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LICENSING SUB COMMITTEE A

A meeting of the Licensing Sub Committee A was held on Friday 30 January 2026.

PRESENT: Councillors L Lewis (Chair), P Gavigan and J Platt

**ALSO IN
ATTENDANCE:**

Mr T Markandu – Applicant
Mr N Suresh – Applicant’s Representative, Arka Licensing
Councillor T Mohan – Hemlington Ward Councillor – Making Representations
Councillor N Walker – Hemlington Ward Councillor – Marking Representations

OFFICERS: C Cunningham, J Dixon, T Durance, T Hodgkinson and R Johansson

25/9 **WELCOME AND FIRE EVACUATION PROCEDURE**

At 10.00am, the appointed start time of the meeting, the applicant was not present. The Chair opened the meeting and announced a 15 minute adjournment to allow the applicant additional time to attend.

At 10.10am, all parties were present and it was agreed the Hearing should proceed immediately.

The Chair announced that, in the event that the fire alarm sounded, attendees should evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

25/10 **DECLARATIONS OF INTEREST**

NAME OF MEMBER	TYPE OF INTEREST	ITEM/NATURE OF BUSINESS
Councillor N Walker	Non-pecuniary	Agenda Item 4 – Cllr Walker was in attendance to present an objection regarding an application for a premises licence and was a Ward Cllr and resident in the ward where the subject premises was located.

25/11 **LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE - HEMLINGTON POST OFFICE, 33 THE VIEWLEY CENTRE, HEMLINGTON, MIDDLESBROUGH, TS8 9JH.**

A report of the Director of Public Health and Public Protection was circulated outlining an application for a Premises Licence in respect of Hemlington Post Office, 33 Viewley Centre, Hemlington, Middlesbrough, TS8 9JH, Ref No: 106881.

Summary of Proposed Licensable Activities:-

Sale of Alcohol for consumption off the premises (Off Sales) - Monday to Sunday: 7.00am – 11.00pm.

Full details of the application and operating schedule were attached at Appendix 1.

The Chair introduced those present and explained the procedure to be followed at the meeting. It was confirmed that all parties had received a copy of the Regulation 6 Notice and copy of the report and accompanying documents, in accordance with the Licensing (Hearings) Regulations 2005.

The Council’s Legal Representative addressed the issue of absent parties and confirmed that there were two absent parties. Mrs Thompson had submitted a written representation in relation to the application and had advised that she was unable to attend the Hearing but wished her

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written representation to be considered. Mrs Bagley had also made a written representation but had not confirmed whether she would attend the Hearing. Under Regulation 20 of the Licensing Act (Hearings) Regulations 2005, the Hearing could proceed in their absence, with the original representations being taken into account by the Sub Committee.

Details of the Application

The Licensing Manager presented the report outlining the application for a Premises Licence in respect of Hemlington Post Office, 33 Viewley Centre, Hemlington, Middlesbrough, TS8 9JH. A copy of the application was advertised in the Evening Gazette on 17 December 2025, as required by the Licensing Act 2003.

The premise was an established Post Office and general store seeking to offer other products and services to its current customer base. The applicant intended to invest in refitting the store along with added services, including the sale of alcohol which would form part of the extended product offer.

Representations

Several representations were received in relation to the application, as follows:-

- 23 December 2025 – Cleveland Police, objecting to the application on the grounds of the prevention of crime and disorder; public safety and the prevention of public nuisance - Copy attached at Appendix 2.

It was highlighted that within its representation, Cleveland Police stated that should the applicant be agreeable to amend the proposed hours for the sale of alcohol, to 9.00am to 9.00pm daily, and be willing to accept the imposition of a number of conditions, the Police would be satisfied to withdraw its representations.

- 30 December 2025 – Ms T Lightfoot, local resident, objecting to the application on the grounds of public safety - Copy attached at Appendix 3.
- 2 January 2026 – Mrs E Bagley, local resident, objecting to the application on the grounds of the prevention of public nuisance - Copy attached at Appendix 4.
- 4 January 2026 – Councillor T Mohan, Hemlington Ward Councillor, objecting to the application on the grounds of the prevention of public nuisance - Copy attached at Appendix 5.

It was highlighted that two representations from local residents were also received, raising concerns regarding the application, however, the issues raised within the representations did not directly relate to one or more of the statutory licensing objectives and could not be treated as 'relevant representations' within the meaning of the Licensing Act. Both residents were advised of this, setting out the legal position.

