

DELEGATED

REPORT TO THE STATUTORY LICENSING COMMITTEE

23 JULY 2024

REPORT OF ASSISTANT DIRECTOR OF COMMUNITY SAFETY AND REGULATED SERVICES

LICENSING ACT 2003 APPLICATION FOR A PREMISES LICENCE AKSHAYAN CONVENIENCE STORE - 13 ROCHESTER ROAD, STOCKTON-ON-TEES

SUMMARY

The purpose of this report is for Members to determine an application for the grant of a premises licence under the Licensing Act 2003 to which there have been representations from local residents.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for a Premises Licence has been received from Elayarajah Rajaruban, 19 Cavendish Walk, Stockton-on-Tees, in relation to Akshayan Convenience Store, 13 Rochester Road, Stockton-On-Tees, TS19 0NX
2. The application is for the supply of alcohol, off sales:
 - 08:00 – 23:00 Monday to Saturday and 08:00 – 22:00 Sunday
 - opening times of 06:00 – 23:00 Monday to Saturday and 06:00 – 22:00 Sunday.
3. A copy of the full application and detail is attached at Appendix 1.
4. During the consultation the applicant has agreed to change the supply of alcohol hours to 09:00 – 22:00 Monday to Sunday which is in line with current Council Policy.

RESPONSIBLE AUTHORITIES

5. Cleveland Police have agreed conditions with the applicant. A copy of these signed agreed conditions is attached as Appendix 2.

INTERESTED PARTIES

6. A representation has been received from a local resident, representing himself and another 12 properties:
 - Prevention of crime and disorder
 - Prevention of public nuisance,
 - Protection of children from harm,
 - Public safety

A copy of the representation is attached as Appendix 3.

ADDITIONAL INFORMATION

7. The business is situated as a standalone shop on a residential street. A Google street map and ariel view, showing the location of the premises, is attached at Appendix 4.
8. The resident making the representation has confirmed he is unable to attend the hearing date and we have confirmation from him and his daughter that she will be representing him at this hearing.
9. Regulation 15 of the Licensing Act 2003 (Hearings) Regulations 2005. 15. Subject to regulations 14(2) and 25 in relation to hearings taking place in public and the right for the Chairman to ask a person attending the hearing to leave the room, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified to do so.

LEGISLATION AND POLICY CONSIDERATIONS

10. 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 December 2023 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
11. 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. Pg 22.

MEMBERS OPTIONS

12. 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.
13. Local residents have been invited to today's meeting should Members have further questions.

ASSOCIATED PAPERS

The following appendices are attached for information:

Appendix 1 - Application Form

Appendix 2 - Police signed agreed conditions

Appendix 3 - Residents representations

Appendix 4 - Google Maps

**Assistant Director - Regulated Services
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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:

Councillor Jim Beall
Councillor Barbara Inman