

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LICENSING ACT 2003

LICENSING SUB-COMMITTEE (SMDC) MEETING

DECISION NOTICE

THURSDAY, 29 NOVEMBER 2018

PRESENT: Councillor L D Lea (Chairman)

Councillors P Jackson and M M Lovatt

IN ATTENDANCE: N de Bruin - Principal Legal Officer
M Towers - Senior Officer (Public Health, Housing & Licensing)
S Bradbury - Licensing Officer

8 **APPOINTMENT OF CHAIR (IF REQUIRED)**

9 **APOLOGIES**

10 **URGENT ITEMS OF BUSINESS, IF ANY**

11 **DECLARATIONS OF INTEREST, IF ANY**

12 **RULES OF PROCEDURE**

13 **APPLICATION TO GRANT A PREMISES LICENCE FOR 15 SHEEPMARKET, LEEK**



LICENSING ACT 2003 LICENSING SUB-COMMITTEE DECISION NOTICE

15 Sheepmarket, Leek, Staffordshire Moorlands, S13 5HN

Meeting: Thursday 29th November 2018 at 10.00 am

Present: Councillor L Lea (Chairman)
Councillor P Jackson
Councillor MM Lovatt
(N de Bruin Legal Services Officer)

Applicant: Mrs Greta Williamson, Solicitor of A H Brooks Solicitors representing
Mr. Tuncay Calar, applicant

Objector(s): Mr. S. Lanza and Mr. J Smith – Local Shopkeeper and resident, also
representing Mrs L Day who was unable to attend

For the Licensing Authority: M Towers, Senior Licensing Officer and Ms S Bradbury,
Licensing Officer

Introduction

Licensing Sub-Committee (SMDC) - 29 November 2018

The hearing was called to consider an application by Mr. Tuncay Calar for a Premises Licence to operate an off licence at 15 Sheepmarket, Leek, Staffordshire Moorlands, ST13 5HN.

Councillor Peter Jackson declared an 'other' interest (reason: in the past he used to do some work for AH Brooks solicitors)

No other interests were declared.

Mr Lanza and Mr Lanza on behalf of Mrs Day, Mr Smith and Mrs Williamson on behalf of Mr Calar, Mr Towers and Mrs Bradbury all addressed the Sub-Committee. The Sub-Committee also took into account the written report, S182 guidance and Staffordshire Moorlands 'Statement of Licensing Policy' before coming to a decision.

Decision

To grant the application subject to the statutory mandatory conditions, the conditions referred to in the operating schedule (Part M) save conditions b(1)(2) and (3) and e(1) and (2) which were replaced by the conditions agreed with the police as set out in the report at paragraph 2.4 and the conditions agreed with environmental health as set out in the report at paragraph 2.5, save it was noted that a licencing condition could not be used to control newspaper deliveries. So the relevant part referring to newspaper deliveries should be removed. Subject to that the Sub-Committee agreed that these conditions, which had been agreed by the applicant, were necessary to promote all four of the licensing objectives. However, the Sub-Committee noted the concerns about people hanging around at night waiting for early morning premises to open and considered that it would prevent public nuisance if the alcohol sales were restricted 8am to 11pm, Opening times to remain as agreed; 6am to 11pm. Accordingly between 6 – 8am clear and visible signage should be displayed showing alcohol sales are prohibited.

Reasons for the decision

The Sub-Committee listened carefully to all the persons who addressed the Sub-Committee and also considered their written objections carefully together with those of representors who had been unable to attend, however, with the additional conditions it is considered that those objections were overcome.

The Sub-Committee considered the case of Daniel Thwaites; the Sub-committee noted the matters and problems that representors said may occur and in fact did occur in that area in Leek but they found that it did not follow that these problems would necessarily occur because of or be made worse by these individual premises. This was a town centre location that already contained a number of licenced premises, some of them licenced to well beyond that applied for by the applicant. There are also 2 off-licences close by licenced to 10:30 and 11pm. So while the Sub-committee noted the difficulties experienced by the representors they did not consider that of itself these premises would be likely to exacerbate the problems if the conditions were adhered to; it was a fact that people could bring with them alcohol if they wanted to drink on the street and there were other off licence premises with similar late hours close by where people could go even if these premises were not granted a licence. Need for the premises, however, was not a matter the Sub-committee could consider, neither was dangerous parking or driving problems.

While some of the representors were of the view that crime and anti-social behaviour in Leek was already severe or high it was noted that the police were also satisfied that, with conditions, the licence could be granted without undermining the licencing objectives.

The Sub-Committee therefore considered that with the amended hours and additional conditions agreed to by the applicant the licensing objectives would not be undermined, accordingly the licence should be granted on that basis.

Right of Appeal

Licensing Sub-Committee (SMDC) - 29 November 2018

The objectors and/or the applicant may appeal against this decision.
Any appeal must be made in writing to the Staffordshire Magistrates Court within 21 days from the date of receipt of this Decision Notice.
The meeting closed at approximately 11:35am
Dated 29 November 2018

Chairman of the Licensing Sub-Committee

The meeting closed at 11.35 am

_____ Chairman _____ Date