

HAMBLETON DISTRICT COUNCIL

Report To: Licensing Hearings Panel
2 September 2013

From: Director of Leisure and Health

Subject: **APPLICATION TO VARY PREMISES LICENCE – 33 WEST GREEN,
STOKESLEY, TS9 5BL**

Stokesley Ward

1.0 SUMMARY

1.1 This report asks the Panel to consider an application to vary the premises licence in respect of the premises situated at 33 West Green, Stokesley, TS9 5BL.

1.2 The current licence permits the sale by retail of alcohol for consumption off the premises between the hours of 9am and 11pm every day. The licence is attached as Annex 1.

2.0 PROCEDURE

2.1 The procedure for premises licence hearings is available in the background papers.

3.0 THE APPLICATION TO VARY THE PREMISES LICENCE

3.1 The application was received by the Licensing Team on 17th July 2013 and is attached as Annex 2. The application seeks to permit the sale by retail of alcohol for consumption on the premises between the hours of 11am and 8pm on Monday to Saturday and between the hours of 12pm and 4pm on Sunday. A new premises plan has also been submitted along with the application form.

3.2 The application was forwarded to the statutory responsible authorities and the three District Councillors for the Stokesley Ward.

4.0 PROMOTION OF LICENSING OBJECTIVES

4.1 The four licensing objectives set out in the Licensing Act 2003 are:-

- 4.1.1 the prevention of crime and disorder;
- 4.1.2 public safety;
- 4.1.3 the prevention of public nuisance;
- 4.1.4 the protection of children from harm.

4.2 The Panel must carry out its functions with a view to promoting the licensing objectives.

5.0 POLICY CONSIDERATIONS

5.1 In carrying out its licensing functions, the Panel is required to have regard to its Licensing Statement and any guidance issued by the Secretary of State.

5.2 The parts of the Council's Statement of Licensing Policy applicable to this application are attached as Annex 3.

5.3 Attached as Annex 4 is Chapter 9 of the Home Office's Guidance issued under section 182 of the Licensing Act 2003, to which advice the Panel must have regard.

6.0 THE REPRESENTATIONS

6.1 Representations have been received from the following individuals (attached as Annexes 5 to 15):

- 6.1.1 Councillor Andy Wake
- 6.1.2 Isobel Dolan
- 6.1.3 Philip Ryan
- 6.1.4 Lynn Southern
- 6.1.5 Richard Southern
- 6.1.6 Denis McArthur
- 6.1.7 David M Smallwood
- 6.1.8 Frank Robinson
- 6.1.9 Elizabeth Noon
- 6.1.10 Steve Irvine
- 6.1.11 Name withheld by request

6.2 In general the representations refer to anti-social behaviour, littering, criminal damage and underage drinking.

6.3 Some of the representations make reference to the planning permission in respect of the premises, which includes a condition prohibiting the sale of alcohol. According to the Home Office Guidance issued under section 182 of the Licensing Act 2003, planning permission and the licensing regime should be properly separated and applicants must comply with all existing permissions. *“Premises operating in breach of their planning permission would be liable to prosecution under planning law”* but *“licensing committees are not bound by decisions made by a planning committee, and vice versa”*.

6.4 The premises situated at 33 West Green, Stokesley is already the subject of a premises licence authorising the sale of alcohol for consumption off the premises. However, any actual sale of alcohol would constitute a breach of planning law. This will remain the case unless, and until, the planning permission allows it.

6.5 For representations to be relevant, they must relate to the licensing objectives and should be confined to the subject matter of the variation (i.e. to the layout of the premises or to the inclusion of alcohol sales for consumption on the premises).

7.0 DETERMINATION BY THE PANEL

7.1 The Panel must have regard to any relevant representations and take any of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

7.1.1 to grant the application (with or without modifying the conditions of the licence); or

7.1.2 to reject the application.

DAVE GOODWIN

Background papers: Procedure for Premises Licence Hearings
Author ref: SF
Contact: Simon Fisher
Licensing Officer
Direct Line No: (01748) 827159

HAMBLETON DISTRICT COUNCIL

Licensing Act 2003

Premises Licence

Premises Licence Number

09_PREM_00455

Part 1 Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Postcode

The Wine Box
33 West Green
Stokesley
Middlesbrough
TS9 5BE

Telephone Number

Where the licence is time limited the dates

-

Licensable activities authorised by the licence

M. Supply of alcohol

Times the licence authorises the carrying out of licensable activities

M. Supply of alcohol

Every Day

09:00 - 23:00

The opening hours of the premises

Every Day

09:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol may be supplied for consumption off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Miss Claire Foster & Mr Steven James Hill
38 Elmwood
Coulby Newham
Middlesbrough
TS8 0SR
Telephone Number 01642 2977892

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Claire Louise Foster
38 Elmwood
Coulby Newham
Middlesbrough
TS8 0SR

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence number: MBRO/PL0637/58722 Licensing Authority: Middlesbrough Borough Council

Annex 1 - Mandatory conditions

- 1 Every supply of alcohol under the Premises Licence shall be made or authorised by a person who holds a Personal Licence.
- 2 No supply of alcohol shall be made under the Premises Licence:-
 - (a) at any time when there is no designated Premises Supervisor in respect of the Premises Licence; or
 - (b) at any time when the designated Premises Supervisor does not hold a Personal Licence or his / her Personal Licence is suspended.

Annex 2 - Conditions consistent with the Operating Schedule

Pool Conditions

- 1 Signs indicating the normal hours at which licensable activities are permitted or the restrictions on the admission of children to the premises shall be displayed on or immediately outside the premises in a conspicuous position.
- 2 No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed, sold or supplied in any place of entertainment which is likely to be injurious to morality or to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, or which contains any offensive representation of a living person.
- 3 No person shall be refused admission to the premises on the grounds of age (unless an age-related event), sex, (unless a single-sex event), sexual orientation, disability, race, colour, religion or ethnic or national origins and the Licensee shall comply and ensure his/her staff/attendants comply with all race relations, equal opportunities and anti-discrimination legislation.
- 4 A system of text/pagers or similar devices connecting Premises Licence holders, designated Premises Supervisors and managers of premises to the local Police approved in writing by the Licensing Authority shall be provided, enabling rapid response by the Police to situations of disorder which may be endangering the customers and staff on the Premises.

