

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 26th May, 2020.

Present: Cllr Paul Kirton (Chairman), Cllr Ken Dixon, Cllr Eileen Johnson,

Officers: Mandy MacKinnon (PH), Jonathan Nertney (HR,L&C), Leanne Maloney-Kelly, Peter Bell, Margaret Waggott, Sarah Whaley (MD)

Also in attendance: Applicant Mr Rabani, Sergeant Higgins & PC Westmoreland (Cleveland Police)

Apologies: None

**SLS
19/19** **Evacuation Procedure**

The Evacuation Procedure was noted

**SLS
20/19** **Declarations of Interest**

There were no declarations of interest.

**SLS
21/19** **LICENSING ACT 2003
APPLICATION FOR GRANT OF A PREMISE LICENCE
YARM LANE CONVENIENCE STORE, 53 YARM LANE,
STOCKTON-ON-TEES TS18 3DL**

Members were asked to consider an application for Grant of a Premise Licence for Yarm Lane Convenience Store, 53 Yarm Lane, Stockton on Tees, TS18 3DL.

A copy of the report and supporting documents had been provided to all persons present and to members of the Committee.

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing. It was noted that the meeting would be held as a hybrid with attendees both present in the meeting room and joining remotely. The parties identified whether they were in the room or in remote attendance at the meeting.

The Committee noted that the application was for the grant of a Premise Licence for the following-

Supply of Alcohol Off The Premises
Monday to Sunday 09.00 – 22.00

Opening Hours
Monday to Friday 06.00 – 02.00
Saturday & Sunday 24 hours

The Applicant outlined the basis of the application to the Committee and read his prepared statement, a copy of which had been circulated to all parties prior to the meeting.

The Applicant explained that he had managed the premise since 2016 and also had experience of running a premise with a licence to supply alcohol in Durham. The Applicant stated that he had no criminal convictions and fully supported the Police. He had provided assistance to the Police and had provided them with statements and CCTV from the premise when requested. The Applicant set out the steps the premise would take in its operating schedule and had also agreed further conditions with Environmental Health who had now withdrawn their representation. The premise had a CCTV system installed and would operate a Challenge 25 policy ensuring they were mindful that individuals did not attempt to or make proxy sales. The Applicant stated that when he became aware of objections raised by the Police he informed his staff that they should no longer accept contactless payments from customers in the premise.

The Applicant noted that he had amended his application to ensure that it was in line with the Councils Statement of Licensing Policy.

Sergeant Higgins was invited to ask the Applicant questions.

The Applicant confirmed that he was aware that supply of alcohol could be linked to crime and disorder however the area his premise was located already suffered from crime and disorder problems and therefore his premise could not be blamed for this as the premise did not currently supply alcohol.

The Applicant confirmed that he would consider not selling certain alcoholic products such as high strength ciders given they were attractive to street drinkers and those with alcohol issues.

The Applicant confirmed he had not been present at the premise during the time the stolen cards had been used by customers.

The Strategic Health & Wellbeing Manager (Adults) for Public Health presented their representation to the Committee and provided statistical data for the Ward which demonstrated it was ranked worst in the Borough for outlet density, hospital stays for alcohol related harm, all crime under the influence of alcohol, violent crime under the influence of alcohol, admissions wholly attributable to alcohol, admissions partially attributable to alcohol, hospital admissions for self-harm and rates of reported domestic abuse. In the opinion of Public Health the application undermined the licensing objectives.

The Applicant was invited to ask questions of the Strategic Health & Wellbeing Manager (Adults) for Public Health.

The Strategic Health & Wellbeing Manager (Adults), for Public Health stated that in the view of Public Health, an increase in the opportunity to purchase alcohol could add to the harm that had already been identified.

Sergeant Higgins on behalf of Cleveland Police presented the Polices objection and summarised the Polices concerns. The Police were concerned about the location of the premise and the ability of the Applicant to operate the premise in a challenging environment.

Statistical data taken from a 200 metre radius from the premise was presented to the Committee to demonstrate that the location of the premise was a hotspot

for alcohol related anti-social behaviour and other incidents linked to the crime and disorder objective.

