

Licensing Act Sub Committee Hearing

Friday 3 August 2012

Members of the Panel:	Councillors Gibbon, Morris (Chair) and Tempest
Application Premises:	Co-operative Food Store 79-81 Elwick Road Hartlepool
Officers present:	Sylvia Pinkney, Public Protection Manager Jane Kett, Principal Environmental Health Officer (Commercial) Tony Macnab, Solicitor Vicky Bosley, Democratic Services Officer
Applicant:	Mr Tony Conway (Operations Manager) Mr Richard Arnot (Representative)

Decision:

The Licensing Sub-Committee considered an application for a variation of the premises licence for the sale by retail of alcohol.

The application requested that the hours be varied to enable alcohol to be sold from 0700 to 2300 Monday – Saturday and from 0700 to 2230 on Sundays.

The Applicant's Solicitor referred to the training guide and outlined the main points concerning the safeguards in place to prevent the sale of alcohol to underage persons.

The Applicant's Solicitor explained how the premises operate and that there are four personal licence holders.

The premises are currently open at 0700 and the applicant wants to be able to sell all of its products during its opening hours.

The Applicant's Solicitor stated that the premises are not causing a nuisance and that this would not be affected if the application was granted.

The Licensing Authority as a Responsible Authority objected to the application on the basis that the earlier hours sought for the sale of alcohol conflicted with paragraph 4.25 of the Council's statement of licensing policies the relevant part of which reads as follows:-

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused.'

The Licensing Authority stated it believes that granting the proposed variation will lead to an increase in nuisance for residents who live close to the premises

concerned.

The Licensing Sub-Committee considered the application and were not satisfied that the licensing objective relating to the prevention of public nuisance would be undermined if the application was granted.

The Licensing Sub -Committee considered that as the premises were already open at 0700 then it could depart from its policy as no nuisance would be caused by allowing the sale of alcohol at this time.

The Licensing Sub-Committee therefore grants the application subject to the conditions consistent with the operating schedule.

CHAIR