The system shall provide that:-

- * the text/pager equipment is kept in working order at all times;
 - * the pager link be activated, made available to and monitored by the designated Premises Supervisor or a responsible member of staff at all times when the premises are open to the public;
 - * any Police instructions/directions are complied with whenever given;
 - * all instances of crime and disorder are reported via text/pager link to an agreed Police contact point.
- 5 A scheme for the installation and use of a CCTV system shall be submitted to and approved in writing by the Licensing Authority before the Premises are used for Licensable Activities (the Approved Scheme). The Approved Scheme shall be installed and operated at all times when Licensable Activities are taking place on the Premises. The scheme should specify the location of cameras, provide for them to be maintained in working order and for the retention of recordings for an appropriate period of time.
 - 6 The Licensee shall operate a scheme approved in writing by the Licensing Authority requiring the (proof of age) before sales of alcohol are made.
 - 7 The Licensee shall display crime prevention notices if required by the Licensing Authority or the Police.
 - 8 Exit doors should normally be constructed and maintained as to open outwards. If fastened during the time the public are in the Premises they shall be secured by automatic bolts only and shall be clearly indicated with the words "PUSH BAR TO OPEN". If automatic bolts are not fitted all exit doors shall be kept unlocked and unbolted during the presence of the public on the Premises.

All exit doors which cannot be made to open outwards shall be kept fastened open during the presence of the public on the Premises. "Exit doors" include entrance doors and all doors for use by the public as exits and all doors and gates in external courts, yards and passageways.

All fire-resisting doors and smoke-stop doors shall be maintained as self-closing and shall not be kept secured open.

- 9 All exits and exit routes shall be clearly indicated by notices and kept free from obstruction at all times. The emergency exit signs must be supplemented by a pictogram of a figure moving through a doorway in accordance with Health and Safety (Safety Signs and Signals) Regulations 1996.
- 10 All scenery, decorations, borders, drapery, gauze-clothes, curtains and similar hangings on or about the stage shall be rendered and maintained flame-retardant. If directed by the Licensing Authority, light draperies and any material other than heavy wool in or about the Premises shall be rendered and maintained flame-retardant. Furniture and fittings, and the décor and fabric of the building shall have the necessary fire-retardant qualities in accordance with current standards.
- 11 Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.
- 12 The Licensee shall ensure that an efficient fire routine and evacuation procedure is in force for the Premises, and all staff/attendants are aware of the procedure. A Fire Log Book shall be kept on the Premises in which details of the inspection of all exit routes, fire drills, testing of fire alarms, fire fighting equipment and emergency lighting shall be recorded.
- 13 Every heating appliance and flue pipe shall be situated sufficiently far from any woodwork, hangings or other materials or substance liable to catch fire for there to be no likelihood of fire by reason of their proximity to the heating.
- 14 Adequate apparatus for use in extinguishing fires must be kept and situated in such a position as to be readily accessible in case of fire and maintained at all times in efficient working order to the satisfaction of the North Yorkshire Fire and Rescue Service. The Licensee shall ensure that the attendants know how to operate the fire appliances and are capable of operating them. The appliances shall be tested at least annually to the satisfaction of the Licensing Authority and the Fire Authority, details of tests to be recorded in the Fire Log Book.
- 15 Where fitted, any fire alarm system shall be maintained in efficient working order and shall be tested or examined whenever so required by the Licensing Authority. In addition, it shall be tested weekly using a different call point for each successive test to ensure that it operates satisfactorily. The results of such tests shall be recorded in the Fire Log Book.
- 16 The North Yorkshire Fire and Rescue Service shall be notified immediately of any outbreak of fire, however slight, on the Premises and details recorded in the Fire Log Book.
- 17 Clear conspicuous notices detailing the action to be taken in case of fire, the method of calling the Fire and Rescue Service and the location of the nearest telephone shall be displayed in a prominent position in the Premises and protected from damage and deterioration
- 18 Access for emergency vehicles shall be kept clear and free from obstruction.
- 19 The Licensee shall comply with any reasonable fire preventative and safety measure that may be required by the Fire Officer or authorised Officer of the Licensing Authority.
- 20 The Licensee shall ensure that adequate first aid provision is available in the Premises.
- 21 In all parts of the Premises to which the public are admitted a means of illumination shall be provided capable of illuminating those parts clearly. A system of secondary or emergency lighting approved in writing by the North Yorkshire Fire and Rescue Service shall be used to illuminate all those parts of the Premises considered necessary by the North Yorkshire Fire and Rescue Service and authorised Officer of the Licensing Authority. The secondary or emergency lighting shall be kept on at all times when the public are present unless it is so arranged that in the event of power failure it illuminates automatically from a separate power source.
- 22 Fire safety signs shall remain adequately illuminated at all times when the public are present.

- 23 In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements shall be in place to ensure that the public, members or guests leave the Premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the Premises is one hour.
- 24 Electric installations shall be carried out in accordance with the Institution of Electrical Engineers Wiring Regulations current at the date of issue of the License; and with any modifications and/or amendments of those said Regulations (the Electrical Regulations) and all socket outlets serving the Premises shall be protected by residual current devices (circuit breakers). All wiring, fittings and appliances shall be so constructed, fixed and maintained as to be at all times in a safe and efficient condition and any alterations thereto required by the Licensing Authority shall be carried out within the time specified by the Licensing Authority.
- 25 A certificate by a qualified electrical engineer in accordance with the Electrical Regulations as to the safe and efficient condition of all electric wiring, fittings and appliances shall be provided to the Licensing Authority every five years and at such other times as the Licensing Authority directs.
- 26 All ceilings in those parts of the Premises to which the public are admitted shall be inspected at least once in every five years and at such other times as the Licensing Authority shall direct, by a competent person appointed by the Licensee and a certificate concerning the conditions of the ceilings shall, after each inspection, be forwarded to the Licensing Authority by the Licensee.
- 27 Admission to the Premises shall be given at all reasonable times to the Police, authorised Officers of the Fire Authority and to any authorised Officers of the Licensing Authority.
- 28 The Licensee, or some responsible adult person nominated by him/her for the purpose, (the Licensee) shall be in charge of and in attendance at the Premises and shall take all reasonable precautions for the safety of all persons during any licensable activity.
- 29 No refuse, including bottles, shall be placed into receptacles outside the Premises during the hours of 11.00pm until 7.00am.
- 30 Waste receptacles for the use of the public shall be provided outside the Premises in positions approved by the Licensing Authority. The receptacles shall be emptied regularly and maintained properly.

