

# **REPORT OF THE DIRECTOR OF NEIGHBOURHOODS**

## **LICENSING SUB-COMMITTEE – 13 AUGUST 2020**

### **LICENSING ACT 2003 – CONSIDERATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE**

#### **THE LITTLE SHOP, 313 HIGH STREET WEST, SUNDERLAND SR1 3ET**

#### **HOLMESIDE COFFEE LIMITED**

### **1.0 PURPOSE OF REPORT**

- 1.1 To consider an application to grant a premises licence in respect of the above-mentioned premises.

### **2.0 DESCRIPTION OF DECISION**

- 2.1 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 refuse to specify a person in the licence as the premises supervisor;
  - d) to reject the application.

### **3.0 INTRODUCTION/BACKGROUND**

- 3.1 Relevant representations have been received in relation to the application which is detailed at section 4.0.
- 3.2 A copy of the application form and premises plan are attached as Appendix 1. According to information provided by the applicant, the business operates predominantly as a coffee shop, selling speciality coffee and homemade donuts. The business has been trading for approximately 18 months. Plans showing the location of the premises along with the surrounding area of the City Centre are shown at Appendix 2.
- 3.3 Prior to making the application the applicant served a series of Temporary Event Notices (TENs) seeking occasional authorisations for the sale of alcohol for consumption off the premises situated at 313 High Street West, Sunderland, between the hours of 11.00am and 5.30pm on the following dates:

27<sup>th</sup> to 31<sup>st</sup> May 2020 (5 days)

3<sup>rd</sup> to 7<sup>th</sup> June 2020 (5 days)

11<sup>th</sup> to 13<sup>th</sup> June 2020 (3 days)

17<sup>th</sup> to 20<sup>th</sup> June 2020 (4 days)

24<sup>th</sup> to 27<sup>th</sup> June 2020 (4 days)

Relevant authorisations were approved in respect of the above events following no objections received from either the Police or the Council's Environmental Health Service. Also, according to the Council's records no complaints were received following these temporary events.

- 3.4 Whilst the applicant had initially requested an authorisation for the sale of alcohol for consumption both on and off the premises, they subsequently amended the application to the effect that alcohol sold would be for consumption off the premises only. In summary the confirmed proposed licensable activities are detailed as follows:

Licensable Activity	Proposed Hours
Sale by retail of alcohol	Every Day 11:00 to 23:00 (For consumption Off the premises only)
Playing of Recorded Music	Every Day 11:00 to 23:00

- 3.5 In line with statutory procedures a 28-day consultation period was allowed for any representations to be made. During this period the applicant's legal representative Mincoffs Solicitors engaged with Northumbria Police regarding the detail of the application and agreed a number of conditions to be attached to the premises licence should the application be granted. The list of agreed conditions is contained within an Operating Schedule submitted by the applicant's solicitor which also provides further information in support of the application. A copy of such document is attached as Appendix 3. The Police have confirmed that they have no objections to the grant of a premises licence subject to the conditions contained within the Operating Schedule. Also, no representations have been received from any of the other Responsible Authorities.

#### **4.0 CURRENT POSITION**

- 4.1 Two representations were received in objection to the application, one from a resident of the Mowbray Almshouses and the other made on behalf of the residents of the Jane Gibson Almshouses. Following receipt of the representations the Principal Licensing Officer contacted the objectors or their representative and provided them with a copy of the applicant's agreed conditions with the Police as contained within the Operating Schedule shown at Appendix 3. The objectors were asked whether, in light of the applicant's agreed conditions with the Police along with the additional supporting information provided, they would be prepared to reconsider their position regarding the application. In response to these communications the resident objector of the Mowbray Almshouses confirmed that they were satisfied to withdraw their objection. However, the person representing the residents of the Jane Gibson Almshouses stated that the residents still wish to uphold their objection. The residents' representative further stated that whilst the

information provided on behalf of the applicant had been helpful, they felt that it does not go far enough to ensure that the quality of life of these elderly and vulnerable people will not be affected. A copy of the representation made on behalf of the residents of the Jane Gibson Almshouses is attached as Appendix 4.

- 4.2 As part of its current Statement of Licensing Policy the Council resolved to publish a Cumulative Impact Assessment which indicates that “we consider that the numbers of relevant authorisations in respect of premises in certain parts of the City are such that it is likely that it would be inconsistent with our duty to carry out our functions under the Act (Licensing Act 2003) with a view to promoting the licensing objectives to grant any further relevant authorisations for the sale of alcohol in those areas.”
- 4.3 The Cumulative Impact Assessment (CIA) relates to 7 areas of the City, including the City Centre and East End (parts of Hendon, Millfield and St Michael’s wards). The premises to which the application relates are located within the City Centre CIA.
- 4.4 The CIA does not relieve responsible authorities (and any other persons) of the need to make a relevant representation, before the Council lawfully refuse an application.
- 4.5 The CIA also states that “the Council will consider properly the circumstances of all applications in respect of where relevant representations are received. Those applications which are considered to be unlikely to add to the existing cumulative impact upon the licensing objectives may be granted.”
- 4.6 The CIA further states that “the Council intends that the City Centre should remain as an area where it would encourage business to set up. The Council recognises that a dynamic trading environment will feature applications for new licences. The Council considers that the operation of well-run, high quality licensed premises should not have an impact upon the licensing objectives. The Council, therefore, would welcome the submission of applications for new licences by businesses whose operations would significantly enhance the economic vitality of the City Centre.”
- 4.7 Taking account of the scale of the applicant’s proposed off licensed operation along with other factors including the location of the premises, Northumbria Police are satisfied that the granting of the application should not add to the existing cumulative impact of the availability of alcohol that currently exists within the area of the premises. The Council’s Licensing Service, acting in its role as a Responsible Authority, is in agreement with the Police in this regard. Also, as stated in 3.5 above, no representations have been received in respect of the application from any of the other Responsible Authorities. The applicant’s solicitor has also provided some information in response to the Council’s CIA, and submits that the granting of the application on the terms applied for will not add to the cumulative impact of the availability of alcohol in the City Centre. A copy of this submission is attached as Appendix 5.

## **5.0 REASONS FOR THE DECISION**

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

## **ALTERNATIVE OPTIONS**

6.1 None submitted.

## **6.0 RELEVANT CONSIDERATIONS/CONSULTATIONS**

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

## **7.0 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 – Location plans
- Appendix 3 - Applicant's Operating Schedule including list of agreed conditions
- Appendix 4 - Representation on behalf of residents of Jane Gibson Almshouses.
- Appendix 5 - Applicant's submission regarding the Council's Cumulative Impact Assessment.

## **10.0 BACKGROUND PAPERS**

10.1 None.