

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 14th July, 2008.

Present: Cllr Bill Woodhead (Chairman), Cllr Mrs Tina Large, Cllr Dick Cains

Officers: M. Vaines (DNS), J. Nertney (LD)

Also in attendance: Mr A Singh (represented by Mr Scourfield, Solicitor)

Twenty nine representations had been received along with a petition with 102 names. Thirteen of the persons who made a representation were in attendance at the meeting

Apologies:

**LSC
19/08** **Appointment of Chairman**

RESOLVED that Councillor Woodhead be appointed Chairman for this meeting only.

**LSC
20/08** **Declarations of Interest**

No interests were declared.

**LSC
21/08** **Best One, 43 Richardson Road, Stockton on Tees - Application for Grant of a Licence under the Licensing Act 2003**

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

Members of the Committee gave consideration to a report regarding an application for grant of a licence. Members noted and gave consideration to the representations that had been received from responsible authorities, namely Trading Standards and noted that Trading Standards concerns had been resolved as they had agreed conditions with the Applicant. A number of representations, twenty nine in total, had been received from persons living within the vicinity of the premises. A petition with one hundred and two names had also been received.

Mr Scourfield stated that Mr Singh had held various Justices Licences over the last 30 years and had had premises in North Ormesby, Blue Hall, Hurworth, Crook and Darlington. Mr Singh had not had any problem with Police and/or Trading Standards over the years he had run his businesses.

Mr Singh was happy to use the Challenge 21 Policy and had already been doing so at his Crook premises. Mr Scourfield confirmed that Mr Singh was well aware of Trading Standards requirements and that CCTV had already been installed at the premises covering the interior and exterior.

Mr Scourfield stated that the premises had previously held an alcohol licence under the previous licensing regime. He understood that the premise and an adjoining butchers was converted to a computer shop and that was the reason the previous alcohol licence lapsed.

Mr Scourfield stated that the application had been varied and the Applicant was happy to agree to the terminal hour for sale of alcohol be restricted to 10 p.m. (22:00 hours). The premise would be run as a general store selling newspapers and groceries and Mr Singh would like his customers to have the option of purchasing alcohol.

Mr Scourfield asked Members to note that although many of the objectors complained of anti social behaviour the Police had not made any representation on the application.

Members had regard to the representation made by Trading Standards and noted that conditions had been agreed with the Applicant and that Trading Standards had therefore withdrawn their objection.

Councillor Rix, the local Ward Councillor, was in attendance at the meeting and he indicated that he had been requested to attend on behalf of Mrs Brayshaw, one of the objectors. There were 12 other persons in attendance at the meeting who had objected to the application and they confirmed that Councillor Rix had been requested to speak on their behalf as their spokesperson.

Councillor Rix stated that the character of Mr Singh was not an issue for the objectors. However they were concerned that there would be an increase in antisocial behaviour in the area should the application be granted. Councillor Rix stated that the objectors had based their objections on each of the four licensing objectives. They were of the opinion that the sale of alcohol would bring in its wake crime and disorder. The area already suffered from drugs and alcohol related problems with gangs of youths congregating in the streets. Another shop would add to the existing problems and there were already a sufficiency of premises in the area.

There had been particular concern as there were a number of elderly residents who lived in the area.

Councillor Rix concluded by stating that if Members were minded to grant the application then the hours should be substantially reduced.

The Chairman invited any of the other objectors to add anything further they wished to the objections outlined by Councillor Rix.

Mrs Blair, a resident of Richardson Road, stated that there were already gangs of youths hanging around the phone box near to her house and she was concerned that if the shop sells alcohol then problems would be worse and there would be more antisocial behaviour.

Miss Hardy, a resident of Richardson Road, stated that she was aware that older youths get asked to go into premises and buy alcohol for younger people. She was happy to have a general dealers/grocers nearby but did not want a shop that sells alcohol.

