

Licensing Sub-Committee

26 October 2018

Present: Councillors D Drummond, Janet Hunter and John Hunter.

LSQ20/10/18 Appointment of Chair

Resolved that Councillor D Drummond be appointed Chair for this meeting.

LSQ21/10/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

LSQ22/10/18 Application for the transfer of the Premises Licence in respect of Gills Off Licence, 55/57 West Percy Street, North Shields (Riverside Ward)

The Sub-committee met to consider an application for the transfer of the Premises Licence in respect of Gills Off Licence, 55/57 West Percy Street, North Shields from Mrs M K Gill to Mr J S Gill.

The Chief Officer of Police had submitted a notice under Section 44 of the Licensing Act 2003 stating that he was satisfied that exceptional circumstances applied to the application and that granting the licence would undermine the licensing objective in relation to crime prevention.

Following introductions, the Sub-committee's legal advisor set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the Notice received from the Chief Officer of Police and the options available to the Sub-committee.

Mr Gill, the applicant, was present and accompanied by Ms Grewal. The Chief Officer of Police was represented by Mr Kirkpatrick and he was accompanied by Mr Hedley, Trading Standards Officer.

Ms Grewal on behalf of Mr Gill addressed the Sub-committee in relation to the application.

Members of the Sub-committee and other parties asked several questions which were responded to by Ms Grewal and Mr Gill.

Mr Kirkpatrick addressed the Sub-committee in relation to the Police objection to the transfer of the licence. He called Mr Hedley from Trading Standards as a witness.

Members of the Sub-committee and other parties asked questions Mr Kirkpatrick and Mr Hedley which were responded to appropriately.

All parties were given the opportunity of summing up their respective submissions.

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

Resolved that (1) the application for the transfer of the Premises Licence in relation to Gills Off Licence, 55/57 West Percy Street, North Shields to Mr J S Gill be rejected.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. A previous Licensing Sub-committee had resolved to revoke the Premises Licence on the grounds that the licensing objectives in relation to the protection of children from harm and the prevention of crime and disorder had not been promoted at the Premises.
2. The Premises are a small family run off licence which had been identified as possibly selling smuggled or counterfeit tobacco. The Premises had therefore been visited with a detection dog and a number of packets of smuggled tobacco had been found stored on the Premises.
3. Changing the Premises Licence Holder would not bring about sufficient change in the operation of the premises such that the Sub-committee could be satisfied that the licensing objectives would be promoted.