years of age.*
- *The alcohol is delivered to a person who is at least 18 years of age.*
- *A clear document trail of the order process from order, dispatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.*
- *The time the alcohol is sold and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.*

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.'

8. 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

9. 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

10. The following appendices are attached for information:
- Appendix 1 - Application Form
 - Appendix 2 – Representation From Cleveland Police
 - Appendix 3 - Representation From Public Health
 - Appendix 4 – Environmental Health – Agreed Conditions
 - Appendix 5 - Email
 - Appendix 6 – Location Map

**Assistant Director Administration
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Financial Implications:

None

Environmental Implications:

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:

Stockton Town Centre
Councillor Pauline Beall
Councillor Paul Kirton