When considering their decision Members had regard to the Statutory guidance issued under Section 182 of the Licensing Act 2003 and the Councils Licensing Policy.

Members had regard to the oral representations made to them and also considered the one hundred and two name petition that had been received and twenty nine individual representations from persons living within the vicinity of the premises.

Members noted that many of the Objectors concerns were general in nature and were concerned about what may happen rather than having any evidence that the premise would cause a problem. Many residents made reference to the fact that there were currently other licensed premises in the area but sufficiency of premises was not a valid ground for refusing an application such as this. Residents concerns were over the activities taking place at other premises. Problems at other premises could not, in the opinion of Members, be a valid ground for refusing an application. Each application had to be considered on its merits and a responsible operator should not be prejudiced by problems caused by other premises. Members wished to remind residents that if they are experiencing problems that could be linked to a specific premise then they had the option to request a review of that premise licence.

Members noted that thirteen of the persons who had made a representation were in attendance at the Committee meeting and they noted their concerns but felt that there was no evidence that the running of the premises would undermine the licensing objectives. It was noted that no representations had been received from the statutory consultees. In particular the Police had not raised any objection to the application and were therefore satisfied that the crime and disorder objective would not be undermined.

Members appreciated the concerns of residents but there was no evidence that they would experience problems if this application was granted. Members noted the efforts made by the applicant and were satisfied that it would be a well run premise and would not undermine the licensing objectives. Furthermore the Members noted that the Applicant had indicated he wished to amend his application by reducing the terminal hour to 22:00 hours. It was also noted that the hours sought were in line with other similar premises in the locality.

After giving due consideration to all of the evidence Members agreed:

* To grant the amended application for the supply of alcohol between the following hours:-

Monday to Sunday: 08:00 to 22:00

*To attach the following conditions to the licence. It was noted that conditions 1 – 5 had been agreed with the Trading Standards Section, however Members resolved to amend condition 5 slightly and attach further conditions:-

1. A 'Challenge 21' policy be implemented with all staff insisting on evidence of age from any person appearing to be under 21 years of age and who was attempting to buy alcohol or other age restricted products.
2. All staff be trained with regard to the law relating to the sale of age restricted products. Staff be re-trained at least every 3 months.

3. Training records, signed by both the staff member and the Designated Premise Supervisor/Store Manager/Business Owner be retained for future reference and be updated at least every 3 months. All staff training records be made available to enforcement agencies and/or Responsible Authorities upon request.
4. The business would maintain a refusals book to record all instances where the sale of age restricted products had been refused. This would include the date and time of the attempted sale, together with a description of the incident. The Designated Premise Supervisor/Store Manager/Business Owner would check and sign each page and the refusals book be made available to enforcement agencies and/or Responsible Authorities upon request.
5. CCTV recordings be maintained (and stored in a secure place) for a period of 30 days and be made available to enforcement agencies and/or Responsible Authorities upon request.
6. The CCTV system or equipment be maintained in operation at all times when the premise was trading and open to members of the public.
7. All alcoholic products exposed for sale be marked or labelled with the shop name and/or address.
8. There would be adequate notices displayed on the premises indicating that selling of alcohol to under age customers was not permitted and that the sale of alcohol to adults for immediate disposal to those under age was an offence.

Members of the Committee were mindful that persons who made a representation may be disappointed with the granting of this premise licence. Should there be any crime and disorder, noise related nuisance or other relevant issues in the future then these should be raised with either Cleveland Police or the Council's Environmental Health or Licensing Section. The Licensing Act 2003 provided legal routes for local residents to ask for a review of the premises licence should the premise cause problems linked to the four licensing objectives. Applications for a review would have to be supported by evidence and it was therefore in the best interests of residents to report any matters of concern linked to this premise to the appropriate authorities.

RESOLVED that:

- To grant the amended application for the supply of alcohol between the hours indicated above
- The conditions be amended and attached as detailed above.