

## Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Wednesday, 13th July, 2022.

**Present:** Cllr Paul Kirton (Chair) Cllr Eileen Johnson, Cllr Bill Woodhead (M.B.E)

**Officers:** John Devine, Natalie Hodgson, Rebecca Jackson, Sarah Whaley, (D o CS), Kirsty Wannop (D o A&H)

**Also in attendance:** Heron Foods representatives: Laura Baker, Property & Estates, Sarah Gingell, Area Manager, Lindsey Sharpe, Premises Manager, Applicants Legal Representative Mr Christopher Rees-Gay, Solicitor, Woods Whur.  
Ward Councillor Barbara Inman. Members of the public:- Verna Pickering, representing Roseworth Residents Group, Cherie Brewster, Denise Mason

**Apologies:** N/A

**SLS 1/22 Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS 2/22 Declarations of Interest**

There were no declarations of interest.

**SLS 3/22 Minutes from the Statutory Licensing Sub Committee meetings which were held 25th January and 8th March 2022**

RESOLVED that the minutes be signed by the Chairman.

**SLS 4/22 Licensing Act 2003 Application For Variation Of A Premise Licence Heron Foods – 11 Redhill Road, Stockton**

Members of the Statutory Licensing Sub Committee of the Councils Statutory Licensing Committee were asked to consider an application for a variation of a premise licence for Heron Foods – 11 Redhill Road, Stockton on Tees, where a number of objections had been received from local residents.

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

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

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

The Applicants legal representative Mr Rees-Gay explained to the Sub-Committee that Heron wished to amend the application in order that the start and finish times for the supply of alcohol from the premises were in line with Sunday trading rules. The Sub-Committee heard that this was due to the premises being over 280 square metres in size and was therefore limited by law

to only open for six consecutive hours between 10:00am and 6:00pm.

Mr Rees-Gay therefore confirmed to the Sub-Committee that the variation application was to increase the hours that the premises was able to supply alcohol to:

Monday to Saturday 7:00am to 10:00pm (currently 8:00am to 8:00pm)  
Sunday 10:00am to 4:00pm (no change).

Mr Rees-Gay also stressed to the Sub-Committee that as a large organisation, Heron Foods Limited, provided extensive training for its staff, who were competently and appropriately trained in relation to alcohol sales, in accordance with the Guidance Issued under Section 182 of the Licensing Act 2003.

Having understood the residents' concerns in relation to anti-social behaviour in the locality, Mr Rees-Gay explained that he and the representatives present from Heron Foods Limited had liaised with residents shortly before the hearing, those residents had been provided with the Area Manager's contact telephone number in the event of any future concerns. Representatives from Heron Foods Limited had also offered to attend future residents' group meetings with a view to assisting the local community.

Mr Rees-Gay confirmed to the Sub-Committee that none of the responsible authorities, as defined by the Licensing Act 2003, had made representations, despite being aware of this Variation Application. Mr Rees-Gay submitted that the current premises licence was appropriately conditioned to ensure the promotion of the licensing objectives.

It was also highlighted that the premises' opening hours were not a licensable activity and stated that additional opening hours had been requested by customers who would regularly wait outside the premises until it opened.

Mr Rees-Gay confirmed that the issues described within the residents' representations were not linked to the sale of alcohol from the premises, and were matters of personal responsibility under criminal law, such as vandalism and shoplifting.

In response to residents' concerns relating to bicycles within the premises, the Sub-Committee heard that the Applicant was currently liaising with Stockton-on-Tees Borough Council in order to assist local residents by proposing a bicycle rack be installed near to the premises, in order to prevent bicycles being brought into the premises.

Mr Rees-Gay summarised his main points that Heron Foods Limited provided staff with extensive training on its policies and procedures in relation to alcohol sales. No representations had been received from responsible authorities, and the licence was currently suitably conditioned to promote the licensing objectives.

Residents and Councillors were given an opportunity to ask questions of the applicant's representatives.

Members of the Sub-Committee asked questions of the applicant's

representatives.

The Sub-Committee heard from Ward Councillor Barbara Inman that her concerns centred around the youths that were attracted to the parade of shops where the premises was situated. Councillor Inman told the Sub-Committee that she hoped that issues involving youths would be addressed by the addition of CCTV cameras in the area.

Councillor Inman stated that in her view, the youths causing concerns in the vicinity of the premises were not of an age to buy alcohol. The Councillor felt, however, that there were enough premises selling alcohol in the area and that the additional hours proposed by the variation were therefore not required. The Sub-Committee read and had regard to the representations received from residents who resided in nearby properties, which included representations made on behalf of members of the residents' group.

The Sub-Committee heard from three local residents in attendance that their objections centred around anti-social behaviour, littering and shoplifting in the vicinity of the premises. Residents advised the Sub-Committee that they objected to the increase in hours for the supply of alcohol as per the variation application, as in their view this would exacerbate such matters in the vicinity of the premises.

Members of the Sub-Committee and other parties were given an opportunity to ask questions.

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

Members had regard to the Sub-Committee papers, which had been circulated prior to the hearing as well as the oral submissions made by the applicant and all parties present at the hearing.

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 Sub-Committee were of the view that they had to give weight to the fact that the relevant appropriate authorities had not made any representations in response to the variation application. The Sub-Committee were of the view that increasing the hours for which the premises could supply alcohol as requested would not undermine the licensing objectives.

The Sub-Committee were satisfied that the applicant understood its legal responsibilities and would continue to operate the premises in a responsible manner.

The Sub-Committee noted that the residents who had objected to the variation application were concerned at the potential for an increase in anti-social behaviour and littering in the local area. The Sub-Committee also noted that they must consider this application to vary the premises licence on its own

merits. The Sub-Committee were mindful that an application could not be refused based solely on residents' concerns. On balance, it appeared to the Sub-Committee that despite sympathy with the concerns expressed by the residents in relation, there was no evidence to link the issues described to the Sub-Committee to the sale of alcohol from the premises, and therefore the Sub-Committee were satisfied that the licensing objectives would not be undermined.

After considering all of the evidence and representations carefully, the Sub-Committee were of the view that the application could be granted subject to the amended hours as confirmed by the applicant.

The Sub-Committee granted the variation application as requested, with the following hours:-

Supply of alcohol

Monday to Saturday 7:00am to 10:00pm

Sunday 10:00am to 4:00pm (no change).

The Sub-Committee did not attach any additional conditions to the premises licence, which remained unchanged except for the additional hours granted for the supply of alcohol as above.

RESOLVED that the application for grant of a Variation of a Premise Licence for Heron Foods, 11 Redhill Road, Stockton on Tees, be granted for the reasons as detailed above.

**SLS  
5/22**

**Heron - Training**

The additional information was noted.

**SLS  
6/22**

**Heron - Challenge 25**

The additional information was noted.