

**LICENSING SUB-COMMITTEE A**

A meeting of the Licensing Sub-Committee A was held on 10 May 2018.

**PRESENT:** Councillors J A Walker (Chair) and Brady and T Higgins.

**DECLARATIONS OF INTERESTS**

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

17/19 **LICENSING ACT 2003: APPLICATION FOR PREMISES LICENCE - UNIT C, REDE HOUSE, 66-77 CORPORATION ROAD, TS1 1LY. REF NO: OL/18/07**

**DECISION**

ORDERED that the application for a Premises Licence, in respect of Unit C Rede House, 66-77 Corporation House, Middlesbrough, TS1 1LY, Ref No: for be granted for the sale of alcohol (off sales) between the hours of 8am and 10pm daily.

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 Unit C, Rede House, 66-77 Corporation Road, Middlesbrough TS1 1LY, between the proposed changed hours of 8.00am until 10.00pm daily. The Applicant was Samy Limited.

2. The Committee noted that as relevant representations had been received in relation 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 were 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 to reject the application.

3. The Licensing Objectives were the prevention of the prevention of crime and disorder, prevention of public nuisance, the protection of children from harm and public safety.

4. The Committee carefully considered: the application on its own merits, the representations by the applicant, the Responsible Authorities and the Ward Councillors who made relevant representations, the Council's Statement of Licensing Policy and Guidance under Section 182 of the Act.

**Decision**

5. The Committee decided to grant the Premises Licence to sell alcohol between 8.00am and 10.00pm daily, subject to the modification of the conditions by deleting the proposals in the operating schedule and imposing the conditions agreed between the applicant, the Police, Public Health and Trading Standards produced at the Hearing.

**Reasons**

6. The applicant amongst other matters informed the Committee that the application should be granted subject to the amended conditions for the hours between 8.00am and 10.00pm daily. The applicant informed the Committee, in summary, that the original application was drafted in general terms in order for discussions to be had with the Responsible Authorities to identify what would resolve their concerns. The applicant had a professional operation and would be investing heavily in the premises. It was not a small corner shop but a mini supermarket with the investment to ensure the robust conditions would be met. Alcohol was only a small element and they would offer a full range of convenience goods. Outside professional training would be provided to staff. At least two staff would be present on each shift - one of which would be qualified and have a Personal Licence. They would not sell high risk alcohol and the Police, Public Health and Trading Standards had confirmed they considered the proposals, with the conditions, would not be detrimental to the objectives. The applicant confirmed the franchise was with Londis who provided the produce. The applicant confirmed that Londis

could comply with the requirements in the conditions. The premises would also have Costa Coffee available. The applicant advised it would enhance the area.

7. The Responsible Authorities agreed to the operation, subject to conditions, between the hours of 8.00am and 10.00pm. They were satisfied that the applicant could ensure the conditions would be complied with and that they considered it to be professional, responsible operation. They considered that the restrictions were aimed at preventing street drinkers, problem drinkers and those who go on to cause problems in the town. The Responsible Authorities confirmed they considered the application would not be likely to add to the problems in the area within the cumulative impact policy.

8. The Ward Councillor objector informed the Committee that it was within the cumulative impact area and there were serious alcohol related harms in the area. A high number of harms occurred during the hours of operation and the Ward Councillor requested that the hours be further curtailed to 9am to 9pm to reduce the risk of those harms.

9. The Committee was satisfied that there was good reason to depart from its cumulative impact special policy in this particular case and grant the application, subject to the restrictions, as it considered it would be unlikely to add to the problems in the area.

10. The Committee determined that the proposed operation as a mini market, with alcohol being a small percentage of stock displayed, investment in the premises, responsible management and the specific conditions targeted to address the concerns in the area, would result in the premises promoting the licensing objectives.

11. The Committee noted that in addition to the restrictions, the Responsible Authorities had confidence in the proposed Licence Holder, the operation and management of the premises. It was also noted that the Premises Licence Holder would work with the Police and the Council so that issues would not arise.

12. It was noted that the Ward Councillor requested the hours to be reduced because of the amount of incidents in the area during its time of operation. However, the Committee did not consider that was an appropriate step in the circumstances.

13. The Committee acknowledged there were a large number of alcohol harms in the area of the town centre.

14. There were many incidents that occurred between the hours of 8.00am and 10.00pm, but the incidents appeared to be a lot less during the hours of 8.00am and 9.00am and 9.00pm and 10.00pm. The cause may be the availability of alcohol generally or irresponsible premises, however, the Committee did consider that the Responsible Authorities had confidence in the applicant and that his restricted operation within the amended hours of 8.00am until 10.00pm would not impact on those current problems.

15. The Committee considered that the restrictions in place and the operation would mean the mini supermarket would be run responsibly and would promote the licensing objectives.

Dated 14 May 2018

Conditions - Unit C Rede House, 66-77 Corporation Road, Middlesbrough - Decision of Licensing Sub-Committee on 10 May 2018

The premises will amend its operating schedule to reduce the times for licensable activity to take place, namely the supply of alcohol to 8am-10pm seven days a week.

1. 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 CCTV 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 premises 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 any 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
2. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
- Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
  - All crimes reported to the venue
  - All ejections of patrons
  - All seizures of drugs or offensive weapons
  - Any faults in the CCTV system, searching equipment or scanning equipment
  - Any visit by a relevant authority or emergency service
3. The incident book must be made available to Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.
4. The premises will not stock, display or sell any lager, beer, cider or perry product with an ABV content above 6.5%
5. The Premises will not sell any single cans of lager, beer or cider
6. No alcohol must be stocked within 5 metres of the entrance/exit door
7. Alcohol will only be displayed within a 5% area of the shop floor. Alcohol will be kept within the controlled area which will be in sight of the checkout area. The controlled area will be mapped out and outlined in red on the map provided by the Premises Licence Holder (copy of which will be attached to the Premises Licence).
8. The Premises Licence Holder/ Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.
9. There will be a personal licence holder on duty at all times.
10. The Premises Licence Holder/Designated Premises Supervisor will participate in any local Off Licence forums held by the Local Authority.
11. The Premises Licence holder shall ensure that at all times when the premises are open for any licensable activity there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
12. A Challenge 25 policy will be implemented at the premise.

13. Training in relation to Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale, supply or delivery of alcohol and at least every six months thereafter.

14. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor/ Premises Licence Holder or external training providers.

15. Documented training records must be kept at the Premises and made available to the Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.

16. Staff must require ID in the form of a current ten year passport, photo card driving licence or PASS Hologram identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made.

17. There will be at least four notices/posters in prominent positions inside the premise informing customers that a Challenge 25 policy is in operation

18. The premise will keep and maintain a refusals book/electronic register which will be used to record all incidents/occasions of where the premise refuses to sell alcohol to an individual. The refusals book/electronic register will be used solely as a refusals book. It will be kept at the premise and will be made available for inspection by the Police or any other Responsible Authority.

19. The Premises Licence Holder/Designated Premises Supervisor must monitor the refusals book/electronic register on a monthly basis and must sign and date the register to confirm when this has been completed.

20. There must be a minimum of two signs in the premises visible at the points of sale stating that it is an offence:

- to sell alcohol to persons under 18 years of age.
- to purchase alcohol on behalf of any person under 18 years of age
- to sell alcohol to any persons who appear drunk or under the influence of other illegal substances.