

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Wednesday, 24th March, 2021.

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

Officers: Jonathan Nertney (HR,L&C), Polly Edwards, Nige Hart, Kirsty Wannop, Sarah Whaley (MD)

Also in attendance: Ward Councillor Marilyn Surtees, Applicant, Fahad Anwar

Apologies:

**SLS
15/20** **Declarations of Interest**

There were no declarations of interest.

**SLS
16/20** **Application For Grant Of A Premise Licence 7Eleven Local, 48 Durham Road, Stockton-On-Tees, TS19 0BS**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for Grant of a Premise Licence for 7Eleven Local, 48 Durham Road, Stockton on Tees, TS19 0BS.

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 this was a remote meeting and all parties were in attendance via Microsoft Teams either by video link or via the telephone. All parties confirmed that they could see and/or hear each other.

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered the above application, full details of which appeared before Members in their agenda and the background papers.

The Committee noted that the applicant had submitted his application requesting the grant of a Premise Licence to permit the following-

- Monday to Sunday – Supply of alcohol between 08:00 – 22:00
- Monday to Sunday – Hours premise are open to the public 08:00 – 22:00

The applicant informed the Committee that having considered the Council's current Statement of Licensing Policy, he wished to amend his application to bring it in line with the policy and to authorise the supply of alcohol off the premises to Monday to Sunday 9:00am to 21:00 with the premise to also be open to the public for those hours.

The applicant outlined his application to the Committee and explained that he had read all the representations made by residents. The applicant wished to reassure residents that he took his licensing responsibilities seriously and had

many years' experience of operating businesses licensed to supply alcohol in Northumberland and South Tyneside. The applicant had always operated his premises in a responsible manner and in full compliance with the requirements of the legislation.

The Committee were informed that the premises the applicant had operated had never failed a test purchase in relation to the sale of alcohol or other age restricted products.

Environmental Health and Cleveland Police had agreed an extensive list of conditions with the applicant which showed that the premises would be run in a responsible manner and would not undermine the licensing objectives.

The premise would have an extensive CCTV system and operate a Challenge 25 policy ensuring that they were mindful that individuals did not attempt to or make proxy sales.

The Committee noted that they had read all the representations that had been received and which were appended to the Officers Committee report.

Ward Councillor Marilyn Surtees addressed the Committee. Her representations were summarised as follows:

- There were already several premises in the vicinity that supplied alcohol and there was no need for another one.
- The area experienced problems with cars parking illegally and this may be exacerbated if the licence for this premise was granted.
- Youths congregated in the vicinity of the shop causing anti-social behaviour and which could be made worse if the licence was granted; and
- There were currently littering issues in the vicinity of the shop which could also be made worse if the licence was granted.

The Committee noted that representations had not been received from any of the Responsible Authorities as they had entered into constructive discussions with the applicant who had agreed to extensive conditions being placed on the licence if granted. These conditions would ensure that the premise operated in a manner which would not undermine the licensing objectives.

The Committee noted that the Police had not objected and there was therefore no statistical data available to the Committee to demonstrate that the location of the premises was a hotspot for anti-social behaviour or any other issues which may be linked to the crime and disorder objective.

The Committee also noted that Environmental Health had agreed three additional conditions to be attached to the licence if granted. These conditions sought to address and minimise any potential public nuisance relating to the operation of the premise.

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

Members had regard to the Committee papers and the oral submissions made at the meeting by all parties.

Having carefully considered those matters brought before them and in reaching their decision, 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 acknowledged that the applicant provided a detailed and comprehensive oral submission which addressed the issues raised by residents and Ward Councillors, who had submitted representations.

The Committee noted that during the consultation process, and the hearing itself, the applicant had given consideration to issues and concerns that had been raised within the representations and had sought to address those by amending his application for opening hours and the supply of alcohol between 09:00 and 21:00 hours. The applicant had also considered the licensing objectives and had agreed conditions which would ensure the licensing conditions would not be undermined.

The Committee noted that the premise was currently unoccupied. It was further noted that the applicant provided details of his experience in operating premises licensed to sell alcohol.

The Committee took into consideration the issues expressed to them by residents. The Committee were sympathetic to residents' concerns, but it was clearly the case that the applicant was not responsible for any problems or issues that currently existed in the local area. The Committee noted that the applicant had provided a comprehensive submission to them that provided reassurance that the premise would be operated responsibly.

After considering all the evidence presented the Committee resolved to grant the application, with opening hours and the supply of alcohol between 09:00 and 21:00 hours.

The Committee noted that extensive conditions had been agreed after discussion with Environmental Health and Cleveland Police, and these would be attached to the licence in order to ensure that the premise operated in a manner which would not undermine the licensing objectives.

The conditions were: -

- No vehicles should service the address in association with any business activity outside the hours of 08:00 and 21:00.
- Refuse, including bottles, shall be disposed of from the premises between the hours of 08:00 and 18:00.
- There shall be provided at the premises, containers for the storage and disposal of waste foods and other refuse from the premises. All waste associated with the business shall be placed in these containers. The containers shall be constructed, maintained, and located so that access to them

by vermin and unauthorised persons is prevented, and arrangements shall be made for the regular lawful disposal of their contents.

- The DPS and all other members of staff will ensure that no open vessels are taken off the premises by customers.
- All staff will be fully trained, and retrained on a three monthly basis, in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 25" policy. Staff will receive refresher training at least every 3 months.
- 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/Premises 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. Training records signed by both the staff member and the Designated Premises Supervisor/Premises Manager/Business Owner will be retained for future reference and shall be updated at least every three months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities upon request.
- A "Challenge 25" policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be notices displayed at all points of sale and at all entrances and exits to inform customers and remind staff that the premises are operating a "Challenge 25" policy.
- Only valid passports, UK "photo card style" driving licences, PASS approved proof-of-age cards or Ministry of Defence "Form 90" identification cards shall be accepted as proof of age.
- There will be a minimum of two 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.
- A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
- The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
- Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
- The system will record and retain footage for a minimum of 31 days.

- The system will record for 24 hours a day.
- The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- The digital recorder will be password protected to prevent unauthorised access, tampering or deletion of images.
- There will be at all times when the premise is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
- Upon receipt of a request for a copy of CCTV footage from Police, Licensing Officers or other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.
- CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the premises.
- The store will not sell single cans of regular beer/larger.
- The store will not sell cider or perry product with an ABV content above 6.5% which are below two litres on size.
- No active promotions will take place regarding cider or perry products with an ABV content above 6.5%.

Conditions would also be attached to the licence in accordance with the operating schedule as detailed in the application form.

RESOLVED that the Application for grant of a premise Licence, 7Eleven Local, 48 Durham Road, Stockton-on-Tees TS19 0BS be granted for the reasons as detailed above. In addition to the conditions detailed in the operating schedule the Committee attached additional conditions to the premises licence which were also detailed above.