The Licensing Manager advised that, due to an administrative error within the Licensing Department, there had been two further objections received within the specified deadline for representations, as follows:-

- 4 January 2026 – Councillor N Walker, Hemlington Ward Councillor, objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance – Copy circulated 23 January 2026, Appendix 6.
- 30 December 2025 – Ms D Thompson, local resident, objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance – Copy circulated 26 January 2026, Appendix 7.

Furthermore, on 21 January 2026, Cleveland Police confirmed that, following further discussion with the applicant's agent, an amended position regarding the hours for the sale of alcohol and the requested conditions, should the licence be granted, had been reached resulting in Cleveland Police withdrawing its objection subject to the following agreement:-

- Permitted hours for the sale of alcohol – amended to 8.00am to 10.00pm daily.

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- That the conditions contained within the Police representation on the application were agreed with the exception of condition 6) – “The premise will not sell or supply any single cans of beer, lager or cider”. This condition had been withdrawn from the original submission made by the Police.

Councillor Mohan, Ms Lightfoot and Mrs Bagley were informed of the updated position with regard to the Police. On 21 January 2026 Councillor Mohan confirmed that he still wished to uphold his representation and Ms Lightfoot confirmed she was content to withdraw her objection. To date, no response had been received from Mrs Bagley.

Applicant in Attendance

The applicant, Mr Markandu, and his representative, Mr Suresh, were in attendance at the meeting. The applicant’s representative presented the case in support of the application and addressed the issues within the representations. The following key points were made:-

- The applicant had held a Personal Licence since 2009 and had operated licensed premises since that time.
- The applicant had operated the Post Office business for the last three years and was now applying for a Premises Licence to diversify the product offer at the premises as he considered the Post Office was unlikely to survive without making such changes.
- Concerns expressed by objectors included that they wanted the Post Office to remain as a Post Office only, however, due to the business struggling, the applicant wished to sell alcohol for the benefit of his current customers. For example, whilst visiting the Post Office, they may wish to purchase a bottle of wine to accompany their evening meal.
- The applicant intended to sell other products in addition to alcohol products.
- With regard to objections around anti-social behaviour, the applicant had operated the Post Office for three years and knew the local area. The applicant had stated he was aware of anti-social behaviour taking place in Hemlington but had not seen any within the shopping area. Whilst he had seen teenagers hanging around the shops, he had not witnessed any anti-social behaviour.
- There were already three premises within the shopping area selling alcohol till late.
- This particular Post Office premise attracted a mainly older customer base and the applicant did not envisage customers coming to the Post Office to purchase only alcohol.
- The applicant had reached an agreement with the Police to reduce the hours for the sale of alcohol to 8.00am to 10.00pm daily and a suite of conditions, other than the sale of single cans. This was based on the likelihood that older customers who may live alone generally did not want to purchase more than one can.

Questions for the Applicant

All parties were afforded the opportunity to ask questions of the applicant and his representative.

Those Making Representations

Councillor Walker, Ward Councillor for Hemlington, raised the following issues:-

- Clarification was sought in relation to the hours for the sale of alcohol. It was confirmed that the original hours applied for were 7.00am to 11.00pm daily. The Police had then requested a reduction in hours to 9.00am to 9.00pm daily but agreement had been reached with the applicant to reduce the hours to 8.00am to 10.00pm daily.
- It was noted that the premises currently closed at 5.00pm on weekdays, 1.00pm on Saturdays and was closed all day Sunday and highlighted that the applicant’s own observations regarding anti-social behaviour were likely due to the fact that anti-social

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behaviour tended to occur in the evenings rather than during the day. It was queried whether the applicant had experienced other crimes at the premises, such as shop lifting.

The applicant's representative responded that the applicant had stated he had witnessed youths hanging around within the shopping area but had not noticed them drinking alcohol. Should the licence be granted, the store would operate a 'Challenge 25' Policy and that there would be no proxy sales. It was reiterated that the premises was currently a Post Office looking to become a convenience store with alcohol as part of the product offer. The applicant added that he planned to extend the Post Office opening times from 8.00am to 9.30pm.

Members of the Committee

Members of the Committee raised the following issues:-

- It was acknowledged that the Post Office was an important asset to Hemlington and it was queried what benefit there would be to the residents of Hemlington for it to sell alcohol.

