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## LICENSING SUB COMMITTEE C

A meeting of the Licensing Sub Committee C was held on 5 September 2005.

**PRESENT:** Councillor B Taylor (Chair), Councillors Lancaster and Mawston.

**OFFICIALS:** M Cooper, M Hill and S Ratcliffe.

**ALSO IN ATTENDANCE:** Barbara Ann Johnson (Applicant) and a Representative.

### DECLARATIONS OF INTEREST

No Declarations of Interest were made at this point of the meeting.

### LICENSING ACT 2003: APPLICATION TO VARY PREMISES LICENCE – NEWSMARKET, 123 PARLIAMENT ROAD, MIDDLESBROUGH – REF NO: MBRO/PRO150/019204

The Head of Community Protection submitted a report outlining an Application to Vary the Premises Licence for Newsmarket, 123 Parliament Road, Middlesbrough, Ref No. MBRO/PRO150/019204.

#### Summary of Current Licensable Activities

Sale by retail of alcohol for consumption off the premises.

#### SUMMARY OF CURRENT HOURS OF LICENSABLE ACTIVITIES

8.00 am - 11.00 pm Monday to Saturday  
10.00 am - 10.30 pm Sundays.

#### SUMMARY OF PROPOSED VARIATION TO HOURS FOR LICENSABLE ACTIVITIES

6.00 am – 11.00pm Daily

Full details of the Application and Operating Schedule were attached at Appendix 1. The Applicant and her Representative were in attendance and the Chair introduced those present and outlined the procedure to be followed at the meeting.

The Applicant confirmed that a copy of the report and the Regulation 6 Notice had been received. The report was also confirmed as being an accurate representation of the facts.

#### RELEVANT REPRESENTATION

The following relevant Representation had been made to the Application:

Councillor K Walker had objected on behalf of both Gresham Community Council and himself against the increased hours on the grounds of the prevention of Public Nuisance.

The Committee was advised that neither Councillor Walker nor a representative from the Community Council was present at the meeting to speak in support of the objection. Accordingly the Committee agreed to consider the written Representation under Section 20 of the Licensing Act 2003 (Hearings) Regulation 2005.

#### APPLICANT IN ATTENDANCE

The Applicant was invited to present the case in support of the Application and to address the relevant Representation.

The Applicant confirmed that they had owned the premises for the last five years and had opened from 6 am, closing at 10 pm each day, without any problems. At present there was no intention to deviate from this practice and the requested 11 pm terminal hour was purely to

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facilitate the sale of alcohol if required, just prior to closing at 10 pm, whilst remaining within the Law.

The requirement for a 6.00 am daily licence was to bring the sale of alcohol in line with the shop's early morning opening for the sale of papers and to provide a service to the occasional customer who wished to purchase alcohol at this time.

The Applicant's Representative added that they had recently ceased trading on Sundays as business had declined but they still wished to keep the option of a Sunday Licence from 6 am to 11.00 pm in the event that business picked up. They also had no intention of remaining open later than 10 pm on any day unless it was a special holiday ie. New Year's Eve.

In connection with the Representation from Councillor Walker on the grounds of the prevention of Public Nuisance, the Applicant confirmed that during the five years of trading at the premises there had never been any complaints from Residents or problems with youths congregating outside the premises.

It was confirmed that there were no further questions and those present, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined the application.

Subsequently, all interested parties returned whilst the Chair announced the Committee's decision.

## **DECISION**

**ORDERED** as follows:

1. That the Application to Vary the Premises Licence be granted with the Variation in Hours as follows:  
  
6.00 am – 11 pm daily.
2. That the decision was based on the following reasons:
  - a) The Application was considered on its own merits taking into account the four Licensing Objectives of the Licensing Act 2003.
  - b) Consideration was given to the case made by the Applicant.
  - c) Consideration was given to the Representations made by Gresham Community Council and Councillor K Walker on the grounds of Public Nuisance.
  - d) Consideration was given to the relevant sections of the Government Guidance to the Licensing Act 2003 (Annex G paragraph 7.38 - Public Nuisance)
  - e) Consideration was also give to the relevant sections of Middlesbrough Council's Licensing Policy, pages 10 – 15 (paragraph 38) Prevention of Nuisance.