

# LICENSING ACT 2003 SUB-COMMITTEE

Friday, 7 June 2013

Present:

Councillors    S Niblock  
                      G Davies  
                      J Salter

1     **APPOINTMENT OF CHAIR**

**Resolved – That Councillor S Niblock be appointed Chair for this meeting.**

2     **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Sub-Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

3     **APPLICATION FOR A PREMISES LICENCE - EDWARDS VILLAGE NEWS, 23/25 ROSEMOUNT, OXTON**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Edwards News Limited for a Premises Licence in respect of Edwards Village News, 23/25 Rosemount, Oxtun, under the provisions of the Licensing Act 2003.

The hours requested were outlined within the report. The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the licence be granted.

A representation had been received from a local resident. The representation related to concerns relating to the cumulative impact of licensed premises within the vicinity of the premises in respect of public nuisance being increased should the licence be granted. A copy of the representation was available.

Mr and Mrs Edwards who had applied for the Premises Licence attended the meeting.

Mr Lennon who objected to the application was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received. The Licensing Manager explained to the objector that although Councillor Davies had had a conversation with the applicants outside the meeting, this was not

regarding the application. Mr Lennon confirmed he was content for the application to be considered by the Members present.

Mr Lennon requested the submission of additional documentation in the form of photographs to which the applicants had no objections and this was therefore considered by the Sub-Committee.

Mr Edwards addressed the Sub-Committee and advised Members that the Post Office located in Oxton Village was in the process of being relocated to the premises and therefore believed a healthy business was required in order to maintain the Post Office. He informed Members that there had been a decline in news and due to this he had made an application for a Premises Licence in order that wine may be sold from the premises. Mrs Edwards reported that they had run another licensed premises for three years with an unblemished record and outlined the measures they had in place to uphold the licensing objectives. Mr and Mrs Edwards advised Members that they intended to predominantly sell high priced wines but that they would also have beers, spirits and local ales available.

Mr and Mrs Edwards responded to questions from Members of the Sub-Committee, Mr D K Abraham, Legal Advisor to the Sub-Committee and Mr Lennon.

Mr Lennon explained that Oxton was an identifiable village community with associated attributes and a viable and successful business centre. He expressed his concerns regarding the cumulative impact that may be created should the application be granted and also his concerns around the evening operation of the premises which may have the potential to increase vehicle congestion and parking issues in the vicinity of the premises.

Mr Lennon believed that the impact on local residents and their entitlement to a private life should be considered.

Mr Lennon responded to questions from Members of the Sub-Committee, Mr D K Abraham and Mr and Mrs Edwards.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under section 182 of the Licensing Act 2003.

Members gave consideration to the written and oral representations made by Mr and Mrs Edwards in support of their application and Mr Lennon who objected to the application.

Members had regard to the concerns of Mr Lennon in respect of the necessity for another outlet selling alcohol in the area and issues regarding parking and increased traffic in the locality. Members also considered paragraph 13.18 of the Guidance which confirmed that the 'need' for premises was not a matter for the licensing authority in discharging its licensing functions.

Members gave consideration to the fact that there were no representations from the Responsible Authorities and that the applicant had proposed that a number of conditions be attached to the Premises Licence should the application be granted including staff training, CCTV and the implementation of a Challenge 25 Policy.

Members noted that the premises were currently trading and that no specific evidence had been provided to show that the supply of alcohol as an additional product at these premises would result in increased parking in the area.

Members gave particular consideration to the way in which the business would operate with a Premises Licence and were satisfied that the licensing objectives would not be undermined should the application be granted.

**Resolved** -

- (1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.**
- (2) That the application in respect of Edwards Village News, be granted.**