

Application for the Grant of a Premises Licence – Shop 1, Castle House, Well Lane, Clare

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| Report No: | LSC/WS/23/001 |
| Report to and date/s: | Licensing & Regulatory Sub-Committee – 23 January 2023 |
| Cabinet Member: | Councillor Andy Drummond Portfolio Holder for Planning & Regulatory Services Tel: 01638 751411 Email: andy.drummond@westsuffolk.gov.uk |
| Lead officer: | Haleigh Peters Licensing Officer Tel: 01638 719364 Email: Haleigh.peters@westsuffolk.gov.uk |

Wards impacted: Clare, Hundon & Kedington

Recommendation: It is recommended that, in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, Members give appropriate weight to, the steps that are appropriate to promote the licensing objectives; West Suffolk Council's Statement of Licensing Policy; Guidance issued under section 182 of the Licensing Act 2003; the representations attached to this report, and any further relevant information presented to the Sub-Committee on the day of the hearing.

The steps may be:

- (a) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licencing objectives
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, or
- (c) Reject the application

1. Background / Context

- 1.1 An application for the grant of a Premises Licence, made under the Licensing Act 2003, was received and accepted by the Licensing Authority on 23 November 2022. The application form and associated plan are attached as **Appendix A** and **Appendix B** respectively.
- 1.2 The application, made by Geoffrey Sharp, proposes to trade as a convenience store selling groceries, newspapers, magazines, confectionary, cigarettes, and alcohol.

The licensable activities proposed under the authorisation of a Premises Licence, and the proposed opening hours, are as follows;

- Supply of Alcohol (Off sales)
Monday – Sunday 06:00 – 22:00
- Opening hours
Monday – Sunday 06:00 – 22:00

- 1.3 The Licensing objectives which must be actively promoted by the applicant/holder of any Premises Licence issued under the Licensing Act 2003 are as follows;
- The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 1.4 A statutory 28-day consultation period started on 23 November 2022 and ended on 21 December 2022. This enabled Responsible Authorities and 'Other Persons' to make representations towards the application. 'Other Persons' includes any individual, body or business whether or not they live in the vicinity.
- 1.5 The details of the application were published in the local newspaper, displayed on the exterior of the premises, and advertised on the Council's website during the consultation period, as per the regulations.
- 1.6 A total of two persons in two representations were received by the Licensing Authority from 'Other Persons' within the statutory time frame. One party withdrew their representation as their concerns were addressed by the applicant. The details of the remaining representation, resulting in the necessitation of this hearing, are attached as **Appendix C**. Please note that the number of licensed premises already within the area and the parking arrangements are not relevant grounds within the representation therefore these specific areas cannot be considered when determining the application.
- 1.7 A response to the representations has been provided on behalf of the applicant and is included as **Appendix D**.

2. Proposals

- 2.1 Members should seek to focus the hearing on the steps considered appropriate to promote the particular licence objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas.



3. Legal Compliance

3.1 The Sub-Committee may take any of the steps set out below, provided they are proportionate and appropriate for the promotion of the licensing objectives:

- (a) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licensing objectives
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, or
- (c) Reject the application

A condition is modified where it is altered or omitted or any new condition is added. Any additional conditions imposed must be appropriate for the promotion of the licensing objectives.

3.2 Each application should be considered on its own merits, having regard to the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

3.3 The decision may be appealed, by the applicant or any other party to the hearing, within 21 days of written notification of the determination made by the Sub-Committee. The Sub-Committee should state in reaching its determination those matters which it considered relevant, those matters which it did not consider as they were irrelevant, and its reasons for the decision.

4. Appendices

- 4.1 Appendix A – Application
- Appendix B – Plan of Premises
- Appendix C – Representation
- Appendix D - Response

5. Background documents

5.1 Licensing Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Guidance issued under S.182 of the Licensing Act 2003 –
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

West Suffolk Council Statement of Licensing Policy –
<https://www.westsuffolk.gov.uk/Business/Licensing-and-regulation/Licensing/upload/WSC-Statement-of-Licensing-Policy.pdf>

