

LICENSING SUB COMMITTEE B

A meeting of Licensing Sub Committee B was held on 18 October 2006.

PRESENT: Councillor Rogers (In the Chair); Councillors J A Jones and A E Ward.

OFFICIALS: C Cunningham, J Dixon, T Hodgkinson and I Nicholls.

ALSO IN ATTENDANCE: C Bruder (Applicant's Solicitor)
T Mallin (Regional Manager)
A Bell (Area Manager)
L Robson (Store Manager)
Councillor Brunton representing Local Residents and Coulby
Newham Community Council

****AN APOLOGY FOR ABSENCE** was submitted on behalf of Councillor Biswas.

APPOINTMENT OF SUBSTITUTE: Councillor Rogers was in attendance to act as a substitute in place of Councillor Biswas.

**** DECLARATIONS OF MEMBERS' INTERESTS**

No Declarations of Interest were made at this point of the meeting.

LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE – HOME BARGAINS, UNIT 2 PARKWAY SHOPPING CENTRE, COULBY NEWHAM, MIDDLESBROUGH - REF. NO. MBRO/PR0458/022278.

A report of the Head of Community Protection outlining an application for a Premises Licence for Home Bargains, Unit 2 Parkway Shopping Centre, Coulby Newham, Middlesbrough - Ref. No. MBRO/PR0458/022278 had been circulated.

The Chair introduced those present and outlined the procedure to be followed at the meeting.

The applicant was present at the meeting and confirmed that he had received a copy of the report and Regulation 6 Notice.

Summary of Proposed Licensable Activities

Supply of Alcohol	08.00am – 10.00pm	Monday to Sunday
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Full details of the application and accompanying operating schedule were attached at Appendix 1 to the report.

Details of the Application

The Principal Licensing Officer presented the report and the applicant confirmed that it was a true representation of the facts and that there were no questions in relation to the report.

The nature of the application was outlined in the report. It was stated that the application had been made by T J Morris Ltd, trading as Home Bargains. The premises was a general goods, food stuffs and households products store, within a covered shopping centre.

The Principal Licensing Officer advised that two representations had been received. On 18 September, a representation had been received from Councillor Brunton, Ward Councillor, on behalf of local residents, objecting to the application on the grounds of Crime and Disorder and the Prevention of Public Nuisance. On 19 September, a representation had been received from Joan Cook, Secretary of Coulby Newham Community Council, objecting to the application on the grounds of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm. Copies of the written representations were attached at Appendices 2 and 3 of the submitted report.

Applicant in Attendance

Representatives of the applicant, T J Morris trading as Home Bargains, were present at the meeting, accompanied by their solicitor, Mr Bruder, who presented the case in support of the application. Details of the roles of each of T J Morris' representatives were given. It was noted that the Store Manager, who had been in post for 8 months, would be the Designated Premises Supervisor. The Area Manager was based in Stockton and attended the store two or three times a week. It was reported that T J Morris Ltd had been established 25 years ago and now had in the region of 100 stores. This store had been operating since 19 November 2005.

The solicitor outlined the content of the application. It was indicated that the store was a small supermarket, selling goods at competitive prices and the applicant had determined that it would successfully sell alcohol.

A plan of the store was circulated at the meeting. It was stated that the CCTV system was digital and fully recordable, with data being kept for 30 days. The intended display area for alcohol was indicated and it was noted that this was covered by CCTV and would be supervised by staff. Reference was also made to the design of the store and staffing levels. It was confirmed that the store had previously assisted the Police by supplying CCTV data, however the store itself had not had any issues regarding prosecutions or Police involvement.

The Regional Manager confirmed that all staff were required to undertake a Training Induction Programme, which was refreshed every 13 weeks by the Store Manager or Area Manager. Sales Refusal forms were also stored at each till and were reviewed by the Area Manager. If sales were refused, the Store Manager or supervisor would attend to support the member of staff. Copies of training and sales refusal records were circulated at the meeting, along with examples of signage displayed around stores that sold age restricted products, for example knives and alcohol. It was noted that signs were prominently displayed in the appropriate locations. It was stated that the 'Challenge 21' scheme would be operated in the store. The Regional Manager confirmed that during her employment with the company, she had not been aware of any convictions regarding age-related sales.

