

Licensing Act 2003 Sub-Committee

Thursday, 14 November 2013

Present: Councillor Marion Lowe (Chair) and Councillors Hasina Khan and Alan Platt

Also in attendance

Officers: Alex Jackson (Senior Lawyer), Colin Wordsworth (Public Protection Officer) and Dianne Scambler

13.LAS.29 APOLOGIES FOR ABSENCE

There were no apologies for absence.

13.LAS.30 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interests.

13.LAS.31 PROCEDURE

The Chair outlined the procedure for the hearing.

13.LAS.32 DETERMINATION OF APPLICATION FOR A PREMISES LICENCE

The Licensing Sub Committee considered the application for the granting of a premises licence made by Mr Anantharaja Ganeshpillai of 11 Micklehurst Avenue, West Didsbury, Manchester M20 2XR in respect of the Nisa Store, 194-196 Eaves Lane, Chorley PR6 0AU, under Section 17 of the Licensing Act 2003.

The Licensing Act 2003 Sub Committee considered the applicant's application and verbal representations for the granting of the licence and also took into account all the representations both written and verbal that had been made by local residents who were objecting to the proposals.

The premises were formally newsagents for many years and anecdotal evidence suggested that the newsagent operated between 6.00 – 19.30 hours with no alcohol previously being sold at the premises.

The applicant, Mr Ganeshpillai, the proposed Designated Premises Supervisor was requesting operating hours of 06.30 – 23.30 for the supply of alcohol. Along with the mandatory conditions, the applicant had also included a number of additional conditions, mainly concerned with the selling of alcohol that had been agreed with Lancashire Constabulary.

Members noted that a petition had been received by the Council that had included 138 signatures objecting to the application. There were three reasons attached to the petition, of which only one had been deemed a relevant representation as defined in Section 18 of the Licensing Act 2003 and related to the Prevention of Crime and Disorder and Prevention of Public Nuisance.

The Licensing Act 2003 Sub Committee considered the amended guidance issued under Section 182 of the Licensing Act, together with the Councils Statement of Licensing Policy, in particular those paragraphs referred to within the report. The Sub Committee also considered the Human Rights implications, in particular Article 6, Article 8 and Article 1 of the First Protocol of the proportionality Principle and the

changes to the Act that have been made by the Police Reform and Social Responsibility Act 2011.

The Licensing Act 2003 Sub Committee **RESOLVED** to grant the application subject to the mandatory conditions, the further conditions referred to below, and a terminal hour of 10.30pm for the sale of alcohol, Monday to Sunday for the following reasons:

- 1) The Sub Committee noted that none of the responsible authorities had made any representations.
- 2) The Sub Committee did not consider the representations based on the limited off road parking were relevant to the licensing objectives as they are a planning or road traffic management issue. The Sub Committee therefore considered the points at paragraph 3 of the petition received, did not relate to the licensing objectives.
- 3) The Sub Committee did not consider the point at paragraph 2 of the petition submitted to relate to the licensing objectives as it suggested a need for unmet demand.
- 4) The Sub Committee resolved to attach the conditions set out in paragraph 10 of the report as these would promote the licensing objectives, in particular the installation of CCTV would promote the licensing objective of the prevention of crime and disorder.
- 5) The Sub Committee had regard to paragraph 10.13 of the Section 182 Guidance which states that shops should normally be free to provide sales of alcohol for consumption of the premises whenever the retail outlet is open for shopping unless there are good reasons based on the licensing objectives for restricting these hours.
- 6) The Sub Committee had regard to paragraph 7.3 of the Council's Statement of Policy which recognises that the risk to disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning as the ambient noise levels will be lower. With this in mind Members considered that a terminal hour of 10.30pm for the sale of alcohol on the licence, Monday to Sunday was more likely to promote the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Chair