

**LICENSING SUB-COMMITTEE A**

A meeting of the Licensing Sub-Committee A was held on 29 January 2018.

**PRESENT:** Councillors J A Walker (Chair); R Arundale and T Higgins

**ALSO IN ATTENDANCE:** On behalf of the applicant (One Stop Stores Ltd):-  
N Smith - legal representative  
S Hughes - Area Manager  
S Marklew - Licensing Manager  
N Riches - Acquisitions Manager

Making Representations:-  
Sergeant P Higgins; PC J Arbuckle - Cleveland Police  
F Helyer - Public Health  
C Holland - Legal Representative on behalf of Cleveland Police & Public Health  
Councillor P Purvis - Ward Councillor for Brambles and Thorntree Ward  
Ms Farr - Secretary Thorntree Community Council  
G Sutherland; K Dunn; J Campbell - Loxley Road residents.

**OFFICERS:** C Cunningham, J Dixon and S Wearing.

**DECLARATIONS OF INTERESTS**

There were no Declarations of Interest made by Members at this point in the meeting.

17/15 **LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE - ONE STOP, (FORMER CHURCH/COMMUNITY CENTRE), LOXLEY ROAD, THORNTREE, MIDDLESBROUGH, TS3 9HT, REF NO: OL/18/04**

**DECISION**

1. The Committee considered an application for a Premises Licence under Section 18 of the Licensing Act 2003 ("the Act") to sell alcohol off the premises in respect of premises to be known as One Stop at Loxley Road, Thorntree, Middlesbrough TS3 9HT. The Applicant is One Stop Stores Limited
2. The Committee noted that as relevant representations had been received to the Application a hearing must be held. The Committee noted under Section 18 of the Act that it must, having regard to the representations, take such steps if any as it considers appropriate for the promotion of the licensing objectives. The steps are to grant, to grant with conditions and /or modify conditions in the operating schedule, to exclude a licensable activity, to refuse the Designated Premises Supervisor or reject the application.
3. The Licensing Objectives are the promotion of the prevention of crime and disorder, public nuisance, the protection of children from harm and public safety.
4. The Committee carefully considered the Application on its own merits, it carefully considered the representations by the Applicant, the residents and the responsible authorities who made relevant representations, the Policy and Guidance.

**Decision**

5. The Committee decided to grant the Premises Licence subject to a reduction in hours it is permitted to sell alcohol to be from 10.00am until 10.00pm daily. It decided to also add conditions to the Licence as proposed by the responsible authorities and a number of additional conditions as described in the appendix to this decision. The operating schedule is modified by the deletion of the proposed text and replacing it with the conditions attached.

**Reasons**

6. The Applicant amongst other matters informed the Committee that the Application should be granted subject to the amended conditions for the hours applied for between 8.00 am and 11.00pm daily. The hours 8.00am until 11.00pm are the hours which its other stores operate in Middlesbrough. Those hours have not lead to any complaints or enforcement nor have undermined the objectives. That there is no evidence selling at 8.00am would undermine the objectives. The Applicant has a good track record within Middlesbrough of upholding the objectives. That it has robust procedures, training and checks to ensure the objectives are being upheld including test purchasing for under age sales and challenge 25 which have all been successful. That they have a strict selling policy and will not sell to youths or carry out proxy sales. That it is a convenience store serving the area with only a very small part alcohol sales. That the operation together with the conditions including the CCTV cameras all around the store will meet the requirements.

7. The Responsible Authorities agreed to the operation subject to conditions but subject to the times alcohol can be sold to be restricted to 10am until 10pm. Amongst other matters they informed the Committee the concern that was that the area was the second most deprived ward in Middlesbrough and the tenth in the County. That alcohol fuelled crime, disorder and anti social behaviour was very serious in that area. That alcohol was a factor or responsible for a very high number of hospital admissions in that area including deaths. That there were serious problem drinkers in the area. There were problems with youths drinking and that the problems generally are wide ranging from crime, anti-social behaviour, injuries being public safety, children being damaged by exposure to alcohol or domestic violence fuelled by alcohol. That availability of alcohol in this area for an additional three hours in the area would undermine the objectives.

8. The Residents informed the Committee that they would like the Application refused and no alcohol sales should be permitted. Amongst other matters their concerns were that the area suffers from serious alcohol related harms. That the park next to the store suffers from youths being drunk causing anti social behaviour and leaving their litter. That there is already crime, gangs will congregate and the nearest premises selling alcohol has to have bars on the alcohol and to protect the sellers because of the problems. The Residents said a petition had been completed, however, unfortunately the Committee nor the other parties had this so it could not be considered under the Hearings Regulations.

