

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 22nd September, 2008.

Present: Councillor Woodhead (Chair); Councillor Mrs Large; Councillor Lewis

Officers: C Barnes (DNS, J. Nertney (LD)

Also in attendance: Applicant: The Local, represented by Mr Eddlestone, Solicitor; (also in attendance were Mrs Dixon, Head of Licensing and Mrs Henderson, Business Protection for First Quench)

Persons living within the vicinity of premises: Ten representations had been received along with a petition. Councillor Gibson was in attendance along with a number of local residents whose interests he represented.

Apologies:

LSC 34/08 Appointment of Chairman

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

LSC 35/08 Declarations of Interest

There were no interests declared.

LSC 36/08 The Local, Unit A, 48 Durham Road, Stockton on Tees - Application for Grant of a Premise 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 Premise Licence under the Licensing Act 2003. Members noted and gave consideration to the representations that had been received. No representations had been received from any of the statutory consultees such as Cleveland Police or Environmental Health. A number of representations, ten in total, had been received from persons living within the vicinity of the premises along with a petition.

Mr Eddlestone presented the application and stated that the applicant was one of the largest retailers in the country with over 1600 stores and that it operated under a number of trading names.

It was intended that the premises would trade as an old fashioned corner shop/general dealers and would not be solely selling alcohol.

The applicant company had a high degree of security and care in the running of its operation and liaised with the Home Office on training courses. Mr Eddlestone provided the Committee with examples of the company's training materials.

Mr Eddlestone stated that they had discussed the application with Cleveland Police and the Police were satisfied that the company already had in place the

measures which the Police would request such as a 'Challenge 21' policy, CCTV, and appropriate means of identification.

Mr Eddlestone confirmed that he had read the objections and in his submission the issues raised did not have a bearing, as there was no evidence that the four licensing objectives would be undermined. Mr Eddlestone stated that he felt the objection fell into three broad categories:-

1. Concern over the hours
2. Quality of life issues i.e. public nuisance; and
3. The petition.

In response to each of these Mr Eddlestone stated the following:-

1. The applicant was happy to reduce the terminal hour to 22:00 in order to address residents concerns
2. There was no evidence or reason to suspect that public nuisance would be caused if the application was granted. Should there be any issues in future that were linked to the licensing objectives then responsible authorities and local residents would have the option of applying for a review of the premises licence.
3. The petition should be disregarded as there was nothing to indicate what questions were posed to the persons who signed it or who was responsible for collating the petition. If it had been signed by persons on principle then it should be deemed irrelevant as principle was not an issue that was covered by the guidance under the Licensing Act.

Mr Eddlestone concluded his submission by suggesting that he could see no reason to refuse a licence, as the application was consistent with the guidance available.

Questions were put to Mr Eddlestone by Members of the Committee and objectors.

Councillor Gibson was in attendance at the Committee and had been requested to speak on behalf of those persons who had submitted a relevant representation.

Councillor Gibson stated that he would question the applicants market research that there was a need for a further convenience store in the area. Councillor Gibson stated that was certainly not the case as there are approximately six other premises that sold alcohol within the locality. The demographics of the locality showed that it was a very poor area and if granted it would become a place where young people gather with a risk of under age sales.

There was concern over the parking facilities available at the premises and that nuisance would be caused to local residents by customers parking in an inconsiderate manner.

Councillor Gibson felt that the Council had a responsibility to its residents and that the application should be refused.

Mrs Robson was also in attendance and informed the Committee that she was attending on behalf of her employer who owned the physiotherapy business in

an adjacent premise. They were concerned that if the application was granted parking problems in the area would get worse and there was the possibility of cans and bottles been left outside the premises.

When considering their decision the Committee 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 the ten individual representations from persons living within the vicinity of the premises. The Committee did not attach much weight to the petition as it was clear that many of the names on it were not within the vicinity of the premises and could not claim to be effected by the licensing objectives. Furthermore it was noted that the petition did not make it clear who had collated it and on what basis persons who signed were informed of the nature of the application.

The Committee noted that most 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. The Committee were mindful that each application had to be considered on its merits and the Committee felt that a responsible operator such as this should not be prejudiced by problems that may have been caused by other premises. The Committee wished to remind residents that if they are experiencing problems that can be linked to a specific premise then they had the option to request a review of that premises licence. Furthermore the mere fact that there are other premises within the locality was not deemed to be sufficient grounds for refusing this application.

The Committee noted that several of the persons who had made a representation were in attendance at the Committee meeting and they noted their concerns but felt that at this time there was no evidence that the running of the premises would undermine the licensing objectives. It was noted that no representations had not been received from the statutory consultees. In particular Cleveland Police had not objected to the application and therefore it was reasonable for the Committee to conclude that they were satisfied that the crime and disorder objective would not be undermined.

The Committee noted that a number of the objectors concerns could be addressed by the imposition of conditions. Residents were concerned that customers of the shop may discard litter themselves or there was the potential for under age sales of alcohol. The Committee therefore felt it appropriate to impose a condition that the name of the premises and its location should be marked or labelled on the alcoholic products sold at the premise. This would allow enforcement authorities to identify which premise alcohol was selling alcoholic products that may be responsible for public nuisance and/or anti social behaviour.

The Committee appreciated the concerns of residents but there was no evidence that they would experience problems if the application was granted. The Committee 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. However it was noted that the applicant had agreed to reduce the terminal hour to 22:00 hours and the Committee were minded to agree with that suggestion which it was hoped would offer some consolation to local residents.

After giving due consideration to all of the evidence the Committee agreed to grant the application with conditions attached.

RESOLVED that:-

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

Monday to Saturday: 08:00 to 22:00
Sunday: 10:00 to 22:00

- To attach conditions to the licence which were consistent with the operating schedule, including the following:-

1. A colour digital CCTV system must be installed and maintained in good working order at all times, images must be retained for at least 31 days (and stored in a secure place). The relevant disc must be made available to enforcement agencies and/or Responsible Authorities upon request.
2. A 'Challenge 21' policy be implemented with all staff insisting on evidence of age (Photographic Driving Licence, Passport, Portman Card or Citizen Card) from any person appearing to be under 21 years of age and who was attempting to buy alcohol or other age restricted products
3. 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.
4. 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.
5. The business would maintain a refusals book to record all instances where the sale of age restricted products had been refused. This shall 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 shall be made available to enforcement agencies and/or Responsible Authorities upon request.
6. All alcoholic products covered by this licence which were exposed for sale in the premises be marked or labelled with sufficient information to allow responsible authorities to identify the premise name and its location and/or address.
7. There shall 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.