It was indicated that the store's opening hours were currently 9am to 6pm from Monday to Saturday and 10am to 4pm on Sundays. The hours outlined in the operating schedule had been specified to allow for increased opening hours during busier periods, such as Christmas.

The Solicitor concluded by outlining the steps the applicant would take to promote the four licensing objectives, as detailed in the application. It was stated that the Applicant had a good reputation which they did not want jeopardise and that no problems had been encountered at the Applicant's other store in Middlesbrough, which had previously been granted a Premises Licence.

Members had the opportunity to ask questions and clarification was provided on the following points:

- The store's opening hours were determined by the shopping centre's management. The centre opened later during the Christmas period but the premises would not open later than other stores. The shopping centre did not have a Premises License in its own right.
- There were 16 fixed digital CCTV cameras inside the store.
- The Refusal of Sales forms were currently checked each week. The number of refused sales was average for a store of this type. The Store Manager also kept an incident book to record significant events and had a good working relationship with the shopping centre's security staff.
- Signage relating to age related sales was displayed at appropriate points around the store. The Challenge 21 scheme meant that individuals who did not appear to be 21 years of age were asked to prove that they were 18 with an acceptable form of identification.

- A member of staff was always stationed in the first aisle to prevent school children entering the store in groups of more than two or three.
- Although the product range varied from time to time, the store would sell beers and wines, rather than spirits. Alcohol would be sold in carrier bags displaying the store's logo.

Relevant Representations

Councillor Brunton was present at the meeting on behalf of local residents and Coulby Newham Community Council and was invited to make representations.

Councillor Brunton indicated that residents had concerns regarding antisocial behaviour and felt that there was sufficient provision for the sale of alcohol in the vicinity. It was felt that underage drinking was an issue in Coulby Newham and a alcohol free zone had been designated close to the shopping centre.

It was stated that there were concerns regarding children from The King's Academy purchasing alcohol, especially as some children left school after 5.00pm and that the store's tills were not always fully staffed. In addition, there were issues with antisocial behaviour, particularly with individuals who travelled to Coulby Newham from other areas. Other applications for premises licences in the vicinity had been refused for this reason.

Summing Up

Both parties were invited to sum up.

The Applicant's solicitor stated that it had been demonstrated that the store would be a responsible premises. It was felt that antisocial behaviour was a general problem in the area; there had been no specific complaints regarding this store.

Councillor Brunton indicated that the main concerns regarding the application were crime and disorder, including underage drinking and antisocial behaviour, noise nuisance and that there would be an increase in the number of retailers in the area selling alcohol.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal Services and the Members Office, withdrew whilst the Committee determined the application.

Subsequently all the parties returned and the Chair announced the Committee's decision.

DECISION

ORDERED that the Premises Licence for Home Bargains, Unit 2 Parkway Shopping Centre, Coulby Newham, Middlesbrough - Ref. No. MBRO/PR0458/022278 be granted in full, subject to the conditions specified in the submitted operating schedule and any relevant mandatory conditions.

In reaching the above decision Members had considered:-

- i) Government Guidance to the Licensing Act 2003 in relation to:-
 - Prevention of Nuisance, starting at paragraph 7.38, Annex G
 - Crime and Disorder, starting at paragraph 7.20, Annex D
 - Protection of Children from Harm, starting at paragraph 7.47, Annex H
- ii) Middlesbrough Council's Licensing Policy in relation to:-
 - Prevention of Nuisance, pages 10 to 15 (particularly paragraph 38)
 - Crime and Disorder, pages 17 and 18
 - Protection of Children from Harm, pages 19 to 22

- iii) The following licensing objectives:-
 - The Prevention of Public Nuisance
 - The Prevention of Crime and Disorder
 - The Protection of Children from Harm
- iv) The written representations submitted by Councillor Brunton on behalf of local residents
- v) The written representations submitted by Coulby Newham Community Council
- vi) The representations made by Councillor Brunton at the meeting on behalf of local residents and Coulby Newham Community Council

Members had made their decision, based on the following reasons:

- i) The high level of security operating in the store and shopping centre
- ii) The Challenge 21 Scheme, which would be operated in the store
- iii) The continual staff training and responsible attitude of the store's management.