

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 16th August, 2010.

Present: Cllr Mrs Ann McCoy, Cllr Roy Rix and Cllr Fred Salt.

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

Also in attendance: Mrs Kaur represented by Mr Salmon of Appleby Hope and Matthews Solicitors, Mr Braney.

Apologies: None.

**LSC
25/10** **Appointment of Chair**

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

**LSC
26/10** **Declarations of Interest**

There were no interests declared.

**LSC
27/10** **6 Rimswell Parade, Rimswell Road, Stockton on Tees - Application for Grant of a Premise Licence under the Licensing Act 2003**

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

The Licensing Officer presented the report to Members. It was noted that the premises had been licensed previously and that the hours sought by the applicant were standard permitted hours for off licence premises under the previous licensing regime (i.e. prior to the Licensing Act 2003). Consideration was given to the application as outlined in the report by the Licensing Officer. Members noted and gave consideration to the representations that had been received. A representation had initially been received from Cleveland Police but this had been withdrawn following the applicant agreeing to amend their operating schedule and agreeing to a number of conditions been applied to the licence should the application be granted. A number of representations, nine in total, had been received from persons living within the vicinity of the premises.

Mr Salmon (Solicitor representing the applicant) presented the application by initially confirming that the premise was a purpose built store on a parade of shops. The premise had previously been licensed and the previous operator had gone into liquidation.

The applicant, Mrs Kaur, had owned and run other licensed premises previously and she held a personal licence. The applicant intended to run the premise as a convenience store which would be different to the previous operator who specialised in the sale of alcoholic drinks.

Following discussions with Cleveland Police the applicant had agreed to amend the operating schedule to incorporate conditions suggested by the Police. The Police had therefore withdrawn their representation and were satisfied that the licensing objectives would not be undermined.

The applicant was willing to further amend the application by reducing the hours for the supply of alcohol and for the premises been open to the public to:-

Monday to Saturday: 09:00 to 21:00
Sunday: 10:00 to 20:00

Mr Salmon confirmed that he had read the objections and in his submission the issues raised did not have a bearing, as the issue was to comply with the four objectives of licensing.

Members had regard to the nine representations which had been received, whose objections were summarised as follows:-

- The premises may increase public nuisance and anti social behaviour in the area which has dropped since the previous premise closed.
- Concern over the hours sought.
- Sufficiency of premise in the area.
- A potential increase in traffic and parking problems

Mr Braney (Local Resident) indicated that he represented a number of residents who had made a representation and stated that they were concerned over the opening of the premise but would no doubt welcome the reduction in hours offered by the applicant.

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 the 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 applicants running of the premise would cause problems which would undermine the licensing objectives. Many residents made reference to the fact that the previous premise caused problems linked to antisocial behaviour. Members noted this but could not automatically assume that this applicant would cause similar problems. The sufficiency of premises and parking issues were not relevant considerations for the Licensing Committee. Residents concerns were over activities that took place at the previous or other premises. Each application had to be considered on its merits and Members felt that a responsible operator should not be prejudiced by problems caused by other premises. Members wished to remind residents that if they were experiencing problems that could be linked to a specific premise then they had the option to request a review of that premises licence.

Members noted that none of the persons who had made a representation were in attendance at the Committee meeting although Mr Braney indicated that he had been asked to attend to represent the interests of seven of those persons. Members noted their concerns but felt that at this time there was no evidence that this application would undermine the licensing objectives. It was noted that no representations had been received from the statutory consultees. In particular the Police had withdrawn their objection to the application and were

therefore satisfied that the crime and disorder objective would not be undermined.

Members noted the concerns of residents but there is no evidence that they will experience problems if this application is granted. The Committee noted the efforts made by the applicant to address the residents concerns and on the evidence presented are satisfied that it will be a well run premise and will not undermine the licensing objectives.

RESOLVED that:-

- The application be granted for the supply of alcohol between the following hours:-

Monday to Saturday: 09:00 to 21:00

Sunday: 10:00 to 20:00

- To attach the following conditions to the licence:-

1. A digital CCTV system must be installed and maintained. The system must incorporate sufficient built in hard drive capacity to suit the number of cameras installed, while complying with Data Protection legislation. A minimum of 14 days recording is required. The system must have a minimum of a simplex multiplexing facility and be recording for 24 hours a day. The system must incorporate a means of transferring images from the hard drive to a format that can be played on any desktop computer. The digital recorder must have the facility to be password protected to prevent unauthorised access, tampering or deletion of images. There must be at all times a member of staff on duty who is trained in the use of the equipment and upon request for footage from a governing body such as Cleveland Police or any other responsible authority, be able to produce the footage within a reasonable time, e.g. 24 hours routine or less if urgently required for investigation of serious crime.

2. There shall be a CCTV camera situated externally to cover the front of the premises in order to deter any person(s) congregating in the vicinity of the shop.

3. 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 premises to inform customers and remind staff that the premise is operating a Challenge 21 policy.

4. The only acceptable evidence of age will be a valid photo identification confirming the purchasers age, namely a passport or photo licence.

5. 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.

6. 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 the Licensing Authority and/or Responsible Authorities upon request.

7. The business will maintain a refusals book to record all instances where the sale of alcohol has 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 shall be made available to the Licensing Authority and/or Responsible Authorities upon request.

8. There shall be adequate notices displayed on the premises indicating that selling 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.