

NORTHUMBERLAND COUNTY COUNCIL

LICENSING HEARING

At a meeting of the **Licensing Hearing** held in Committee Room 2, County Hall, Morpeth, Northumberland, NE61 2EF at 10:00 am on Thursday 30 January 2020

PRESENT

Councillor I Hutchinson
(In the Chair)

COUNCILLORS

W Pattison
K Stow

K Parry (Reserve)

OFFICERS IN ATTENDANCE

H Bowers
M Bulman
H Gebbie

Democratic Services Officer
Solicitor
Senior Licensing Officer

ALSO IN ATTENDANCE

L Bowman
P Chaudhry
L Dixon

Observer
Trainee Solicitor
Democratic Services Apprentice

Mr A Singh

Applicant

Mrs D Buchan
Mrs L Clay
Mr and Mrs Dehsorkhi

Objector
Objector
Objector

Mr J Mahal

1. ELECTION OF CHAIR FOR THE MEETING

RESOLVED that Councillor Ian Hutchinson be elected as Chair for the duration of the meeting.

Ch.'s Initials.....

2. REPORT OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

Application of a premises licence in respect of Hexham Post Office, 12 Battle Hill, Hexham, NE46 1BB (the Premises)

Heather Gebbie, Senior Licensing Officer reported that the application was before the Subcommittee to determine an application for a premises licence in respect of 12 Battle Hill, Hexham, NE46 1BB.

The applicant had applied for the licensable activity of the supply of alcohol off the premises and late night refreshment.

The options to the Subcommittee in determining the application were:

- 1) Grant the licence subject to conditions consistent with the operating schedule accompanying the application, modified to such extent as the Subcommittee considers appropriate for the promotion of the licensing objectives. All conditions should be precise and capable of being interpreted and applied by the applicant.

(Conditions may be modified if any of them is altered or omitted or any new condition is added)

and

Any mandatory condition under section 19 of the Act be included in the licence

- 2) Exclude from the scope of the licence any of the licensable activities to which the application relates
- 3) To reject the application if it is not possible to promote one or more of the licensing objectives by any other means.

Members were reminded that they may only attach additional conditions:

- In respect of those matters that were subject to the application and in respect of which a relevant representation had been made; and
- that were appropriate for the promotion of the licensing objectives.

Any person who had made a representation was aggrieved by the decision could appeal to the Magistrates' Court within the period of 21 days beginning with the day on which they received formal written notification of the decision.

Objections had been received from six interested parties on the grounds of public nuisance.

The options in determining the application were as listed in the report.

Mr Singh gave a verbal submission in support of his application. Members then asked questions of the applicant.

Mrs D Buchan and Mrs L Clay, two representatives of the interested parties then gave their verbal submission in support of their objection. Members then asked questions of the objectors.

Members of the Subcommittee and the Legal Adviser adjourned from the meeting and made their decision based on the verbal and written presentations given from both parties.

The Subcommittee considered all written and verbal representations before them and determined to **GRANT** the application of a premises licence for the sale of alcohol off sales only, with licensable hours to be 06:00 to 24:00 hours and the provision of late night refreshment licensable hours to be 23:00 to 24:00 hours.

The conditions which were attached to the licence were:

The standard conditions along with the conditions agreed with Northumbria Police as detailed in the committee report at appendix C, including that the sale of alcohol between 23.00 – 24.00 hours will be by way of a night hatch window.

Reasons:

No responsible authorities had made any representations in respect of the application and the police were satisfied with the application through the agreement of conditions to be imposed on the licence.

Whilst the residents had complained of anti social behaviour in the vicinity causing public nuisance, none of the existing issues the residents complained of could be attributed to the premises. There was no evidence before the Subcommittee that the premises would cause public nuisance.

There is a right of appeal to the Magistrates' Court against this decision which must be lodged within 21 days of the date of the written notification of the decision.

CHAIR _____

DATE _____