

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Tuesday, 2nd June, 2009.

Present: Cllr Maurice Perry and Cllr Bill Woodhead.

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

Also in attendance: Applicant: Mr Azeem Sarwar (represented by Mr Baker, Solicitor); Person living within vicinity of premise - Mrs Stevenson.

Apologies: Cllr Cains.

LSC Appointment of Chairman

1/09

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

LSC Declarations of Interest

2/09

No interests were declared.

LSC Nisa Today, 11-13 Lanehouse Road, Thornaby - Application for Grant of a Premise Licence under the Licensing Act 2003

3/09

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

The Licensing Officer presented the report to Members. Consideration was given to the application as outlined in the report. Members noted and gave consideration to the four representations that had been received from persons living within the vicinity of the premise. Members noted that no representations had been received from responsible authorities.

Mr Baker (Solicitor representing the applicant) stated that Mr Naseem Sarwar (Applicant) purchased the premises in April 2009 and had spent much money in fitting the shop out. The shop would trade under the brand name Nisa Today's. Mr Sarwar had been brought up in the retail trade and had also been employed as a supervisor at the Co-Op in Great Ayton and was therefore fully aware of his legal obligations.

Mr Sarwar would operate a Challenge 21 scheme at the premise which would include staff training, signs and till prompts.

Mr Sarwar intended to reside above the shop so would be highly unlikely to do anything that would cause trouble at his home and would run the premise in an appropriate manner. The premise had always been a shop and most recently was a florist although in the past it had also been a general convenience store which sold alcohol.

Although Mr Sarwar had requested a terminal hour of 23:00 it was unlikely that he would open till that time and plans to shut the premise at 21:30.

Issues concerning parking were not relevant to this application as this was a licensing matter and potential parking issues may occur regardless of whether or not the premise sells alcohol.

Mr Baker noted that of the four objectors only one was in attendance at the meeting. Two of the objectors were brother and sister and were the children of the previous owner of the shop premise when it traded from that location a number of years ago.

Members and Mrs Stevenson were given an opportunity to ask questions of Mr Sarwar and his representative.

Four representations had been received and one of these, Mrs Stevenson, was in attendance to make her representation.

Mrs Stevenson stated that her main concern was that the premise was so close to the youth club. Although the youth club did not cause any problems at present she was concerned that a premise which supplied alcohol may lead to problems in the future. Mrs Stevenson stated that she was particularly concerned about the time between when the youth club closes and 23:00 which was the terminal hour applied for by Mr Sarwar. Mrs Stevenson also stated that she was concerned over the parking issues in the area of the premise.

In considering their decision Members were mindful that to refuse or vary the application they would need evidence to show that the licensing objectives would be undermined should the licence be granted. Members noted that some of the issues which were of concern to local residents, such as parking, were not relevant issues when considering a licensing application such as this. Members noted that most of the objections concerned fears of what may happen should the application be granted. Members were mindful of relevant case law on applications such as this and noted that a persons fears of what may happen were not sufficient grounds to refuse an application.

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.

RESOLVED that the application be granted for the supply of alcohol between 07:00 – 23:00 Monday to Sunday subject to the following conditions:-

1. A "Challenge 21" policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 21 years of age and who is attempting to buy alcohol. There shall be sufficient public notices displayed at the premise to inform customers and remind staff that the premise is operating a 'Challenge 21' policy.
2. The only acceptable evidence of age will be a valid photo identification confirming the purchaser's age, namely a passport, photo driving licence or PASS approved proof of age card such as a Validate Card, Portman Group Card or a Citizen Card.
3. All staff will be trained with regard to the law relating to the sale of alcohol

and also the operation of the 'Challenge 21' policy. Staff will receive refresher training at least every 3 months.

4. Training records, signed by both the staff member and the Designated Premise Supervisor/Store Manager/Business Owner will be retained for future reference and shall be updated at least every 3 months. All staff training records will be made available to enforcement agencies and/or Responsible Authorities upon request.

5. The business will maintain a refusals book to record all instances where the sale of age restricted products have 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 will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

6. The CCTV system or equipment will be maintained in operation at all times when the premise is trading and open to members of the public.

7. The CCTV recordings will be maintained and stored in a secure place for a period of at least 30 days and made available to enforcement authorities and/or Responsible Authorities upon request.

8. There shall be adequate notices displayed on the premise indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.

9. An automatic till generated prompt system shall be maintained at the premises to remind staff to check age and/or Identification on all sales of age restricted products

It was also noted that conditions would be attached to the licence consistent with those as set out in the Applicants operating schedule.