

**LICENSING SUB COMMITTEE C**

A meeting of Licensing Sub Committee C was held on 17 March 2008.

**PRESENT:** Councillor Taylor (Chair); Councillors Mawston and J Walker.

**OFFICIALS:** J Dixon, A Gray and J Hodgson.

**ALSO IN ATTENDANCE:** A Williams - Applicant. Mr Bashir – Applicant's business partner.

**\*\* DECLARATIONS OF MEMBERS' INTERESTS**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor J Walker	Personal/non prejudicial	Item 3 - Applicant known to Councillor Walker. <b>**</b> (NB Councillor Walker withdrew from the meeting and took no further part in the meeting).

**\*\* APPOINTMENT OF SUBSTITUTE**

Councillor J Walker declared an interest in relation to the item to be considered by the Sub Committee as it became apparent that the applicant was known to her. Councillor Walker withdrew from the meeting and, therefore, took no part in the consideration or determination of the item.

As a consequence of Councillor Walker's declaration of interest, the Hearing was briefly adjourned whilst the Governance Officer attempted to secure a substitute.

At 2.10pm Councillor Cole joined the meeting in place of Councillor J Walker and the Hearing commenced.

**LICENSING ACT 2003: APPLICATION FOR PREMISES LICENCE – 31-33 SALTERSGILL AVENUE, MIDDLESBROUGH - REF. NO. MBRO/PRO470**

A report of the Head of Community Protection had been circulated outlining an application for a Premises Licence in relation to 31-33 Saltersgill Avenue, Middlesbrough, Ref No. MBRO/PRO470, as follows:-

Summary of Proposed Licensable Activities

Sale of Alcohol (off sales)

Summary of Proposed Hours for Licensable Activities

9.00am – 10.00pm Monday to Sunday.

Full details of the application and accompanying Operating Schedule were attached at Appendix 1 to the submitted report.

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

The applicant, Mrs Williams, accompanied by her business partner, Mr Bashir, was present at the meeting confirmed that copies of the report and Regulation 6 Notice had been received.

### **Details of the Application**

The Senior Licensing Officer confirmed that there were no absent parties and presented the report which was confirmed as being an accurate reflection of the facts by the applicant.

The report outlined that, on 23 January 2008, an application for a Premises Licence was received, as stated above, and the applicant had advertised the application, as required by the Licensing Act 2003, in the Herald and Post on 30 January 2008.

It was stated that the premises consisted of a convenience store situated in a residential area.

On 6 February 2008 a representation was received from Councillor Clark, Ward Councillor for Beechwood, on behalf of residents objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance and was attached at Appendix 2 to the submitted report.

On 15 February 2008 a representation was received from Cleveland Police objecting to the application on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm and was attached at Appendix 3 to the submitted report.

On 19 February 2008 a representation was received from Beechwood Community Council objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance and was attached at Appendix 4 to the submitted report.

The Senior Licensing Officer advised the Committee that, prior to the meeting, the applicant had agreed to amend the submitted Operating Schedule to include six conditions requested by Cleveland Police, allowing the Police to withdraw its representations.

### **Applicant in Attendance**

Mrs Williams, the applicant, and her business partner, Mr Bashir, were in attendance at the meeting and presented the case in support of the application.

The applicants advised that they wished to open a convenience store with the option of selling alcohol. Both applicants had experience of running an off licence and were fully aware of the problems associated with such premises. Members were advised that they did not wish to place an emphasis on the sale of alcohol and that the store would be a 'one-stop shop'. It was stated that they were aware of issues relating to underage drinking and did not wish to make trade from the sale of alcohol to persons underage and considered they were capable of doing a good job.

Members were afforded the opportunity to ask questions of the applicant and the following issues were raised:-

- The applicant confirmed that she intended to sell groceries, newspapers, magazines and hardware items from the store.
- In response to a query, the applicant advised that her store had not yet opened and clarified its location in relation to the public house and Bells Store which also sold alcohol.
- The applicants confirmed they would not employ additional staff initially until the business became established and that they intended to work in the store. Mrs Williams' husband and Mr Bashir's wife would also work at the store and all four individuals were Designated Premises Supervisors and aware that one DPS must be present in the store whilst alcohol was being sold.
- Mrs Williams added that she and her husband currently ran an off-licence in Hemlington and Mr and Mrs Bashir ran a store at Belle Vue and all were fully aware of their responsibilities in relation to the sale of alcohol. An employee of Mr Bashir's was a Personal Licence Holder

and currently working towards her DPS qualification and it was expected that she would also work in the new store in the interim.

- The applicant acknowledged that problems that had been experienced in the area in relation to underage drinking and youths congregating outside licensed premises and stated that they would not encourage youths to congregate outside the store and added that the store had no form of shelter from the elements.
- The applicants highlighted that they had agreed to the conditions proposed by the Police and were willing to work with the community and did not wish to cause any problems in the community.

### **Relevant Representations**

#### **Cleveland Police**

It was confirmed that Cleveland Police was happy to withdraw its representations following the applicant's agreement to include a number of conditions to the licence.

#### **Councillor Clark/Beechwood Community Council**

It was confirmed that neither Councillor Clark or a representative of Beechwood Community Council were in attendance at the meeting and the Committee determined to consider the written representations under Section 20 of the Licensing Act 2003 (Hearings) Regulations 2005.

### **Summing Up**

The applicant did not wish to add anything to the case presented to Committee in support of the application.

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 application for a Premises Licence, at 31-33 Saltersgill Avenue, Ref No. MBRO/PRO470, for the retail sale of alcohol for consumption off the premises between the hours of 9.00am and 10.00pm daily be granted, subject to the following conditions as agreed with the Police and the applicant prior to the meeting:-

- i) The premises must be fitted with colour digital CCTV both internally and externally and footage must be kept for a minimum of 31 days.
- ii) An incident book must be kept to record any incidents of crime and disorder.
- iii) All staff must be trained with regards to identifying and selling alcohol to underage persons and a record of the training must be kept up to date at all times.
- iv) A Challenge 21 Policy will be adopted and posters will be displayed informing customers of this. Any persons appearing to be under the age of 21 must be challenged for acceptable photographic identification.
- v) A refusals book must be kept and maintained.
- vi) No perry to be sold from the premises at any time.

In reaching the above decision Members had considered the following:-

1. The case presented by the applicant.
2. The written representations submitted by Councillor Clark, Beechwood Ward Councillor, on behalf of local residents.
3. The written representations submitted by Beechwood Community Council.
4. The four Licensing Objectives of the Licensing Act 2003.
5. Relevant Government Guidance, particularly in relation to:-
  - Prevention of Crime and Disorder, starting at paragraph 2.1, Annex D.
  - Prevention of Public Nuisance, starting at paragraph 2.32, Annex D.
  - Protection of Children from Harm, starting at paragraph 2.41, Annex D.
6. Middlesbrough Council's Licensing Policy particularly 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 21.

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

1. That the applicant had agreed to include all the conditions proposed by the Police, allowing the Police to withdraw its representations.
2. Councillor Clark's representation acknowledged that there had been some return to normality in relation to historical problems with underage drinking in the area.