9. The Committee seriously considered refusing the Licence, in view of the Resident's objections and the likely impact of the availability of alcohol in an area already suffering from serious harms. The Committee was seriously concerned that such a large experienced operation, operating in a deprived area and a hotspot for alcohol fuelled harms would produce an operating schedule which did not address or explain how it would address those issues. However, it noted that the Applicant did subsequently meet with the Responsible Authorities. In light of the Applicant's responses to the resident's concerns as set out in its application and above in paragraph, and that the Police and Public Health's view was that the objectives could be met by a curtailment in the hours and conditions on the licence it decided to grant the licence subject to detailed restrictions.

10. The Committee considered it was appropriate for the hours of sale of alcohol to be restricted between the hours of 10.00am and 10.00pm. The Committee had no reasons to question the validity of the information provided by the police about the alcohol fuelled crimes in the area nor did it have any reason to question the validity of the information provided by public health.

11. The Committee was concerned that the Applicant is operating a premises which part of the offer is the sale of alcohol in an area that suffers serious alcohol fuelled crime and disorder including youths drinking and causing anti-social behaviour in the park opposite. Looking at the information on the whole problems are occurring at all times day and night. There are very serious alcohol harms in the area which have led to or are a factor in very high hospital admissions where people are either harmed by alcohol consumption itself or harmed as a result through crimes, injuries or incidents including deaths, all which engage the licensing objectives.

12. The Committee considered it was not sufficient that the Applicant has ran other premises

from 8 until 11 in other areas, this particular location is very sensitive. The area is seriously deprived, alcohol is the cause for many of the harms to the residents in the area. The other premises in the area, although the licence may differ, operate between 10 am and 10pm. Having a Premises which allows the sale from 8.00am until 11.00pm makes alcohol available in that area for an additional three hours which otherwise would not be accessible without going further afield, where alcohol harms are continuous throughout the day and night.

13. The Committee decided because of the very serious alcohol problems in the area and particular location of the store the appropriate action to promote the prevention of crime and disorder, public safety and prevention of children from harm is to restrict the sale and availability for sale of alcohol between 10.00am and 10.00pm. Although the Guidance states shops should generally be able to sell alcohol during the times the shop is open for shopping, the Committee decided there was good reason to restrict the hours as set out above. Likewise, although the policy states that activities should cease by 11.00pm in predominantly residential areas that should not apply for this application as set out above. It considered the decision is justified based on the information provided in accordance with the Guidance.

14. The Committee noted the Applicant advised that if there were issues any person can review the licence. However, the Committee considered its role was preventative, to promote the prevention of crime and disorder etc not to act only when harm has occurred. In areas where there are alcohol harms, it may be difficult to have grounds to review a particular licence because it may be difficult to trace where the person causing the harm purchased the alcohol.

15. The Committee noted the conditions that have been agreed, however has decided in view of the sensitive location it is appropriate to include additional conditions.

16. The Committee requires a personal licence holder to be at the Premises at all times. The store is relatively large, a personal licence holder has received a detailed qualification in respect of the rules and regulations relating to alcohol sales and will add an additional safeguard to ensuring the operation promotes the objectives over and above that of staff training.

17. The Committee requires that the display area of alcohol stock be limited. The Applicant confirmed that the premises is a supermarket / convenience store and alcohol is only part of the offer. To prevent the premises from becoming a full "off licence" which only sells alcohol (even on transfer) and therefore would attract a different clientele which may detrimentally impact on the area, the Committee decided that the display of alcohol must be limited to be only a percentage of the floor space of the premises which is to sell other goods.

18. No single cans of beer, lager or cider will be permitted to be sold at the Premises. In such an area where the information shows generally problems with alcohol this is a minimum to discourage youths and other problem drinkers with a lack of means from purchasing single cans.

19. In view that there is an open area around the store and to prevent litter being dropped by people outside of the area the Applicant is required to provide bins outside of the premises.

20. In view of the particular location of the store, the issues in the area and that it would be in competition with others which could result in cheap alcohol or cheap promotions being offered, the Committee would like to see a commitment from the Applicant that the advertising and pricing of products on sale will not negatively impact on the objectives.

The Chair informed the parties to the hearing of their right to appeal the decision within 21 days of receiving the notice and full details of the decision and reasons will be sent in writing to the parties within five working days.