The applicant's representative stated that it was not anticipated that the changes would attract any new customers but would be convenient for existing customers using the Post Office to purchase alcohol.

The applicant added that one benefit of being granted the licence would be for the Post Office to remain open as he needed to generate additional income in order to keep the Post Office operating. He stated that when he took over the premises it was not an attractive business and had been empty for many years.

- A Member commented that whilst it was commendable that the applicant had been operating the Post Office for the past three years, it was difficult to understand how selling alcohol from 8.00am to 10.00pm daily, when there were three existing outlets within walking distance selling alcohol, would make such a significant difference to the business.
- The Chair queried whether the Post Office currently had a low footfall and the intention to sell alcohol was to increase footfall. The applicant stated that the business had a decent footfall and that he wanted to sell additional items to his existing customers.
- In response to a query as to how the applicant would deal with any unruly customers, he stated that he would not make any underage sales and would talk to them calmly and politely.
- When asked about current and future staffing levels, the applicant advised that should the licence be granted, he would have more than one member of staff working at the premises.
- It was noted that the premises was a small retail unit and in response to a question regarding what percentage of the available floorspace was intended to be used for the display of alcohol, the applicant stated he was unsure.
- The applicant was asked what other products he intended to sell. Members' attention was drawn to a plan at page 27 of the agenda pack. This indicated the types of products, and where, they would be displayed within the shop, including a highlighted area indicating where the alcohol would be displayed.
- In response to a query regarding staff training, the applicant stated that the proposed arrangements for this had been agreed with the Police.
- The Chair referred to the applicant's representative's previous statement that the applicant's current customer base was mainly older people and it was queried whether the applicant felt they would want to buy alcohol and whether selling alcohol might deter older people from using the Post Office due to other clientele that might be attracted to visit to buy alcohol. The applicant's representative responded that it could not be assumed that new customers purchasing alcohol would be trouble-makers.

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- Reference was made to the applicant not agreeing to the proposed condition not to sell single cans and he was asked whether he would have still continued with his application if one of the conditions to grant had been not to sell single cans. The applicant's representative responded that the conditions agreed with the Police were fair and proportionate and that the Police had not been concerned regarding the sale of single cans. The Police had considered the application on its own merits and recognised that the premises was not like the other larger stores and, therefore, agreed to remove the condition.

Council's Legal Representative

The Council's Legal Representative raised the following issues:-

- In response to a query it was confirmed that the current opening hours at the premises was 9.00am to 5.00pm Monday to Friday, 9.00am to 1.00pm on Saturdays and closed Sundays. It was confirmed that if the licence was granted 8.00am to 10.00pm daily, the Post Office would also be open and that the reason for wishing to sell alcohol was to increase profits to enable the business to remain open.
- When asked how he would deal with a proxy sale, the applicant stated there would be CCTV outside the shop so that he could see whether children were asking adults to buy alcohol for them and that he would also train his staff regarding this.
- When asked what he would do if someone reacted badly to being refused a sale of alcohol, the applicant stated he would operate a strict Challenge 25 policy and would need to keep refusing the sale whilst remaining calm. The applicant's representative referred to condition 7 as agreed with the Police and considered this to be sufficient to cover the issue.
- The applicant was asked how he would deal with potential accumulation of litter, for example, cans. The applicant stated he or his staff would clean up outside of the shop front and that there were two litter bins located outside.
- It was highlighted that the Council's Licensing Policy was not to allow the sale of single cans to avoid increased issues with anti-social behaviour and problem drinkers and it was queried why the applicant had not agreed to that particular condition.

The applicant's representative responded that the location of the premises was not within a cumulative impact policy area and stated that the applicant had agreed to condition 5 proposed by the Police in relation to no sales of high strength beers etc, which was not a condition on the licence of the other stores in the vicinity selling alcohol. The applicant's representative considered that condition to be more than enough to prevent problem drinkers. He added that the main reason for anyone buying a single can from the premises was likely to be that they lived alone and did not have the money to buy more than one can.

