

**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 29 JANUARY 2018**

## **APPLICATION FOR PREMISES LICENCE**

**Applicant:** One Stop Stores Limited

**Ref. No.** OL/18/04

**Premises:** One Stop (Former Church/Community Centre), Loxley Road, Thorntree, Middlesbrough, TS3 9HT

**Application received:** 7 December 2017

### **Summary of Proposed Licensable Activities:**

Sale of Alcohol (Off sales) 6.00am – 11.00pm Daily

**Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.**

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### **1. Notification to Responsible Authorities:**

The following Responsible Authorities have all received notification of the application:

Chief Constable	Planning Manager
Chief Fire Officer	Trading Standards Manager
Area Child Protection Group	Director of Public Health
Environmental Health Manager (Public Safety and Public Nuisance)	Home Office (Immigration Enforcement)

**2. Application advertised by the applicant:** Evening Gazette – 8 December 2017

### **3. Legislation**

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

#### **4. Background**

The premises formerly operated as a Church/Community Centre. Planning approval has recently been given for the premises to operate as a retail unit.

#### **5. The Representations**

On 12 December 2017, a representation was received from Brambles and Thorntree ward Councillors Geraldine and Peter Purvis, objecting to the application on the grounds of anti-social behaviour. A copy of that representation is attached at **Appendix 2**.

On 14 December 2017, a representation was received from the Thorntree Community Council, objecting to the application on the grounds of anti-social behaviour. A copy of that representation is attached at **Appendix 3**.

On 22 December 2017, a representation was received from Karen and Gerard Sutherland, residents of 6 Loxley Road, objecting to the application on the grounds of crime and anti-social behaviour. A copy of that representation is attached at **Appendix 4**.

On 3 January 2018, a representation was received from M & J Loughran, residents of 33 The Greenway, objecting to the application on the grounds of crime and anti-social behaviour. A copy of that representation is attached at **Appendix 5**.

On 3 January 2018, a representation was received from D Murray, resident of 37 The Greenway, objecting to the application on the grounds of crime and anti-social behaviour. A copy of that representation is attached at **Appendix 6**.

When considering the local residents' objections to the grant of a licence, Members are reminded that only issues concerned with the promotion of the 4 licensing objectives may be taken into account; proof of need is not a relevant consideration when determining applications for premises licences.

A plan showing the location of the premises proposed to be licensed along with the surrounding area is attached at **Appendix 7**.

On 4 January 2018, a representation was received from the Director of Public Health objecting to the application on the grounds of crime and disorder, public safety, public nuisance and the protection of children from harm. A copy of that representation is attached at **Appendix 8**.

On 4 January 2018, a representation was received from Cleveland Police raising objections to the application on the terms applied for. However, in their submission the Police stated that provided the applicant agreed to amend their application so as to reduce the hours for the sale of alcohol, and to implement certain additional conditions including in relation to CCTV and controls over sales of high strength alcohol, then the Police would withdraw their representation. A copy of that representation is attached at **Appendix 9**.

The applicant has considered the submission made by the Police and the objection raised by the Director of Public Health. Whilst they are in agreement with the majority of conditions contained within the Police representation, the applicant has not agreed to the proposed

amended hours for the sale of alcohol, nor the conditions restricting the sale of certain products over 6.5% ABV and single cans.

The officer representing the Director of Public Health has further considered their position following discussions with the applicant's legal representative. At the time of preparation of this report, negotiations between the Police, Public Health Officer and the applicant were still ongoing, and it is possible that a compromise may be reached on certain contentious matters prior to the hearing. Members will therefore be updated on developments at the hearing.

A submission has been received in support of the application from the applicant's legal representative. This includes statements of employees of One Stop Stores Limited, photographs of the existing site, details of the company's current policies and procedures and a revised schedule of proposed conditions to be included in the licence should the application be granted. A copy of that submission is attached at **Appendix 10**.

## **6. The Licensing Policy**

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder	Page 20
Public Safety	Page 25
Prevention of Public Nuisance	Page 27
Protection of Children from Harm	Page 30

And any other sections of the Policy which Members consider to be relevant.

## **7. Guidance to the Licensing Act 2003**

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at para 2.6
Prevention of Public Nuisance	Starting at para 2.14
Protection of Children from Harm	Starting at para 2.21

And any other sections of the Guidance which Members consider to be relevant.

## **8. Members' Options**

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives.
2. To refuse to specify a person in the licence as the premises supervisor.
3. To reject the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Sub-Committee to the Magistrates' Court.

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