

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing and Regulatory Committee

26th June 2015

TITLE:	Sub Committee Activity 2014
PORTFOLIO:	Cllr. A.S. Forrester – Deputy Leader and Portfolio Holder for the Environment
OFFICER:	Executive Director (Place)
WARD:	Non-Specific

1 Recommendations

1.1 That the Committee note the content of the report.

2 Executive Summary

2.1 This report identifies the activities of the Licensing Sub Committee for the period January 2014 until December 2014.

2.2 The table below identifies the dates of the Sub Committee hearings and the outcomes.

2.3 There were two further applications due to go to Sub-Committee but both were resolved without the need to be heard.

Date	Out come
21/3/14	Grant of a New Premises Licence Application - Co-op, Endon Decision – We have taken careful note of all of the concerns raised by the objectors to this application; however we do have to make our decision by reference only to the four licensing objections. We cannot take account of unsubstantiated fear or concern relating to what may happen in relation to the sale of alcohol. We have no police objections before us or any concerns raised by the council's environmental health officer. We can find no basis whatsoever to refuse this application by referring to the licensing objectives. We

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	<p>appreciate that the applicant does have in place very detailed procedures to try and prevent as far as possible underage sales to minors and anti – social behaviour. Clearly if planning permission should be granted and the store opened, if any issues did then arise they will no doubt be addressed by the police and the Licence could of course be subject to a formal review.</p> <p>We therefore hereby grant the licence in the terms applied and subject to the conditions included within the operating schedule.</p>
30/5/14	<p>Variation to a Premises Licence – Pizzaline, Leek</p> <p>Decision -</p> <p>The Licence is granted, we can find no reasons to refuse. The conditions recommended by the Police will be attached to the licence. We did note the objection of the Town Council but no nearby resident has complained, the last complaint was made in 2012 and neither Environmental Health nor the Police have objected to the current application.</p> <p>One final point; an additional notice shall be displayed on the premises to request that customers who drive to the premises leave in a responsible manner.</p> <p><u>Conditions agreed between Applicant and Staffordshire Police:</u></p> <ol style="list-style-type: none">1. CCTV must be installed and operative to the approval of the Police Licensing Officer (PLO) and cover all public areas both inside and immediately outside the premises. The CCTV unit shall be positioned in a secure part of the licensed premise and not within any private area of the location. Access to the system should be allowed immediately to the Police, Trading Standards or Local Authority Officers in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.2. The CCTV system must be maintained so as to be fully operational and recording 24 hours every day.3. All images should be kept for a 28 day period and to be produced to the police, trading standards or local authority officers in relation to the investigation of crime and / or disorder issues, upon request or within 24 hours of such request.

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	<ol style="list-style-type: none">4. There will be notices displayed throughout the premises stating that CCTV is in operation.5. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).6. Daily checks to be made to check the operation of the CCTV system and confirm it is working correctly and such checks to be recorded in a register which is to be endorsed by the person conducting the check and to contain the name of the person conducting the check this record is to be kept fully updated at all times and remain on the premises for immediate inspection by police trading standards or local authority licensing officers upon request.7. The CCTV system can be periodically inspected by the Police Licensing officer (PLO) to ensure that it continues to function to their approval and access must be granted to the PLO upon request to facilitate such an inspection.8. Display all exits from the premises in a place where they can be seen and easily read by the public, a notice or notices requiring customers to leave the premises and the area quietly(note this may include a reference to vehicles)
3/10/14	<p>Grant of a New Premises Licence Application - Caverswall Village Store</p> <p>Decision</p> <p>To grant the application subject to mandatory licence conditions and the conditions put forward by the applicant in the operating schedule set out in the report for the hours between 7am and 8pm every day.</p> <p>Reasons for the decision</p> <p>The Sub-committee has reached this decision after carefully considering the points of view of all the parties.</p> <p>The Sub-committee did not consider that the concerns regarding young people congregating and highways issues would relate solely to sales of alcohol as the same concerns would relate to the operation of any shop in those premises and subject to any planning restrictions over opening hours, if there were any, there</p>

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did not appear to be anything to prevent the shop opening at whatever hours it wished. CCTV would allow the DPS and licence holder to monitor activity inside and outside the premises.

If highway safety were in issue the Highways Authority and/or police would be in a position to prevent or control parking in that area.

Should concerns specifically relating to alcohol sales from the shop prove to have merit then the licence holder would be asked to come back before the Sub-committee. Similarly there was little evidence nor reason why the shop or the area in which the shop was located, would attract antisocial behaviour, however, if such behaviour did occur as a result of the shop selling alcohol then the licence could be reviewed.

Although the shop would be located in close proximity to the primary school the Sub-committee felt that children of that age were easily identifiable as being underage and most would be accompanied to and from the school by their parents and so would be supervised. The applicant had suggested several appropriate conditions to be applied to their licence to ensure that underage sales did not take place.

The Sub-committee had some sympathy with the occupier of the flat above the premises, however, the occupier would have known that the flat was above a shop before taking occupation of it. Further the Sub-committee noted that it appeared that some of the concerns, if not all, had been met by the reduction in hours put forward by the applicant. There was no evidence that previous operation of the shop was particularly noisy or disruptive that would lead to disturbance in the early evening and if there was some disturbance then that would occur whether or not the shop was licensed.

Although some objectors had noted that there were plenty of other locations close by where alcohol could be purchased the need for another licensed premises in the area was not a matter that the Sub-committee could take into account.

Accordingly, with the conditions that would be imposed, the Panel considered that the application met the four licensing objectives.

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3 Options

There are no options to consider.

4 Implications

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| 4.1 | Community Safety | No Implications |
| 4.2 | Employees | None arise directly from this report. |
| 4.3 | Equalities | This report has been prepared in accordance with the Council's Equal Opportunities policy. |
| 4.4 | Financial | None arise directly from this report |
| 4.5 | Legal | The requirements of the various licensing legislation places a duty on the Local Authority to hear various cases through it sub committee. |
| 4.6 | Sustainability | None arise directly from this report. |

DAI LARNER
Executive Director (Place)

Background Papers

Location

Contact

Licensing Sub Committee
agendas and minutes

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