- Whilst having regard to the plan for the proposed layout of the premises, the applicant was asked how he would prevent thefts of alcohol. The applicant's representative advised that staff would be behind the counter and could view the CCTV.
- In response to a query it was confirmed that the area on the plan marked 'fortress' referred to the Post Office counter.
- It was highlighted that the Council's Licensing Policy had certain mandatory conditions in place to help prevent chaotic drinkers and anti-social behaviour and it was queried whether, in order to compete with other stores in the area and in order to make a profit, the applicant would lower the prices of alcohol. The applicant's representative stated that this would not be the case and that customers visiting the Post Office would benefit from additional services and products, including alcohol.
- Reference was made to the plan of the premises which appeared to show the current display layouts for mainly hardware, pet care, craft, stationery, cleaning and confectionary products and it was queried whether the plan was to diversify the product offer to a more traditional style convenience store with food products etc. The applicant stated he had been selling these products for the past three years and that this was not really working, however, he did not plan to sell food items.

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- In response to a question regarding the area of the plan marked 'Smokers Acc', the applicant stated that this had been a lockable display stocked with vapes but was no longer there. He stated he did not currently sell cigarettes and vapes, however, he planned for this to be part of the new product offer and that they would be stocked behind the counter.
- In response to a question it was clarified that the applicant was the nominated DPS for the premises. He stated that he currently worked at the shop two or three days a week, however, if the licence was granted, he would increase his working hours to five days a week.
- With regard to staffing, the applicant confirmed that he employed two staff in addition to himself and his wife. He stated that his wife worked there full time, one member of staff worked one and a half days a week and the other staff member worked three days a week and that there would always be two staff working at all times.
- In response to a question as to whether the other staff members, other than the applicant, held a Personal Licence, the applicant confirmed they did not.
- The applicant was asked whether the entrance doors to the shop had an auto-lock feature. He confirmed that they did not and that in order to lock the doors, staff would need to physically leave the counter to lock the doors at the front of the shop.

The Licensing Manager noted that various references had been made to the other outlets in the shopping area selling alcohol and confirmed the opening hours for each as follows:-

- Heron – permitted hours for the sale of alcohol: 7.00am to 10.00pm Monday to Saturday and 8.00am to 8.00pm Sundays. The licence had a condition for no sale of single cans and no sale of alcohol above 6.5 % ABV.
- Boozebox – permitted hours for the sale of alcohol: 8.00am to 11.00pm Monday to Saturday and 10.00am to 10.30pm Sundays. This store's premises licence was converted from an old Justices licence and had minimal conditions.
- Tesco – permitted hours for the sale of alcohol: 8.00am to 11.00pm Monday to Sunday. There was no condition regarding the sale of single cans.

Those Making Representations

Those making representations presented their objections individually to the Committee as follows:-

Councillor T Mohan

Councillor Mohan, Ward Councillor for Hemlington, stated that he had made residents aware of the application via his social media page to gauge public opinion.

He stated that the general concerns of residents were that there was a saturation of outlets selling alcohol – with three outlets at the shopping centre in addition to the social club and pub.

Councillor Mohan considered that permitting another outlet to sell alcohol would have an impact on crime and disorder as there was a concentration of licensed premises within close proximity making it a hub for problem drinkers and anti-social behaviour.

With regard to the reduction in hours agreed by the applicant and the Police, residents felt that anti-social behaviour generally occurred from late afternoon/early evening into the late evening. Whilst the wider community wished to retain the Post Office as such, they did not wish to see it selling alcohol and adding to the existing problems in the area.

Councillor N Walker

Councillor Walker, Ward Councillor for Hemlington, advised that in addition to being Ward Councillor in Hemlington, she was a resident at the Viewley Centre and had lived there for 40 years, with the business at the centre being her neighbours.

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Councillor Walker wished to make clear that her objection to the application was no reflection on the applicant and that the applicant and his staff were lovely and that the Post Office was a great addition to Hemlington, as was the offer of hardware products available on sale. However, the nature of the Post Office premises was very different to the other stores selling alcohol in that it was a very compact shop and not a traditional convenience store.

Reference was made to the three existing stores within the Viewley Centre shopping parade selling alcohol. It was stated that Tesco and Boozebox generally closed at 10.00pm and Heron closed at 8.00pm. Councillor Walker pointed out that one of the stores employed a security guard.

With regard to the nature of the premises, Councillor Walker stated that Boozebox had always operated as an 'off-licence' and now sold groceries as well. Tesco had taken over from the previous One Stop store and was predominantly a supermarket and very much needed by local residents. Heron was a bargain supermarket which was welcomed by residents.

Councillor Walker stated that, from her own observations and experience, the main hours when anti-social behaviour occurred at the centre was after school until around 8.00pm or 9.00pm. The reason for asking the applicant for his own observations of anti-social behaviour at the centre was due to the Post Office closing at 5.00pm, therefore, it was unlikely that the applicant would observe this.

