

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

Tuesday 13th October 2020 @10:00am

On-Line Teams Meeting

Applicant:	Mr Markandu Thayalaseelan
Premises applied for:	Jeffries Newsagent 21 Horsendale Avenue Nuthall Nottingham NG16 1AQ
Type of application:	S17 Licensing Act 2003 Application for a new premises licence
Date application received	28.08.2020
Consultation period end	25.09.2020
Licensable Activities applied for:	Sale of Alcohol
Variation(s) applied for:	N/A
Hours applied for:	Monday – Sunday 07:00 – 22:00
Hours open to Public:	Monday – Sunday 07:00 – 22:00
Steps applicant proposes to take to promote the Licensing Objectives.	See application form See also conditions agreed with Police
Representations by Responsible Authorities	Comments
<ul style="list-style-type: none"> • Police • Planning • Environmental Health Health & Safety • Environmental Health Noise • Fire Service • Safeguarding Children Board • Trading Standards • Health 	<p>Conditions agreed</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
Representations by Interested Parties:	Licensing Objectives

	Crime and Disorder	Public Safety	Public Nuisance	Protection of Children from harm
Mr James Duffy	X	X	X	X
Mr Ian Harby	X			
Mr Daren Harrison	X		X	
J Holleworth & D Caunt	X			
Mr Patrick Hughes			X	
Elaine Pavier	X			
Christine Robinson	X			
Angela Standall			X	
Edward Standall	X		X	
Mr & Mrs Storer	X		X	
Mr & Mrs Watson	X		X	
Mr Zaib	X			
Mr Mark Bakker	In support of application			
Mr Terry Guildford	In support of application			
Mr & Mrs Hughes	In support of application			
Mr Neil Mitchell	In support of application			
Naomi Owen	In support of application			
Mr Nigel Owen	In support of application			
Kelly Spencer	In support of application			
Lisa Storer	In support of application			
Attendances on behalf of the Applicant:	Mr Markandu Thayalaseelan		Yes	
	Interpreter		Yes	
Attendances on behalf of Interested Parties	Mr James Duffy		Yes	
	Mr Neil Mitchell		Yes	
Attached documents	<ul style="list-style-type: none">• Application• Plan• Email from Police - agreed conditions• Relevant representation			

Focus of hearing:

The Panel may first need to consider whether the public should be excluded during part or all of the hearing of this matter under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

14. Hearing to be public

- (1) Subject to paragraph (2), the hearing shall take place in public.
- (2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- (3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

Representations have been received relating to the licensing objectives as follows:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm**

Those making representations may wish to consider any conditions that they would like the Licensing Committee to consider attaching to the licence if they are minded to grant it.

The issues coming before the panel should be addressed as follows:

Relevance of representations.

Parking and traffic issues relate to planning matters and are not relevant representations.

The question of need is not a relevant representation.

Protection of children from harm relates to the moral, psychological and physical safety of children within the premises.

Consideration of the application

Whether upon consideration of the facts, that the grant of an application by Mr Markandu Thayalaseelan in the terms applied for will undermine the above mentioned licensing objectives.

In considering this application, the Alcohol and Entertainment Sub-Committee will have regard to:

The representations from the Interested Party (Attached)

Conditions volunteered by the applicant and/or agreed in principle with responsible authorities.

The Licensing Act 2003, and in particular:

S4 General duties of licensing authorities

- (1). A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives.
- (2). The licensing objectives are—
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- (3). In carrying out its licensing functions, a licensing authority must also have regard to—
 - (a) its licensing statement published under section 5, and
 - (b) any guidance issued by the Secretary of State under section 182.

S35 Determination of application under section 34

- (1) This section applies where the relevant licensing authority—

- (a) receives an application, made in accordance with section 34, to vary a premises licence, and
 - (b) is satisfied that the applicant has complied with any requirement imposed on him by virtue of subsection (5) of that section.
- (2) Subject to subsection (3) and section 36(6), the authority must grant the application.
- (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 necessary for the promotion of the licensing objectives.
- (4) The steps are—
 - (a) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application;
 and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- (5) In this section “relevant representations” means representations which—
 - (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
 - (b) meet the requirements of subsection (6).
- (6) The requirements are—
 - (a) that the representations are made by an interested party or responsible authority within the period prescribed under section 17(5)(c) by virtue of section 34(5),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (7) Subsections (2) and (3) are subject to sections 19 to 21 (which require certain conditions to be included in premises licences).

The guidance issued under 182 of the Licensing Act 2003 (As updated April 2018)

The council’s “Statement of Licensing Policy” 2019 – 2024 and in particular:

- (a) Policy statements 1 & 2 and (b) Sections 2, 5 & 6

Their duties under section 17 of the Crime and Disorder Act 1998.

ALCOHOL AND ENTERTAINMENT LICENSING PANEL

The overall intention is to hold a “directed discussion” on the issues

Procedure for hearing of application

(Please note that this may be varied to accommodate any procedural changes due to use of Microsoft Teams)

1. The Chair will welcome everyone to the meeting
2. The Chair or Legal Advisor will explain the reason for the hearing and explain the protocol.

3. Legal Adviser will identify each of the parties to the hearing and inquire whether the parties have understood the hearing procedure and are able to see/hear and be seen/heard.
4. Chair considers requests for witnesses to be called by each of the parties (If any).
5. Chair assesses and then agrees the maximum period of time in minutes to be permitted for each party to address the relevant representations.
6. Chair invites the Applicant to outline his application and address the relevant representations and call any witnesses as agreed
7. After The applicant has spoken the Chair will invite each interested party to ask questions through the Chair
 - Interested parties
 - Licensing Committee members
8. After each speaker the Chair will invite the Applicant or his representative to respond through the Chair
9. The Chair invites the Interested parties to address the relevant representations and call any witnesses (if any) as agreed
10. After each speaker the Chair will invite the Applicant to respond through the Chair
11. The Chair asks the parties in the following order whether they have anything further to add as a closing statement.
 - Interested Parties;
 - Applicant.
12. Having clarified that all parties have had a fair hearing, the meeting will be closed and the panel will meet forthwith to determine the matter
13. The decision together with notification of the right to appeal will be given in writing to all parties within 5 working days of the meeting.

NB The Chair may vary the procedure as necessary to ensure that a “directed discussion” takes place.