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex - 4 Plans

As attached

To: Licensing Team, Hambleton District Council, Civic Centre, Stone Cross, Northallerton DL6 2UU

HAMBLETON DISTRICT COUNCIL

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/~~We~~ ASHMA ABOU RAB
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	<u>B9 - PREM - 00485</u>
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<u>33 WEST GREEN</u>			
Post town	<u>STOKESLEY</u>	Postcode	<u>TS9 5BL</u>
Telephone number at premises (if any)	<u>01642 713474</u>		
Non-domestic rateable value of premises	<u>£ 12,200</u>		

Part 2 – Applicant details

Daytime contact telephone number		0(642) 713 474 / 07817701058	
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

GROUND FLOOR DELI / COFFEE
SHOP. I WOULD LIKE LICENCE TO CONSUME
ALCOHOL, WHILE CUSTOMERS ARE ENJOYING
THEIR MEALS BETWEEN 11-8 PM, THATS
WHEN MY PLANNING IS FOR I HAVE
34 SEATED AREA CAN BE UP TO 50

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here (please read guidance note 3)</u>	
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11 AM	8 PM	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	11 AM	8 PM			
Wed	11 AM	8 PM			
Thur	11 AM	8 PM		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	11 AM	8 PM			
Sat	11 AM	8 PM			
Sun	12 AM	4 PM			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	8.30	8pm	<p>ALCOHOL WILL BE SERVED BETWEEN 11am - 8pm FOOD WILL BE SERVED BETWEEN 8.30am - 8pm</p>
Tue	8.30	8pm	
Wed	8.30	8pm	
Thur	8.30	8pm	
Fri	8.30	8pm	
Sat	8.30	8pm	
Sun	10am	4pm	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)	
<p>8-30 - 8pm FOR FOOD & COFFEE</p>	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

IT HAS A PREMISES LICENCE TO SELL ALCOHOL OFF THE PREMISES, I WOULD LIKE TO VARY THIS SO CUSTOMERS CAN CONSUME IT ON THE PREMISES. TO HAVE A CHOICE WHILE THERE ARE EATING, I HAVE RUN A SUCCESSFUL PUBLIC HOUSE IN STOKESLEY IN THE PAST. I WOULDNT WANT TO WORK NO LATER THEN 8PM

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick as appropriate



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

CANT FIND THE PREVIOUS
TENNANT

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

I AM A PREVIOUS SUCCESSFUL LANDLADY AND NEVER HAD TROUBLE IN THE PUBLIC HOUSE THAT I RAN FOR 13 YEARS IN STOKESLEY. IT'S MY COFFEE & DELI SHOP AND WOULD LIKE TO SELL ALCOHOL BETWEEN 11AM-8PM FOR MY CUSTOMERS TO HAVE WITH THEIR MEALS

b) The prevention of crime and disorder

I RAN A SUCCESSFUL PUBLIC HOUSE IN STOKESLEY FOR 13 YEARS WITHOUT ANY TROUBLE, WHICH I WAS TOLD IF I RAN THE REST OF THE PUBS THE TOWN WOULD BE A BETTER PLACE THAN THAT OF THE LOCAL AUTHORITY AND LICENCE OFFICER

c) Public safety

I WILL ONLY BE SELLING ALCOHOL TO CONSUME IT ON MY PREMISES FOR THE CUSTOMERS TO CONSUME IT WITH THEIR MEALS BETWEEN 11AM-8PM THATS ALL THERE WILL BE NO TROUBLE AS IT'S NOT PAST 8PM WILL NOT ALLOW IT

d) The prevention of public nuisance

THEY ARE ALL OLDER CUSTOMERS THAT COME IN MY PREMISES, SO THERE WILL BE NO NUISANCE WHERE IM CONCERNED, AND WILL NOT ALLOW IT AS IT'S A NICE FAMILY BUSINESS

e) The protection of children from harm

WILL NOT NEED ANY PROTECTION AS I WILL BE HERE AT ALL TIMES THERE WILL BE NO DRUNKEN CUSTOMERS ON MY PREMISES, AGAIN THEY ARE ALL OLDER CUSTOMERS AND FAMILYS HAVE A DRINK WITH THE MEALS

Checklist:

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

Please tick to indicate agreement

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>[Handwritten Signature]</i>
Date	10/7/13
Capacity	50 / SEATCO 34