There were long-standing issues with anti-social behaviour including gangs congregating, rowdy behaviour, intimidating passers-by, throwing missiles, drunkenness and littering with empty alcohol bottles and cans observed throughout the centre the next morning.

Councillor Walker referred to evidence of statistics which would support this and stated that the most recent data available on Streetcheck.co.uk (October 2025) showed 116 instances of crime and anti-social behaviour within half a mile of the subject premises – 37 of which involved a cluster of incidents categorised as either 'public order' or 'anti-social behaviour'.

Councillor Walker believed that the addition of a further premises licence would be likely to increase street drinking and disorderly behaviour as well as intimidation of residents, passers-by and businesses. She added that she, and Councillor Mohan, regularly spoke to residents and many had stated that they were wary to visit or walk through the centre, to access the bus stops, particularly at night, due to the above issues.

Councillor Walker explained that the part of the shopping centre where the Post Office was located was the only part that did not currently have a premises licence and also had residential dwellings above the shops, therefore, granting the licence would also have an adverse impact on residents.

Councillor Walker informed the Committee that there was an alleyway between the Post Office and the vets which was used by many people to access the vets, shops and other community facilities in the centre. She stated that there were already problems with this alleyway and the steps up to the residential dwellings, including youths congregating, urinating and vomiting which then had to be cleaned by residents. This would be exacerbated by the sale of alcohol from the Post Office directly adjacent to the alley.

Whilst it was acknowledged that Hemlington was not covered by the Council's Cumulative Impact Policy, the Viewley Centre was the only shopping centre located in Hemlington and was relatively small, but already had three shops with premises licences in addition to a social club and pub.

Councillor Walker added that unfortunately Hemlington had received local and national attention for its issues with anti-social behaviour, mainly centred at the Viewley Centre. Whilst there was a great deal of work ongoing to address this, the position was fragile and it was considered that the addition of another premises licence would only have a negative impact and would not benefit the residents of Hemlington.

Questions to those making representations

Members of the Committee and all parties were afforded the opportunity to ask questions of those making representations and the following issues were raised:-

Applicant's representative

- The applicant's representative stated that there had been continual reference to high levels of anti-social behaviour and asked what was meant by this – stating that he believed if this were the case the Police would usually object and provide data to support this.

Councillor Walker referred to her written representation outlining available data from 'Streetcheck' which showed 116 instances of crime and anti-social behaviour within a half-mile radius. She added that herself and Councillor Mohan attended the regular 'NAP' (Neighbourhood Area Partnership) meetings which provided data supporting the fact that Hemlington had the highest levels of anti-social behaviour in south Middlesbrough. She added that Hemlington had been featured on national television, showing some of the highest levels of anti-social behaviour in Britain. Hemlington was an outlier from the rest of the town in having persistently high levels of anti-social behaviour, as well as having poor public perception with regard to safety.

- The applicant's representative made reference to the figures quoted relating to anti-social behaviour in and around the shopping centre and asked how many were alcohol-related. Councillor Walker advised that this was not something provided within the data but pointed out that the groups of people tended to gather close to currently licensed premises.
- The Council's Legal Representative queried whether, as a result of the statistics obtained and her own personal knowledge, Councillor Walker was suggesting that groups hanging around current licensed premises were likely to move to the other part of the centre if alcohol was sold there. Councillor Walker stated this was her belief and this was supported by the current situation at the centre and that youths tended to congregated near to licensed premises.
- The Council's Legal Representative asked whether Councillor Walker had any other evidence, for example, whether the sale of alcohol attracted shop lifting. Councillor Walker stated she was not sure, however, Tesco had a regular Police presence despite having its own security guard, but she was unable to confirm whether this was alcohol-related.

Summing Up

All parties were afforded the opportunity to sum up and made closing statements as follows:-

Councillor T Mohan

Councillor Mohan summed up by stating there were a range of issues that would impact on the licensing objectives and granting the licence would add to the existing problems in and around the area of the premises. He made clear that this was no reflection on the applicant but he was concerned that the addition of a premises licence to the Post Office would exacerbate the existing problems at the shopping area.

