

Meeting: Licensing Committee

Date: 3 September 2012 ~ 10:00am

APPLICATION FOR A NEW PREMISES LICENCE:

MARTINS NEWSAGENTS, 65 CANTERBURY WAY

Author – Jeff Mason, Ext. 2684; Heather Morris, Ext. 2175
Lead Officer – Jeff Mason, Ext. 2684
Contact Officer – Jeff Mason, Ext. 2684; Heather Morris, Ext. 2175

1 PURPOSE

- 1.1 To determine the application to grant a premises licence to the premises known as Martins Newsagents, 65 Canterbury Way, Stevenage, SG1 4LJ.

2 SUMMARY OF APPLICATION

2.1 Type of Licence applied for

- 2.1.1 The application made under section 17 of the Act was received from Martin McColl Limited on the 10 July 2012. The Licensing Authority accepted the application as being valid on this day.

2.2 Summary of application

- 2.2.1 Martins Newsagents are a small retail outlet (newsagents), and have made an application in accordance with the Licensing Act 2003 for the provision of the retail sale of alcohol (off premises) as follows:

Monday to Sunday 06:00 – 23:00hrs

There were no seasonal variations or non-standard timings requested as part of this application.

- 2.2.2 The overall opening hours as applied for are as follows:

Monday to Sunday 06:00 – 23:00hrs

There were no seasonal variations or non-standard timings requested as part of this application.

- 2.2.3 A full copy of the application made is attached at Appendix 1 to this report.

- 2.2.4 The applicant, as part of the application process, has to serve a copy of their application to the nominated responsible authorities, and also to advertise their application by way of a notice on the premises and also by placing a public notice in a local newspaper.

- 2.2.5 Licensing can confirm that the premises did have on display the required public notice, which was checked by the Licensing Officer Jeff Mason, on the 12th July 2012, and that the public notice was also placed in the Comet Newspaper (Stevenage Edition, publication date 12th July 2012.

3 BACKGROUND INFORMATION

- 3.1 No licences have previously been issued to these particular premises under the Licensing Act 2003.

4 PROMOTION OF LICENSING OBJECTIVES

- 4.1 As part of the application process, the applicant is requested to submit details within the operating schedule as to how they will promote the licensing objectives. Following these submissions, during the consultation period, comments were received from the following responsible authorities as to the strength and suitability of these:

- Hertfordshire Constabulary

- 4.2 These comments relate to the following licensing objectives:

- Prevention of Crime and Disorder
- Public Nuisance

And are described for all below:

“We spoke a while ago about the new premises licence at Martins, High Street, Stevenage as we discussed at the time I was concerned about a 23:00 closure, however, you assured me that the store would not trade past 22:00.

I have visited the premises today, and whilst I am satisfied that this premises will run similarly to the High Street Shop (therefore the recommended police licensing conditions will be similar) I am very concerned about the closing time of 23:00 that you have proposed in view of the vulnerability of the location and crime and disorder that the area has been subjected to in the past.

Unfortunately stores selling cigarettes and alcohol during the evening can attract unwanted attention.

This location is in extremely close proximity to a public house, community health centre the community centre and local residents.

Ideally I would state a preference to a 20:00 closing time but I understand that you may wish to discuss this further alternatively you can e-mail the 2 address above if this would be acceptable to you”.

- 4.3 The Committee are advised that, as part of the consultation process, the applicant attempted to mediate with Hertfordshire Constabulary as to the proposed trading hours for the business, but at the time of the consultation period ending and writing this report, no firm agreement had been achieved between the two parties as to these proposals.

The revision to hours proposed was as follows:

Monday to Sunday 06:00 – 22:00hrs (with the Police favouring a cessation time of 20:00hrs)

4.4 With the opening hours revised as follows:

Monday to Sunday 06:00 – 22:00hrs (with the Police favouring a closing time of 20:00hrs).

4.5 We were also aware that separate concerns existed as to the standard of CCTV equipment in use at the premises, but that these discussions did not include the applicant, nor their agent to the best of our knowledge.

4.6 Unfortunately, these concerns were not formularised in writing by way of a representation, and are therefore being enclosed for your reference as part of this report.

5 INTERESTED PARTIES

5.1 In addition to the concerns raised by Hertfordshire Constabulary, representations by way of two petitions were put forward.

5.2 Petition 1 was supported by 65 signatories. Only 39 of these could be considered on this occasion, as the pages clearly outlined the details as to why their signature/support was being given. The lead petitioner has been invited to attend the Committee Hearing in support of this.

5.3 Petition 2 was supported by 76 signatories. Only 12 of these could be considered on this occasion in support to this, as only page 1 outlined the details as to why their signature/support was being given. The lead petitioner has been invited to attend the Committee Hearing in support of this.

5.4 The petitions are attached as appendices 2 and 3 to this report.

6 POLICY CONSIDERATIONS

6.1 The following sections of the licensing authority's statement of licensing policy apply to this application:

- a) 5. Licensing Hours
- b) 7. License Conditions
- c) 8. Licensing Objectives

6.2 As per 12.9 of our current policy, the Licensing Committee will determine each application on its merits, and that in determining any application that they will consider:

The case and evidence presented by all parties;
The promotion of the four licensing objectives;
Guidance by Central Government; and
The licensing policy.

- 6.3 The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.
- 6.4 The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

7 COURSE OF ACTION AVAILABLE

- 7.1 Following receipt of relevant representations that have not been resolved, or withdrawn, the authority must hold a hearing to consider them unless it has been agreed by all parties that a hearing is not necessary.
- 7.2 As per s.18 (4) of the Licensing Act 2003, the options available to the Committee are:
- (a) To grant the licence subject to –
 - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application.

BACKGROUND DOCUMENTS

Licensing Act 2003
Stevenage Borough Council, Statement of Licensing Policy
National Guidance issued under section 182 of the Licensing Act 2003

APPENDICES

Appendix 1	- Copy of application
Appendix 2	- Petition Received – Lead author (Mr W)
Appendix 3	- Petition Received – Lead author (Mr S)