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

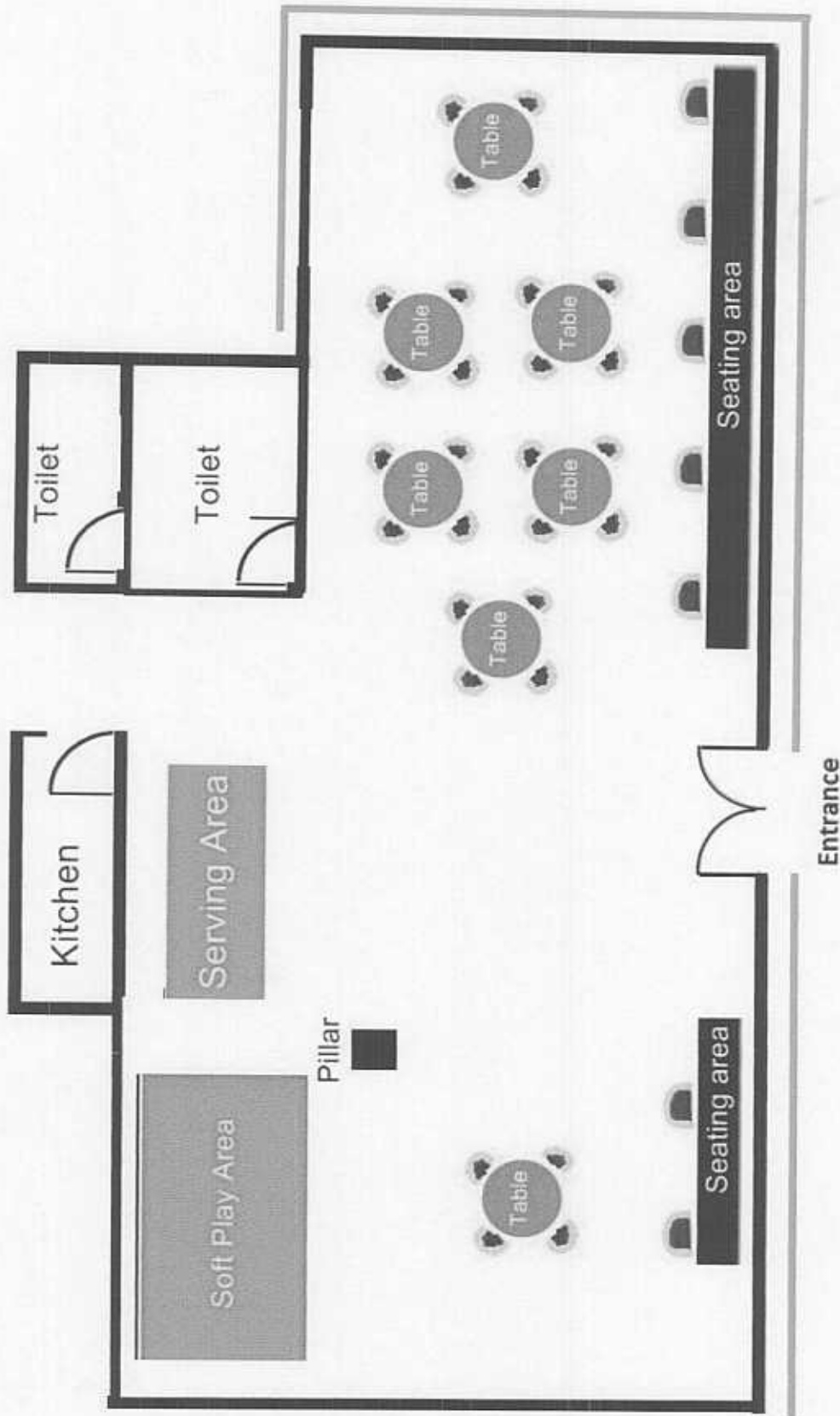
Post town			Post code
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

A copy of the application must be submitted to all Responsible Authorities listed in the guidance.



Floor plan for Coffee shop/Deli

- the power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

2.5 Requirements for advertising applications for the grant, variation or review of premises licences or club premises certificates are set out in legislation. This includes the applicant's statutory requirements of publishing a notice in a local newspaper and displaying a brief summary of the application on or outside the premises concerned. In addition, the Licensing Authority will place a notice on the Council's website outlining details of the application as set out in legislation. The summary will set out matters such as the proposed licensable activities and the proposed hours of opening and will be displayed for the period during which representations may be made, together with information about where the details of the application may be viewed.

3.0 PREVENTING CRIME AND DISORDER

3.1 The Council will ensure that adequate measures are taken by licensees to reduce the risk of crime and disorder. The appropriate measures will depend on the type, size and location of premises and the activities to be carried out. However, the following are examples of issues that will be considered:-

- effective methods of communication between licensees and the Police (e.g., radio, paper, ringround, ringmaster);
- membership of a Pubwatch or similar scheme and active participation in that scheme;
- use of CCTV systems where appropriate;
- appropriate policies and practices relating to avoidance of underage drinking (e.g., use of ID schemes, referral logs, signage, etc);
- appropriate drugs policies and practices;
- glass and bottle policies and practices (e.g., introducing toughened drinking glasses, prohibiting the taking of glasses from the premises);
- effective control of the premises and record keeping (e.g., trained and registered door staff if appropriate, incident logs, training of staff);
- transport liaison arrangements (e.g., readily available information on access to taxis, public transport, etc).

4.0 FIRE SAFETY:

4.1 The Fire Authority has regulatory powers under the Regulatory Reform (Fire Safety) Order 2005 to enforce and control fire safety matters in licensed premises. The Council will not seek to duplicate these powers.

4.2 However, preventing the crime of arson relates to the Licensing Objectives. Consequently the Council will seek to ensure that adequate measures are taken by licensees to reduce the risk and opportunity for deliberate fire setting. This might be to ensure that the security arrangements of the premises reduce the risk that a fire might be started deliberately by actively controlling access to non-public and external areas. It may also include measures to ensure that the accumulation of and access to waste materials is controlled.

5.0 OTHER PUBLIC SAFETY MATTERS:

- 5.1 The Council will ensure that adequate measures are taken by licensees to reduce the risk to public safety. This may include provisions for restrictions on the number of persons who can attend a premises or part of a premises or a specific entertainment at any one time. It might also include a requirement to carry out or have evidence of certain safety inspections such as those relating to electrical or gas appliances or structural matters.

6.0 PREVENTING PUBLIC NUISANCE:

- 6.1 The Council will ensure that adequate measures are taken by licensees to reduce the risk of public nuisance. In particular, it will look at measures to limit noise nuisance, both from the premises and from customers entering and leaving the premises. Methods of control might include restrictions on hours, particularly late at night, noise limiters on musical equipment and sound insulation of buildings, plant and equipment.
- 6.2 The Council will also expect licensees to adopt measures to avoid problems caused by customers spilling out of premises because they have reached capacity or for other reasons.
- 6.3 The Council will ensure that adequate measures are taken to deal with litter problems created by a licensable use in the immediate vicinity of the premises.

