

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 11 December 2015

Present: Councillor (in the Chair)
Councillors R Caserta, D Cassidy and D Jones

Also in attendance:

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence:

1 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting.

2 AN APPLICATION TO VARY THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF MORRISONS, 5 STANLEY ROAD, WHITEFIELD

Prior to the Hearing the authority received an application to vary the Premises Licence under the Licensing Act 2003 in respect of Morrisons, 5 Stanley Road Whitefield.

The application was as detailed in the report which was presented to the Members of the Panel by the Licensing Manager.

One representation in respect of the application was received within the appropriate period, albeit the representor did not attend.

All written representations were contained within the report to Panel. All documentary evidence comprising the application, report provided with the agenda and representation were served on all parties in advance of the hearing.

The Panel heard oral representations on behalf of the Applicant from Clare Johnson and Kelly Nichols.

The Panel heard no other representations.

The Panel asked questions of the Applicant representatives.

The Applicant, through its representatives, was allowed the opportunity to sum up the case. The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder

- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in March 2015

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

FINDINGS

The following facts were found:

1. The Applicant had complied with all necessary procedural requirements laid down by the Licensing Act 2003 including giving public notice within the required timescales.
2. The Applicant operates over 500 retail premises in a variety of locations.
3. The variation is for an increase of one hour per day.
4. The Applicant conducts strict initial and refresher training for staff on the sale of alcohol; ensures strict compliance with the "Challenge 25" policy as well as employing an independent company to "spot check" premises; has till prompts and a detailed refusal log.
5. There were no representations in respect of the variations in the licence have been made by any of the responsible authorities, including the police, environmental health, Trading Standards, children's safeguarding or public health.
6. There was no evidence presented that increasing the operating hours on the premises licence by one hour would increase traffic flow, noise, footfall or light into the representor's home.

DECISION

Having heard from the Licensing Unit Manager, Applicant representatives Ms Nichols and Ms Johnson and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided as follows.

The evidence was considered with care and it was established that following the evidence of all parties, having understood the application and equally understanding the representation made, on balance the Panel found there were no causes for concern so far as the promotion of the four Licensing Objectives were concerned.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **To Grant the Application for the Premises Licence.**

COUNCILLOR
Chair

(Note: The meeting started at 1.30 pm and ended at 2.00 pm)