PC Westmoreland provided further information to the Committee regarding the incidents identified in the statistics presented to the Committee.

The Applicant was invited to ask questions of the Cleveland Police officers.

The Members of the Committee were given an opportunity to ask questions of all parties in attendance at the meeting.

All parties present were given an opportunity to sum up their case with the Applicant given the opportunity to speak last.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, and to the oral submissions made by the Applicant and other participants at the meeting.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance Issued under Section 182 of the Licensing Act 2003 (as amended) and the Council's Licensing Policy.

The Committee noted that the premise currently operated as a convenience store, though it did not currently have a licence to supply alcohol.

The evidence presented showed that the area in which the premise was located was an area which suffered disproportionately from alcohol related crime and disorder. The evidence presented by Public Health and Cleveland Police was not challenged by the Applicant. The Applicant was of the view that his application should not be prejudiced by this fact.

The premise currently opened at 06:00 hours and closed at 02:00 hours. The Applicant had amended his application to ensure that the hours for supply of alcohol complied with the Councils Licensing Policy Statement. The hours now applied for the supply of alcohol from 09:00 hours to a terminal hour of 22:00 hours.

The Committee had asked Cleveland Police whether they had a policy of objecting to applications within the ward in which the premise was located. Sergeant Higgins on behalf of Cleveland Police had stated that there was not a blanket policy to object to applications for the supply of alcohol in that area. The Police looked at each application on its merits and in relation to the Applicant and his application they did have concerns at the number of alcohol related incidents of crime and disorder within that locality. The Police were of the view that a premise needed very strong management as it was likely to operate with very challenging customers in that area.

When reviewing the application the Police were particularly concerned that the premises had a number of incidents when stolen bank cards had been used to purchase goods using contactless payments. This meant that transactions fell just under the limit for contactless payments and meant that the PIN for the

stolen bank cards was not required. The Police felt that the staff of the premise should have been suspicious at the number of transactions being made.

Cleveland Police accepted that the Applicant had provided assistance to the Police when they were investigating the use of the stolen bank cards and CCTV from the premise had been provided in the course of those enquiries. It was noted that the Applicant had sought to address this concern by informing the Committee that he had introduced a policy at the premise instructing his staff that they must not accept contactless payments from customers using bank cards and that they must require customers to input their PIN number. The Applicant hoped that this would therefore prevent the use of stolen bank cards to make purchases. The Committee welcomed such a step but questioned why this had not been done last year after the incidents had taken place. The Applicant had confirmed that he had introduced the instruction to his staff after receiving the Polices objection to the application i.e. approximately 3-4 weeks prior to the hearing. The Committee were of the view that this policy needed a period of time to be in force in order for the Applicant to show that it was implemented properly, was effective, and that his staff were adhering to it. If that was demonstrated to be the case then that may give some comfort to the Police that the issue was taken seriously and that the Applicants management of the premise was effective in addressing crime.

The Applicant informed the Committee that he had worked in the retail sector since 2013 and took over management of this premise in 2016. The Applicants application also noted that he had been successfully managing another off licence in County Durham. The Applicant had noted in his operating schedule the steps he would take to promote the four licensing objectives.

The Committee were concerned that in making his application and knowing that objections had been received he had not produced any documentary evidence to the Committee to demonstrate how he intended to manage the premise if the licence for the supply of alcohol was granted. The Applicant had not provided any documentary evidence to demonstrate that he had an awareness of the challenges that would be faced by a premise operating in that locality. For example The Applicant had not produced any documentation to the Committee to show that he would operate a good due diligence system at the premise. The Committee would normally expect to see examples of training that would be given to his staff or examples of refusal registers etc. This was especially relevant given that the premise was going to be operating in a challenging area.

After considering all of the evidence the Committee were of the view that if the application was granted it would undermine the licensing objectives and the application was refused.

RESOLVED that the application for grant of a premise licence for Yarm Lane Convenience Store, 53 Yarm Lane, Stockton on Tees, TS18 3DL be refused for the reasons as detailed above.