

LICENSING AND APPEALS SUB-COMMITTEE

2nd October 2006

PRESENT:-

Members of the Licensing and Appeals Sub-Committee  
Councillors Mrs. Mead and Shepherd (Labour Group) and Councillor Bale (Conservative Group).

District Council Representatives  
J. Tsoi (Legal Services Manager), D. Townsend (Democratic Services), M. Sunter and J. Salter (Licensing Enforcement Officers).

Non-Council Attendees  
Mr. M.R. Hancox (Licensee), Mr. M. Gorania and Miss. M. Gorania (interested parties) and Mr. M.A. Cochrane (Solicitor).

LAS/13. APPOINTMENT OF CHAIR

**RESOLVED:-**

***That Councillor Shepherd be appointed Chair for the Meeting.***

MATTER DELEGATED TO SUB-COMMITTEE

LAS/14. APPLICATION FOR A PREMISES LICENCE AT CASTLE GRESLEY POST OFFICE, LINTON ROAD, CASTLE GRESLEY

Following introductions and clarification of the procedure, the Legal Services Manager gave a brief explanation of the appeal procedure. A guidance note was also handed out to all parties at the hearing.

The Licensing Enforcement Officer was invited to present his report, which had been circulated with the Agenda.

The Sub-Committee, applicant and interested parties were invited to ask questions of the District Council's Licensing Enforcement Officer but no questions were raised.

The Chair invited the interested parties to make their representations. Miss. Gorania and Mr. Gorania were represented by Mr. Cochrane of Flint, Bishop & Barnett, Solicitors. With reference to the letter from Miss Gorania dated 29th August 2006, he stated that the first point relating to temporary events notices previously granted to the applicant was relevant to the current application being considered. In relation to the second point, this highlighted the current level of disorder outside the interested parties' premises. With regard to the third point, he advised that this was not being pursued by the interested parties.

Mr. Cochrane reported that Miss. Gorania was the designated premises supervisor at the nearby Off Licence and had traded at these premises for the last three years. Miss. Gorania had been in the licensing business for more than twenty years and understood that trade objections were not permissible at this hearing. Miss. Gorania stated that up to thirty children had been

congregating outside her premises between 6.00 p.m. and 10.00 p.m. She added that the problems included swearing, litter, nuisance to her customers, broken glass and children presenting false identification. She advised that a refusals book was in operation, noting the persons to whom alcohol had been refused.

Miss. Gorania felt that additional premises selling alcohol would create more problems, and that the existing nuisance issues should be solved before a further licence was granted in the area. She added that she had reported this to the Police on three or four occasions, but no action had been taken. Miss. Gorania also stated that Mr. Hancox had sold alcohol outside the dates of the temporary events notices. Mr. Gorania had been to see the District Council's Licensing Enforcement Officer on three occasions, but he had not received a response.

In reply, the Licensing Enforcement Officer advised that he had responded to these complaints by visiting the applicant's premises and had found no evidence of alcohol being sold outside the period of the temporary events notices. He added that he had also spoken with a number of people who used the shop, who had confirmed that they had not seen any alcohol being sold.

The Chair invited the applicant and the Licensing Enforcement Officer to ask questions of the interested parties.

The applicant advised that his temporary events notices had expired by 10th July, and he had not sold alcohol since then. He pointed out that the nuisance was continuing, although he was currently not selling alcohol.

The applicant was invited to make a statement in relation to his application for a Premises Licence. He advised the Sub-Committee that he had purchased the business and wished to expand, and that he was responding to customer requests to sell alcohol. He had not been selling alcohol outside the licensed hours.

Both the Sub-Committee, interested parties and District Council's Licensing Officers were invited to ask questions of the applicant.

The Chair invited the interested parties and applicant to sum up their representations.

At 2.55 p.m., the Sub-Committee retired to consider its decision. At 3.15 p.m., the Meeting was reconvened for a point of clarification.

The Sub-Committee asked the applicant to detail his current trading hours which were confirmed as Monday to Friday from 7.30 a.m. to 6.30 p.m. and Saturday from 9.00 a.m. to 3.00 p.m.

At 3.20 p.m. the Sub-Committee again retired to consider its decision. At 3.55 p.m., the Meeting was reconvened.

In making its decision, the Sub-Committee had regard to the District Council's Licensing Policy, the guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and considered carefully all the evidence presented to it.

The Sub-Committee made its decision to promote the four licensing objectives:-

- (a) Prevention of Crime and Disorder
- (b) Public Safety
- (c) Prevention of Public Nuisance
- (d) Protection of Children from Harm

The Sub-Committee considered in detail the representations of the Council's Licensing Enforcement Officer, the interested parties and the applicant. The Sub-Committee resolved to grant the application for a Premises Licence as conditioned.

In relation to Sale of Alcohol, these hours were to be as follows:-

- Monday to Sunday 10.00 a.m. until 7.00 p.m. including Bank Holidays and Public Holidays.

Subject to the following conditions:-

- A valid proof of age ID card scheme to be implemented.
- A refusals book detailing the date and time of any refusal to sell alcohol and any appropriate information that may be contained to be recorded therein.

Having taken into account the four licensing objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the applicant and the representations made by the interested parties. The Sub-Committee felt that it was reasonable and proportionate to grant the Premises Licence, subject to the conditions specified, imposed to specifically address the concerns raised.

The Chair reminded all parties that they could appeal to the Magistrates Court against this decision, within a period of 21 days from receipt of the decision notice.

**RESOLVED:-**

***That the application for a Premises Licence at Castle Gresley Post Office, Linton Road, Castle Gresley be granted, as set out above.***

D.G. SHEPHERD

CHAIR

The Meeting terminated at 4.00 p.m.