Councillor N Walker

Councillor Walker summed up by referring to the objections and stating that the main issues in opposing the application were in relation to anti-social behaviour, nuisance and crime and disorder. These were the key concerns based on the existing problems at the shopping centre and also the cumulative impact of an additional premise (to the existing three) selling alcohol in a small centre with a nearby social club and pub. The issues highlighted regarding the alleyway were beyond the control of the Post Office and it was accepted that staff in the Post Office could not see the alleyway from the premises, so whatever measures were put in place, they would still have no control over what happened in the alleyway.

Applicant's Representative

The applicant's representative summed up by stating that the revised hours were not a concern of the objectors and were proportionate and that the reduction in hours from those originally applied for were less hours than other stores operating in the shopping area.

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With regard to anti-social behaviour, no evidence had been provided that this was alcohol-related and the Police were no longer objecting to the application.

In summary, the Post Office was a small shop that would be managed effectively by the applicant who had licensing experience. The applicant's representative considered that the sale of single cans from the premises would not add to any existing problems and that there was no evidence to support this. The applicant's representative stated that the concerns expressed by the Ward Councillors related to the other stores selling alcohol and that with the applicant's good management and the agreed conditions in place, the licensing objectives would be upheld.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal and Democratic Services, withdrew whilst the Committee determined the application. The Council's legal representative advised that, in accordance with the Regulations, the full decision and reasons would be issued to the parties within five working days. The Chair advised all parties of the Right of Appeal to the Magistrates Court within 21 days of the decision.

DECISION

ORDERED that the application for a Premises Licence in respect of Hemlington Post Office, 33 Viewley Centre, Hemlington, Middlesbrough, TS8 9JH, Ref No: 106881, be refused, as follows:-

Authority to Act

1. Section 18 of the Licensing Act 2003 ("the Act") required a hearing to be held when relevant representations to an application had been received.

Under Section 18 of the Act the Committee must, having regard to the representations, take such steps as it considered appropriate for the promotion of the licensing objectives.

The licensing objectives were:

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

2. The steps the Committee make take, set out under Section 18 of the Act were:

To grant the licence,
To grant the licence subject to conditions,
To exclude licensable activities,
To refuse to specify a person as a designated premises supervisor, or
To reject the application.

3. In making its decision that the appropriate step to promote the licensing objectives was to reject the application, the Committee took into consideration all relevant representations including those of the applicant, the Act, Government Guidance issued under Section 182 of the Act ("the Guidance") and the Council's statement of licensing policy ("the Policy").

Background, Considerations and Reasons for the Decision

4. The application was for a premises licence at the Post Office and store at 33 the Viewley Centre. The applicant required a licence to sell alcohol between 7.00am to 11.00pm hours daily.
5. The Police made a representation but agreed to withdraw if the applicant agreed to reduce the hours of sale from 9.00am until 9.00pm and to a number of conditions. Following a request by the applicant's agent to extend the period to sell alcohol from 8.00am until 10.00pm and to be permitted to sell single cans and bottles, the Police confirmed it agreed the amended position.

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6. Representations were received from the Hemlington Ward Councillors, with one Ward Councillor also acting in their capacity as a local resident, who were present at the hearing. Objections were received from two further residents who were not present at the hearing, however, the Committee agreed to consider their written representations and the additional information provided before the meeting by one resident in their absence.
7. One other resident who objected withdrew their objection prior to the meeting following being informed the Police had reached an agreement.

Summary of Case of the Applicant

8. The following was a short summary only, however, the Committee considered all the relevant information from the applicant.
9. The applicant submitted that the Police had agreed to withdraw their representation based on agreed conditions. The Police, who were the Responsible Authority for crime and disorder, were satisfied with the application. No other Responsible Authorities had made representations to the application.
10. That the applicant runs a respected post office, was a personal licence holder, would carry out staff training, would deter potential anti-social behaviour and congregation of youths by CCTV, notices, and conditions on his licence. The offer of alcohol would provide an additional offer alongside a range of goods in addition to post office services and would allow his business to continue.
11. The area was not in the cumulative impact policy area for off sales; the applicant considered no data supported the residents and ward councillors' objections and "need" should not be considered as was not relevant under the Act.

