

# REPORT OF THE DIRECTOR OF CITY DEVELOPMENT

## LICENSING SUB-COMMITTEE – 18 JANUARY 2024

### LICENSING ACT 2003 – CONSIDERATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE – 138 NEWCASTLE ROAD, SUNDERLAND

#### 1.0 PURPOSE OF REPORT

- 1.1 To consider an application to grant a premises licence in respect of the above-mentioned premises brought in accordance with Section 17 of the Licensing Act 2003.

#### 2.0 DESCRIPTION OF DECISION

- 2.1 In considering the application the sub-committee will be mindful of the provisions of section 18 of the Licensing Act as stated in paragraphs 5.2 below.
- 2.2 When determining the application, the Sub-Committee is requested to have regard to the representations referred to in paragraph 4.0 below and to take such steps as they consider appropriate for the promotion of the licensing objectives. The steps may be: -
- a) to grant the application subject to the operating schedule modified to such extent as the Sub-Committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
  - b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - c) to reject the application.

#### 3.0 INTRODUCTION/BACKGROUND

- 3.1 Members will recall that this matter was scheduled to be considered by the Committee at its meeting scheduled for 24<sup>th</sup> November 2023. Due to an external matter, the hearing was required to be cancelled due to us not being able to meet quorum.
- 3.2 According to the information provided by the applicant's agent, The premises will be a new convenience store where all types of convenience products will be sold including fresh & frozen food, toiletries, household, newspapers etc. Other services will also be offered to customers such as the ability to pay bills & buy lottery tickets. Alcohol is not the intended focus of the business there is an expectation that alcohol sales will have a limited impact on the area as local people are expected to, on the whole, purchase alcohol along with other products.
- 3.3 A copy of the application form, premises plan and a set of proposed conditions, which will be included in the operating schedule are attached at **Appendix 1**.

- 3.4 For Members' information, the premises is situated on Newcastle Road and was formally Booze Busters. The premises is attached to a parade of hot food takeaway outlets. Plans showing the street view of Newcastle Road and an aerial plan of the area are shown at **Appendix 2**.
- 3.5 The application is for sale of alcohol Monday – Sunday 07:00 to 03:00 and late night refreshment (hot food and drink) Monday – Sunday 23:00 – 03:00. In summary the confirmed proposed licensable activities and opening hours are detailed as follows:

<b>Licensable Activity</b>	<b>Proposed Hours</b>
Sale of Alcohol Off the Premises	Monday to Sunday 07:00 to 03:00
Late night Refreshment	Monday to Sunday 07:00 to 03:00
Opening Times of Premises	Monday to Sunday 07:00 to 03:00

- 3.6 During the consultation period, a statutory notice was published in the Sunderland Echo on 12<sup>th</sup> October, 2023. In addition, blue site notices were displayed at the premises for a period of 28 days, allowing for any persons to submit any representations.
- 3.7 In line with the statutory procedure set out in the Licensing Act 2003, a 28-day consultation period was allowed for any representations to be made.
- 3.8 Relevant representations were received from local residents, Ward Councillors and Responsible Authorities.

#### **4.0 CURRENT POSITION**

- 4.1 During the statutory 28 day consultation, a number of representations were received in objection to the application by email from local residents. In addition to the objections received, the Licensing Section also received a petition from 71 local residents. Copies of the representations are attached at **Appendix 3**.
- 4.2 On 23<sup>rd</sup> October, 2023 a representation was received in objection to the application from Sarah Norman, representing Public Health in her role as a Responsible Authority. A copy of the representation is attached at **Appendix 4**.
- 4.3 On 26<sup>th</sup> October, 2023 a representation was received in objection to the application from Scott Lawrence, representing the Licensing Section in his role as a Responsible Authority. A copy of the representation is attached at **Appendix 5**.

- 4.4 On 26<sup>th</sup> October, 2023 a representation was received in objection to the application from Councillor Kelly Chequer, cabinet member for Healthy City and Ward member for Southwick. A copy of the representation is attached at **Appendix 6**.
- 4.5 On 27<sup>th</sup> October, 2023 a representation was received in objection to the application from Northumbria Police, acting in their role as a Responsible Authority. A copy of the representation is attached at **Appendix 7**.
- 4.6 On 29<sup>th</sup> October, 2023 a representation was received in objection to the application from Councillor Michael Hartnack, Ward member for Fulwell. A copy of the representation is attached at **Appendix 8**.
- 4.7 On 30<sup>th</sup> October, 2023 a representation was received in objection to the application from Amelia Barker, representing the Environmental Health Section in her role as a Responsible Authority. A copy of the representation is attached at **Appendix 9**.
- 4.8 On 14<sup>th</sup> November, 2023 Northumbria Police submitted further information in support of their representation. A copy of the information is attached at **Appendix 10**.
- 4.9 Between 17<sup>th</sup> and 20<sup>th</sup> November, 2023 emails were exchanged between Mr Lawrence and Ms Sherratt regarding the application and proposed amendments to the application. Mr Lawrence submitted further details regarding this exchange which can be found at **Appendix 11**.

## **5.0 REASONS FOR THE DECISION**

- 5.1 To determine the application as requested by section 18(3) of the Licensing Act 2003.

18(3) *“Where relevant representations are made, the authority must—*

*(a)hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and*

*(b)having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers for the promotion of the licensing objectives”*

- 5.2 Section 4(2) of The Licensing Act 2003 lists the licensing objectives as:-

*(a)the prevention of crime and disorder;*

*(b)public safety;*

*(c)the prevention of public nuisance; and*

*(d)the protection of children from harm.*

## **6.0 ALTERNATIVE OPTIONS**

6.1 None submitted.

## **7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS**

7.1 There are no other considerations that require the attention of the Sub-Committee.

## **8.0 GLOSSARY**

8.1 No acronyms or abbreviations have been used in this report.

## **9.0 LIST OF APPENDICES**

**Appendix 1** - Application form and plan of premises

**Appendix 2** - Plans of surrounding area

**Appendix 3** - Representations and petition from local residents

**Appendix 4** - Representation from Public Health

**Appendix 5** - Representation from the Licensing Section

**Appendix 6** - Representation from Councillor Kelly Chequer

**Appendix 7** - Representation from Northumbria Police

**Appendix 8** - Representation from Councillor Michael Hartnack

**Appendix 9** - Representation from Environmental Health

**Appendix 10** – Further information from Northumbria Police

**Appendix 11** – Further information from the Licensing Section

## **10.0 BACKGROUND PAPERS**

10.1 None.