

LICENSING SUB-COMMITTEE

16 May, 2013

PRESENT – Councillors B. Jones, B. Thisthlethwaite and L. Vasey. (3)

LS16. ELECTION OF CHAIR – RESOLVED – Councillor L. Vasey.

LS17. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS18. APPLICATION TO VARY A PREMISES LICENCE – The Director of Place submitted a report (previously circulated) to consider an application for a premise licence in the light of representations from ‘Other Persons’, namely local residents on the grounds of the Prevention of Crime and Disorder and the prevention of Public Nuisance. The representations were in respect of Martins, Whitby Way, Darlington.

The Licensing Manager introduced the application in detail and a document was tabled providing details of a map of the area identifying the location and the proximity of the licensed premises. Members were advised that the applicant had applied to reduce the terminal hour to 9.00pm for the sale of alcohol, in the light of the representations.

A further document was tabled detailing information from each of the individuals who made representations, none of which were in attendance at the meeting. The Licensing Manager summarised the representations made by residents living in the vicinity of the premise and concerns were expressed around the current experience of noise, littering and anti-social behaviour and fear it would increase, if the application was granted. No further representations were received from any of the Responsible Authorities.

Mr. Crank, Solicitor representing the applicant company and Ms. Robinson, Area Manager were all in attendance and Members listened carefully to the presentation made by the Solicitor. Members noted that the applicant company had applied to reduce the terminal hour to 9.00pm in the light of the representations and also considered the information provided in respect of the measures agreed to address littering and youths congregating outside of the store (including management responsibility for checking litter and relocation of till to enable staff to observe youths in vicinity). Members welcomed the offer of an additional condition in respect of displaying signage requesting that people leave quietly.

Members considered the Council’s Licensing Policy, and the Guidance from the Secretary of State in respect of the Licensing Act 2003 and the prevention of Public Nuisance. The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 of the Licensing Act 2003, and in accordance with the ‘Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received’.

In reaching their decision, Members gave full consideration to the written information presented by local residents in relation to the four Licensing Objectives. Members agreed that they were satisfied that the measures proposed and in particular the

amendment to the terminal hour would address the concerns of local residents and also promote the licensing objectives.

RESOLVED – That the application be granted for the sale of alcohol for the consumption off the premises between the hours of 6.00am and 9.00pm every day subject to the mandatory conditions for the sale of alcohol and the additional conditions drawn from the operating schedule as follows:

- a) A digital CCTV system covering the areas where alcohol is displayed within the store shall be maintained and in operation at all times whenever alcohol is available for sale. Recordings shall be securely stored and kept for a minimum of 31 days. The recordings shall be made available to the Police and/or authorised officer of the Council on request. (operating schedule condition)
- b) The Challenge 25 scheme shall be implemented at the premises requiring photographic proof of identity from any person who attempts to purchase alcohol and who appears to be under the age of 25 years. Notices shall be displayed within the premises advertising this scheme. All staff shall be trained in respect of the operation of this policy and such training shall be documented and produced to the Police and/or authorised officer of the Council on request. (operating schedule condition.)
- c) A refusals record shall be kept with details of all refusals of alcohol sales. All staff shall be trained in its use and such training shall be documented. It shall be produced to the Police and/or authorised officer of the Council on request. (operating schedule condition.)
- d) Clear and legible signage shall be displayed at the point of exit requesting that customers leave the store quietly with due consideration for local residents (condition placed at hearing in agreement with your representative)