7.0 CHILDREN:

- 7.1 Subject to the licensee's discretion and any conditions included in a Premises Licence or Club Premises Certificate, the 2003 Act does not prohibit children having free access to licensed premises of all kinds, including those selling alcohol for consumption on those premises. The Council recognises the great variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafés, take-aways and fast food outlets as well as public houses and nightclubs.
- 7.2 The Council will not limit the access of children to such premises unless it is necessary for the prevention of harm to children. General rules on access of children will be avoided. The individual merits of each application will be considered.
- 7.3 The Council will in particular take account of the following situations in respect of premises:-
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided;
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

- 7.4 There are a number of options available for limiting the access of children where that is necessary for the prevention of harm to children. The options include:-
- limitations on the parts of premises to which children can have access;
 - limitations on the hours when children may be present;
 - age limitations (below 18);
 - limitations or exclusions when certain activities are taking place;
 - requirements for accompanying adult;
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 7.5 The Council will not impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licensee or club.
- 7.6 In the case of premises giving film exhibitions, the Licensing Authority expects licensees to impose conditions that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Local Authority itself. The Council does not intend to adopt its own system of classification.
- 7.7 There should be at least one member of adult staff at places of public entertainment to control the access and egress of children and to assure their safety.
- 7.8 The Council commends to all licensees in sale and supply of alcohol the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
- 7.9 The Council recognises the North Yorkshire Area Child Protection Committee as the “responsible authority” in respect of children’s issues. This will therefore be the body to which copies of applications are sent.

8.0 CUMULATIVE IMPACT:

- 8.1 It is possible that the impact on surrounding areas of the behaviour of customers taken together is greater in these cases than the usual impact from customers of individual premises. In these circumstances the Council may receive representations from a responsible authority or others that the cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves. This might be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. This might lead the Council in turn to consider the question of whether the grant of any further Premises Licences or Club Premises Certificate would undermine one of the licensing objectives. In these circumstances the cumulative impact will be addressed in the context of the individual merits of any application.

9. Determining applications

GENERAL

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

WHERE NO REPRESENTATIONS ARE MADE

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions.

WHERE REPRESENTATIONS ARE MADE

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause

or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

THE ROLE OF RESPONSIBLE AUTHORITIES

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

REPRESENTATIONS FROM THE POLICE

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area.⁴ The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be

⁴ Elections for Police and Crime Commissioners (PCCs) in all police force areas in England and Wales (except in London, where the Mayor of London has taken on the powers of a PCC in relation to the Metropolitan Police) will take place on 15th November 2012. Once appointed, PCCs will be expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police will remain the named responsible authority under the 2003 Act.

able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

LICENSING AUTHORITIES ACTING AS RESPONSIBLE AUTHORITIES

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.
- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.

- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 For smaller licensing authorities, where such a separation of responsibilities is more difficult, the licensing authority may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

HEALTH BODIES ACTING AS RESPONSIBLE AUTHORITIES

- 9.20 Where a Primary Care Trust (PCT)⁵ or Local Health Board (LHB) (in Wales) acts as a responsible authority, they should have sufficient knowledge of the licensing policy and health issues in order to be able to fulfil this function. If they wish to make representations, the PCT or LHB will need to decide how best to gather and coordinate evidence from other bodies exercising health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information would be relevant to the public safety objective and in some cases the crime and disorder objective. In making representations, PCTs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

⁵ When relevant provisions in the new Health and Social Care Act 2012 are brought into force, PCTs will be replaced as responsible authorities by the primary health function of local authorities.

DISCLOSURE OF PERSONAL DETAILS OF PERSONS MAKING REPRESENTATIONS

- 9.22 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.23 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.24 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.25 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.26 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

HEARINGS

- 9.27 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission

of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

- 9.31 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.32 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.35 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.
- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities in the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

- 9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

DETERMINING ACTIONS THAT ARE APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

CONSIDERING CASES WHERE LICENSING AND PLANNING APPLICATIONS ARE MADE SIMULTANEOUSLY

- 9.41 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

Geoff Pinkney_Licensing

From: Cllr Andy Wake
Sent: 18 July 2013 18:24
To: Geoff Pinkney_Licensing
Subject: RE: Variation of Premise Licence - West Green Deli

Good Afternoon,

I would like to make my objections known to the variation of licence to this premise.

When the previous occupant had this premise, there was increased ASB in the immediate area because of off-sales in the Wine Box, and i believe that, even with assurance of the new owner, ASB and under-age drinking will increase if this licence is granted.

I do not agree that this premise should be allowed any sort of licence pertaining to the sale of alcohol, and i will object to this application.

If you would like to discuss this matter, please call me on 078877691882.

Regards,

Andy

From: Geoff Pinkney_Licensing
Sent: 18 July 2013 14:59
To: Trading Standards; Building Control; Children; Susan Bolland; Fire; Hazell Robson; Police; Public Health
Cc: Cllr Bryn Griffiths; Cllr Jackie Griffiths; Cllr Andy Wake; licensingteam
Subject: Variation of Premise Licence - West Green Deli

Good Afternoon,

An application has been submitted by Ashma Abdulrob to vary the premise licence for West Green Deli (previously known as Wine Box), 33 West Green, Stokesley. Please see attached for details.

The application was received 17.07.2013 and the last date for consultation is 14.08.2013.

Geoff Pinkney
Licensing Administration Officer
Hambleton District Council & Richmondshire District Council
Tel: 01609 767209 (direct line)
Email: licensingteam@hambleton.gov.uk
Website: www.hambleton.gov.uk



19/07/2013

Geoff Pinkney_Licensing

From: isobel dolan [REDACTED]
Sent: 24 July 2013 21:42
To: licensingteam
Subject: West Green Deli application to sell alcohol

Dear Sir/Madam

West Green Deli - Ref: 13_PREM_00647

I am writing to OBJECT to the above application for a variation in the Premises Licence at West Green Deli, 33 West Green, Stokesley, TS9 5BE to allow alcohol to be sold both on and off the premises. In May last year, 'the Wine Box' Off-Licence, at 33 West Green was vacated, presumably having suffered a long period of poor trading, towards the end of which the owner was caught by the Police selling alcohol to underage youngsters.

Residents of West Green/ West End/ Levenside have suffered years of Anti-Social Behaviour (ASB), which the Police found especially difficult to handle because of the escape route down the footpath known as Silver Street. We have, for example, endured our cars and homes being damaged, pets being targeted, gangs fighting outside our homes and fear of ASB through day and night. The ongoing situation was undoubtedly worse when the 'Wine Box' was still open. Police ASB stats for this area now show a reduction in ASB compared to last year. However, residents in this part of Stokesley do still suffer episodes of ASB and so after a long period of consultation and planning with the community and the Police, Stokesley Parish Council has just this week, on Wednesday 17th July, installed a CCTV camera system on West Green. This coincidentally, is the same date as the Licensing Variation Application was received.

