



## DECISION NOTICE

<b>Date of Hearing:</b>	Monday, 10 June 2024 – 2:00pm
<b>Reason for Hearing:</b>	The licensing authority received an application for a premises licence at 32 Woodlands Road, Ansdell There had been representations from “other persons” and as such the panel had to determine the application.
<b>Panel:</b>	<b>Panel members:</b> Councillor Sandra Pitman - Convenor Councillor Mark Bamforth Councillor Cheryl Little <b>Officers supporting the panel:</b> Ian Curtis, Carly Smith, Chris Hambly, Sharon Wadsworth
<b>Parties in Attendance:</b>	<b>Applicant:</b> Bennett of Ansdell Ltd represented by Mark Marshall from M Squared Services Ltd.
	<b>Other parties:</b> Neville Dickinson Linda McKay
<b>Parties not in attendance</b>	Helen Marsh had indicated that she wished to be represented by Neville Dickinson. S Millar and T McGuire were not in attendance. No persons that had made representations in support of the application were in attendance.

**Decision:** Grant the premises licence subject to the specified condition and amendment stated below.

### Reason for the Decision:

The Licensing Authority had received an application from Bennett of Ansdell Ltd for the grant of a new premises licence at 32 Woodlands Road, Ansdell. The application had been referred to the Panel because representations had been received from other persons.

In considering the application, the Panel had to consider whether granting the licence as requested would promote the four licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The Panel heard that, apart from the Environmental Protection authority, no other responsible authority had made a representation. Relevant representations had been made by five ‘other persons’

in objection to the application and eighteen had been received in support. These were included in the agenda papers.

The Panel had before it all of the written material contained in the agenda papers, and listened carefully to the verbal submissions offered by all of those who attended the hearing. The Panel also had regard to the Council's Statement of Licensing Policy and the statutory guidance issued under section 182 of the Licensing Act 2003.

The panel were informed that the representation from the Environmental Protection authority concerned the use of the forecourt to the front of the premises and that in response to the representation the applicant had agreed to the imposition of a condition that "*all seating shall be removed from external areas by 22:00 for use by customers.*" The panel agreed to attach the condition to the licence. (Note: Since the condition had been agreed, it had become understood that the external area to the front of the premises was not presently available for the applicant to use. Nevertheless, the panel attached the agreed condition in case that position changed.)

The issues and concerns raised by the interested parties mainly centered around the potential for an increase in noise and disturbance, within the vicinity of the premises. As such, the prevention of public nuisance licensing objective was engaged.

Matters raised by interested parties included objection to the change of use of the premises from a bakery; increased noise disturbance for longer hours into the early evening especially by use of the outside area; impact on the human rights of residents above the premises and differences between an earlier application and this application.

Having heard the submissions from all parties present the Panel retired to consider their decision.

The panel took into account that: (1) the desirability of preserving the existing use of the premises was not a matter for within the remit of licensing ; (2) consumption of alcohol was not a licensable activity; (3) the Human Rights Act 1998 was not engaged by the application; and (4) a previous application had been withdrawn and did not form part of matters for consideration by the panel.

The panel also noted that the area that would be predominately used for patrons was situated within the building at the front of the premises, that the terminal hours applied for were early in comparison to typical licenced premises and that the licensable activities applied for on the application did not include live or recorded music.

Having regard to the submissions, both written and oral, the Panel thought that the objective of the prevention of public nuisance licensing objective was engaged and that promoting that objective would require that the premises should cease to sell or supply alcohol on Sundays earlier than the time set out in the application. Accordingly, to reduce the likelihood for disturbance, the hours for the supply or sale of alcohol would end at 21:00 hours on a Sunday.

The Panel were therefore satisfied that it would be appropriate for the promotion of the licensing objectives to grant the licence with the addition of the condition agreed between the applicant and the Environmental Protection authority and to the amendment to operating hours on a Sunday.

The Panel's decision was therefore as follows:

To grant the new premises licence at 32 Woodlands Road, Ansdell subject to the mandatory conditions, conditions reflecting the operating schedule and the inclusion of the additional conditions as below.

1. All seating shall be removed from external areas by 22:00 for use by customers.
2. No alcohol to be sold or supplied later than 21:00 on Sundays, save that on a Sunday preceding a bank holiday Monday, alcohol may be supplied or sold for an additional 30 minutes.

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