It is interesting that the applicant has apparently ignored or is oblivious to, residents' concerns, the history of the area and the fact that a CCTV camera system is still deemed necessary.

Furthermore, in April this year, the applicant was granted conditional permission for 'Change of Use' to allow a Coffee Shop and Deli business to be run from 33 West Green (Ref: 13/00326/FUL). Fearful residents wrote to the Planning Dept objecting to the application. Condition 3 and Reason 3 of the Decision Notice reflects the planner rightly having taking account of residents' fears and very strongly held views.

The Change of Use Decision Notice Condition 3 states:

'No alcohol shall be offered for sale to be consumed either on or off the premises.'

Reason 3 says this is:

'To enable the Local Authority to assess the impact of any such sales in accordance with Local Development Framework Policy CP20 and the potential for an increase in anti-social behaviour arising from the sale of alcohol from the premises'

where Planning policy CP20 says account must be taken of:

'the need to reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promote safe living environments.'

I strongly object to this licence variation application seeking permission for on and off sales of alcohol from 33 West Green. Please refuse this application and help us in our determined efforts to try to make this part of Stokesley safe.

Yours sincerely
Isobel Dolan

25/07/2013

Geoff Pinkney_Licensing

From: isobel.dolan@stokesley.gov.uk
Sent: 24 July 2013 21:43
To: licensingteam
Subject: West Green Deli application to sell alcohol

Dear Sir/Madam

West Green Deli - Ref: 13_PREM_00647

I am writing to OBJECT to the above application for a variation in the Premises Licence at West Green Deli, 33 West Green, Stokesley, TS9 5BE to allow alcohol to be sold both on and off the premises. In May last year, 'the Wine Box' Off-Licence, at 33 West Green was vacated, presumably having suffered a long period of poor trading, towards the end of which the owner was caught by the Police selling alcohol to underage youngsters.

Residents of West Green/ West End/ Levenside have suffered years of Anti-Social Behaviour (ASB), which the Police found especially difficult to handle because of the escape route down the footpath known as Silver Street. We have, for example, endured our cars and homes being damaged, pets being targeted, gangs fighting outside our homes and fear of ASB through day and night. The ongoing situation was undoubtedly worse when the 'Wine Box' was still open. Police ASB stats for this area now show a reduction in ASB compared to last year. However, residents in this part of Stokesley do still suffer episodes of ASB and so after a long period of consultation and planning with the community and the Police, Stokesley Parish Council has just this week, on Wednesday 17th July, installed a CCTV camera system on West Green. This coincidentally, is the same date as the Licensing Variation Application was received.

It is interesting that the applicant has apparently ignored or is oblivious to, residents' concerns, the history of the area and the fact that a CCTV camera system is still deemed necessary.

Furthermore, in April this year, the applicant was granted conditional permission for 'Change of Use' to allow a Coffee Shop and Deli business to be run from 33 West Green (Ref: 13/00326/FUL). Fearful residents wrote to the Planning Dept objecting to the application. Condition 3 and Reason 3 of the Decision Notice reflects the planner rightly having taking account of residents' fears and very strongly held views.

The Change of Use Decision Notice Condition 3 states:

'No alcohol shall be offered for sale to be consumed either on or off the premises.'

Reason 3 says this is:

'To enable the Local Authority to assess the impact of any such sales in accordance with Local Development Framework Policy CP20 and the potential for an increase in anti-social behaviour arising from the sale of alcohol from the premises'

where Planning policy CP20 says account must be taken of:

'the need to reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promote safe living environments.'

I strongly object to this licence variation application seeking permission for on and off sales of alcohol from 33 West Green. Please refuse this application and help us in our determined efforts to try to make this part of Stokesley safe.

Yours sincerely
Philip Ryan

25/07/2013

Geoff Pinkney_Licensing

From: Lynn Southern [REDACTED]
Sent: 25 July 2013 17:22
To: licensingteam
Subject: Objection to West Green Deli - Ref: 13_PREM_00647

Dear Sir/Madam

West Green Deli - Ref: 13_PREM_00647

I am writing to OBJECT to the above application for a variation in the Premises Licence at West Green Deli, 33 West Green, Stokesley, TS9 5BE to allow alcohol to be sold both on and off the premises.

In May last year, 'the Wine Box' Off-Licence, at 33 West Green was vacated, presumably having suffered a long period of poor trading, towards the end of which the owner was caught by the Police selling alcohol to underage youngsters.

Residents of West Green/ West End/ Levenside have suffered years of Anti-Social Behaviour (ASB), which the Police found especially difficult to handle because of the escape route down the footpath known as Silver Street. We have, for example, endured our cars and homes being damaged, pets being targeted, gangs fighting and fear of ASB through day and night. The ongoing situation was undoubtedly worse when the 'Wine Box' was still open. Police statistics for this area now show a reduction in ASB compared to last year. However, residents in this part of Stokesley do still suffer episodes of ASB and so after a long period of consultation and planning with the community and the Police, Stokesley Parish Council has just this week, on Wednesday 17th July, installed a CCTV camera system on West Green. This coincidentally, is the same date as the Licensing Variation Application was received.

It is interesting that the applicant has apparently ignored or is oblivious to, residents' concerns, the history of the area and the fact that a CCTV camera system is still deemed necessary.

Furthermore, in April this year, the applicant was granted conditional permission for 'Change of Use' to allow a Coffee Shop and Deli business to be run from 33 West Green (Ref: 13/00326/FUL). Fearful residents wrote to the Planning Dept objecting to the application. Condition 3 and Reason 3 of the Decision Notice reflects the planner rightly having taking account of residents' fears and very strongly held views.

The Change of Use Decision Notice Condition 3 states:

'No alcohol shall be offered for sale to be consumed either on or off the premises.'

Reason 3 says this is:

'To enable the Local Authority to assess the impact of any such sales in accordance with Local Development Framework Policy CP20 and the potential for an increase in anti-social behaviour arising from the sale of alcohol from the premises'

where Planning policy CP20 says account must be taken of :

'the need to reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promote safe living environments.'

I strongly object to this licence variation application seeking permission for on and off sales of alcohol

26/07/2013

from 33 West Green. Please refuse this application and help us in our determined efforts to try to make this part of Stokesley safer.

Yours sincerely

Lynn Southern

Louise Hancock

From: Simon Fisher
Sent: 29 July 2013 09:39
To: Louise Hancock
Subject: FW: West Green Deli - Ref: 13_PREM_00647

From: Richard Southern [REDACTED]
Sent: 28 July 2013 11:44
To: Licensing Team
Subject: West Green Deli - Ref: 13_PREM_00647

4 West End
Stokesley
TS9 5BN

Dear Sir/Madam

West Green Deli - Ref: 13_PREM_00647

I am writing to OBJECT to the above application for a variation in the Premises Licence at West Green Deli, 33 West Green, Stokesley, TS9 5BE to allow alcohol to be sold both on and off the premises.

Allowing off-licence sales would change the nature of the business for which planning permission has been granted. I believe the business would quickly begin to depend on off-licence sales and so would drastically increase the likelihood of Anti-Social Behaviour (ASB) in the area. I feel that this would be a great shame as the current coffee shop and deli type business has greatly improved the look of the area even though there are occasional examples of very poor parking and we still experience some ASB.

In May last year, 'the Wine Box' Off-Licence, at 33 West Green was vacated, presumably having suffered a long period of poor trading, towards the end of which the owner was caught by the Police selling alcohol to underage youngsters.

Residents of West Green/ West End/ Levenside have suffered years of Anti-Social Behaviour, which the Police found especially difficult to handle because of the escape route down the footpath known as Silver Street. We have, for example, endured our cars and homes being damaged, pets being targeted, gangs fighting outside our homes and fear of ASB through day and night. The ongoing situation was undoubtedly worse when the 'Wine Box' was still open. Police ASB stats for this area now show a reduction in ASB compared to last year. However, residents in this part of Stokesley do still suffer episodes of ASB and so after a long period of consultation and planning with the community and the Police, Stokesley Parish Council has just this week, on Wednesday 17th July, installed a CCTV camera system on West Green. This coincidentally, is the same date as the Licensing Variation Application was received.

It is interesting that the applicant has apparently ignored or is oblivious to, residents' concerns, the history of the area and the fact that a CCTV camera system is still deemed necessary.

Furthermore, in April this year, the applicant was granted conditional permission for 'Change of Use' to allow a Coffee Shop and Deli business to be run from 33 West Green (Ref: 13/00326/FUL). Fearful residents wrote to the Planning Dept objecting to the application. Condition 3 and Reason 3 of the Decision Notice reflects the planner rightly having taking account of residents' fears and very strongly held views.

The Change of Use Decision Notice Condition 3 states:

'No alcohol shall be offered for sale to be consumed either on or off the premises.'

Reason 3 says this is:

'To enable the Local Authority to assess the impact of any such sales in accordance with Local Development Framework Policy CP20 and the potential for an increase in anti-social behaviour arising from the sale of alcohol from the premises'

where Planning policy CP20 says account must be taken of :

29/07/2013

'the need to reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promote safe living environments.'

I object to this licence variation application seeking permission for on and off sales of alcohol from 33 West Green. Please refuse this application and help us in our determined efforts to try to make this part of Stokesley safe.

Yours sincerely

Richard Southern

29/07/2013

Louise Hancock

From: Simon Fisher
Sent: 05 August 2013 10:55
To: Louise Hancock
Subject: FW: West Green Deli

From: MCARTHUR DENNIS [REDACTED]
Sent: 31 July 2013 19:19
To: Fisher, Simon
Subject: West Grreen Deli

Dear Simon

Thank you for your advice. I have no objection to a table licence but would not like to see an off licence being abused by underage drinkers as in the past. From a safety aspect I have witnessed what appeared to be young underage teenagers congregating around the off licence causing a hazard to traffic. I have seen cars double park while young people stop to purchase alcohol and then drive away.

There are plenty of outlets already in the town and I feel that due to the hazardous location, on a sharp bend with fast moving traffic,

this is just an accident waiting to happen. Hoping this fulfills the criteria to be part of the objections to this planning application. Regards Denis

Simon Fisher
Licensing Officer
Environmental Health

t: 01748 827159

e: Simon.Fisher@Richmondshire.gov.uk

w: hambleton.gov.uk | richmondshire.gov.uk

working in partnership

HAMBLETON
DISTRICT COUNCIL

RICHMONDSHIRE
DISTRICT COUNCIL

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Richmondshire District Council, Swale House, Frenchgate, Richmond, North Yorkshire, DL10 4JE.

Louise Hancock

From: Simon Fisher
Sent: 12 August 2013 13:23
To: Louise Hancock
Subject: FW: Objection to License application for the West Green Deli, Stokesley

From: David M Smallwood [REDACTED]
Sent: 11 August 2013 10:05
To: Licensing Team
Cc: bridget.robinson@hambleton.gov.uk
Subject: Objection to License application for the West Green Deli, Stokesley

I should like to object to this Variation of a Premise License under the Licensing Act 2003.

The change of use of shop to deli/coffee shop was approved on the 22nd April 2013. This was subject to certain conditions, Ref 13/00326/FUL.

Condition 2 stated that the permission was granted in complete accordance with the drawing received by Hambleton District Council on 14th February 2013 and 2nd April 2013 unless otherwise agreed in writing by the Local Planning Authority.

The layout as it now exists is significantly different from the indicative plan dated 14th February 2013. Has this been agreed by the Local Planning Authority?

Condition 3 stated that no alcohol shall be offered for sale to be consumed either on or off the premises. The reason behind this condition was stated as to allow the local authority to assess the impact of any such sales in accordance with LDFP CP20 and the potential for an increase in anti social behaviour which existed when the Retail outlet was in operation.

In an email exchange with Bridget Robinson on 2nd April 2013 the applicant states that "I won't be selling alcohol".

She also states that she ran a business in Stokesley for 13 years. I would question the accuracy of this statement. To my knowledge the applicant was employed as a barmaid at the "White Swan" public house until 2007. After the sale of the establishment she was employed by the new owner and was the Licensee. This employment terminated in March 2012.

The application is for both on and off sales. I would question allowing off sales from a cafe/deli as that is inappropriate and could return us to the situation that prevailed when it was a retail outlet. I would equally question the suitability of offering Wine etc in conjunction with a menu that offers in the main light snacks. Would the purchase of alcohol be limited to people partaking of food. It almost feels as if we are trying to create a "Wine Bar".

The applicant in her submission states that "They are all older customers that come in my premises and there will be no nuisance". Since when has age had any relevance to people over indulging and guaranteeing good behaviour. It raises the question of who the soft play area is for ?

This application feels like the thin end of the wedge around the License Application and I genuinely believe that it should be refused.

D M Smallwood

Louise Hancock

From: Simon Fisher
Sent: 12 August 2013 16:37
To: Louise Hancock
Subject: FW: West Green Deli- Ref: 13-PREM-00647

From: FrankRobinson [REDACTED]
Sent: 11 August 2013 13:39
To: Licensing Team
Subject: West Green Deli- Ref: 13-PREM-00647

Dear Sir/Madam,

In April of this year the owner of the above business was granted planning permission (planning application number 13/00326/FUL) to change the use from shop to deli/coffee shop. Permission was granted despite numerous objections from residents concerned with Anti-Social Behaviour during the period when the premises was an off-licence. During this period Anti-Social Behaviour, littering and damage to residents property was at an intolerable level. Since the closure of the off-licence Anti-Social Behaviour has reduced dramatically. This is confirmed by North Yorkshire Police statistics which show a reduction of ASB since the closure of the off-licence.

Planning permission was approved subject to several clauses. One of which was clause 3. NO ALCOHOL SHALL BE OFFERED FOR SALE TO BE CONSUMED ON OR OFF THE PREMISES. I would therefore point out that should a liquor licence be granted it would be in direct contravention of the terms set out by Hambleton District Planning Department when permission was granted for the business. What part of clause 3 is difficult to understand?

I therefore strongly object to this application.

Frank Robinson.

Louise Hancock

From: Simon Fisher
Sent: 12 August 2013 12:39
To: Louise Hancock
Subject: FW: WEST GREEN DELI- Ref: 13 PREM 00647

From: FrankRobinson [REDACTED]
Sent: 11 August 2013 15:30
To: Licensing Team
Cc: planning@hambleton.gov.uk
Subject: WEST GREEN DELI- Ref: 13 PREM 00647

Dear Sir/Madam

I object in the strongest terms to this application requesting a variation in the Premises Licence at West Green Deli to allow alcohol to be sold ON and OFF the premises.

In April this year the applicant was granted conditional permission for change of use to a Cafe/Deli by Hambleton Planning Department with the condition 'NO ALCOHOL SHALL BE OFFERED FOR SALE TO BE CONSUMED EITHER ON OR OFF THE PREMISES'

plus Planning policy CP20 says account must be taken of: THE NEED TO REDUCE THE OPPORTUNITIES FOR CRIME AND THE FEAR OF CRIME, DISORDER AND ANTI-SOCIAL BEHAVIOUR, AND PROMOTE SAFE LIVING ENVIRONMENTS.'

I must stress that many local residents were so relieved that our fears and objections had been taken into account as we have suffered many forms of ASB for years but these fears have now returned manifold as a result of the applicant apparently having total disregard to Hambleton Council's conditions.

Since the restriction of the sale of alcohol has been in force we have enjoyed relative peace in our homes which is reflected in North Yorkshire Police ASB statistics for this area. The community have worked strenuously and successfully with the Police and the Parish Council as we are determined to make Stokesley a safe place to live. Please help us to continue living without fear of alcohol related crime by refusal of this application.

Kindly acknowledge receipt of this communication.

Thank you

Elizabeth Noon
24 West Green, Stokesley.

PETITION

Proposed Sale of Alcohol at West Green Deli

An application Ref: 13_PREM_00647 has been submitted requesting variation in the Premises Licence at West Green Deli, 33 West Green, Stokesley, TS9 5BE to allow alcohol to be sold on and off the premises.

Conditional consent for 'Change of Use' to a Coffee Shop Deli (Ref13/00326/FUL) was granted by planners in April this year, taking into account residents' strongly held views about Anti Social Behaviour (ASB) in the area.

The Change of Use Decision Notice Condition 3 states:

'No alcohol shall be offered for sale to be consumed either on or off the premises.'

Reasons are given and Reason 3 says this is:

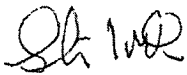
'To enable the Local Authority to assess the impact of any such sales in accordance with Local Development Framework Policy CP20 and the potential for an increase in anti-social behaviour arising from the sale of alcohol from the premises'

where Planning policy CP20 says account must be taken of

'the need to reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promote safe living environments.'

Residents of West Green/ West End/ Levenside have suffered years of antisocial behaviour which was undoubtedly worse when the Wine Box was still open. The Wine Box closed last year, and Police stats for this area, now show a reduction in ASB compared to last year. However, Silver Street/West Green/West End/Levenside still suffer ASB and so in consultation with the community and the Police, Stokesley Parish Council has only just this last week been able to install a CCTV camera on West Green to provide police with evidence and to help prevent further crime.

WE THE UNDERSIGNED OBJECT TO THIS APPLICATION AND REQUEST THAT A LICENCE TO SELL ALCOHOL AT 'WEST GREEN DELI' BE REFUSED.

Name	Address	Signature
Steve Irvine	The White Swan 1 West End, Stokesley TS9 5BL	

Louise Hancock

From: Simon Fisher
Sent: 12 August 2013 12:49
To: Louise Hancock
Subject: FW: 13_PREM_00647

From: [REDACTED]
Sent: 10 August 2013 13:58
To: Licensing Team
Subject: 13_PREM_00647

With reference to 13_PREM_00647 seeking a variation to premises licence to sell alcohol at West Green Deli, Stokesley, I would like to say I am totally for this change and cannot see it causing issues as stated in the original refusal. The Wine shop caused many issues on West Green partly due to the sale of alcohol to under 18's, there seems to be a number of residents whom think this will happen again and I'd like to say why would a Deli sell alcohol to under 18's to consume on the premises? I can only see this as a positive thing and will help the business grow.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]

Do not publish or print in anyway my name or contact details.