Summary of Case of Objectors

12. The following was a short summary only, however, the Committee considered all the relevant information made by the objectors.
13. The Ward Councillor explained many residents were concerned that selling alcohol at that particular store was likely to increase current anti-social behaviour, crime, disorder and nuisance in the area. Residents were currently fearful to go into the centre on an evening because of the problems occurring and alcohol sales at the premises would increase the problems.
14. The Ward Councillor, who was also a resident, submitted the area suffered long-standing issues with high levels of crime and disorder including anti-social behaviour and public order in and around the shopping centre and this could be shown by statistics. Those who took part in such behaviour gathered around premises that were open on an evening and sold alcohol. The behaviour included congregating in gangs, anti-social behaviour, damage, rowdy behaviour, intimidating passers-by, throwing of missiles, drunkenness and littering including empty cans and bottles of alcohol.
15. The premises was situated in a block that had residential premises above, there was a cut/alleyway next to the post office to the carpark where people congregated and urinated. There was a canopy over the row of premises which was likely to further attract youths to congregate and cause further anti-social behaviour. The shops that sold alcohol were located towards the east of the centre, and one of the shops had security to deal with the problems. The sale of alcohol at this premises was likely to attract youths and groups to hang around and cause anti-social behaviour at this particular area of the centre. Residents currently stated they were reluctant to pass through the centre because of the problems and a licence at this particular premises would further prevent residents from using the centre, or the bus stops in that area.
16. Hemlington had received local and national media coverage because of the levels of crime, disorder and anti-social behaviour which included problems at the shopping centre. Although it was not in the cumulative impact policy, in a small area there were five licensed premises - one had always operated as an off-licence, two were clubs or

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public houses, and two were supermarkets which would be expected to have a licence as part of the core business, the same cannot be said of the post office. The high density of premises selling alcohol was already having a detrimental effect and a further off licence would contribute to further problems with disorder and nuisance.

17. Other written relevant representations contained similar concerns.
18. The Committee did not take into consideration any representations about whether another premises selling alcohol in the area was needed as this was an irrelevant consideration and not permitted to be taken into account under the Act.

Reasons for the Decision

19. The Committee was satisfied it was appropriate to reject the application to sell alcohol at this particular premises in the particular location in order to promote the prevention of crime and disorder, the prevention of public nuisance and to protect children from harm.
20. Through the information provided, publicly available data and statistics and the Committee's own knowledge, it considered that Middlesbrough was ranked second most deprived area in the country and Hemlington was a deprived ward within Middlesbrough. The Viewley Centre attracted high levels of crime and disorder and anti-social behaviour and that neighbourhood was in the top 1% of deprived neighbourhoods in the country including for anti-social behaviour.
21. It was in the public domain and public knowledge that the shopping centre had attracted local and national media attention because of the problems and anti-social behaviour in the area. Many local and joint agency initiatives had been carried out to address those problems. Statistics and data in relation to crime and anti-social behaviour in the Viewley Centre were publicly available and were referred to in the representations.
22. The Committee, in accordance with Guidance and Policy, expected the applicant to be aware of the local issues including crime and disorder, anti-social behaviour and nuisance in and around the area.
23. The Committee acknowledged there was no cumulative impact policy in respect of Hemlington Ward. Whilst Hemlington Ward did not have a large number of licensed premises in comparison to the wards where the cumulative impact policy applied, most of the licensed premises selling alcohol in Hemlington Ward were concentrated in the Viewley Centre area where there were high levels of crime and anti-social behaviour.
24. There were five premises that sold alcohol in the small shopping centre - a social club, a pub, two supermarkets and an off-licence which had held a licence since the previous Justices Licence regime. The information showed this area had suffered from high levels of crime, disorder, anti-social behaviour and nuisance from groups, including youths who caused anti-social behaviour, etc, hanging out or congregating around the shops that sold alcohol (with one supermarket requiring a security guard). The Committee was informed residents were reluctant to use the centre or a pass through it due to youths congregating around the shops that sold alcohol and causing anti-social behaviour and nuisance including rowdy behaviour, intimidating passers-by, throwing missiles, drunkenness and littering with empty bottles and cans strewn around in the mornings. The Committee was informed the problems did not only occur after 10.00pm but occurred throughout including early evening.
25. The Post Office was situated slightly away from the cluster of shops that sold alcohol, to the west of the centre. It was next to a cut through, from the car park to the rear, to the shopping centre and with stairs to flats above. It was in a block protected by a canopy and the only block with residential flats above. It was opposite the community hub and next to a veterinary surgery. There were already issues with congregation and people urinating in the cut next to the premises.
26. The Committee considered the sale of alcohol at the Post Office was likely to attract further crime, disorder, anti-social behaviour and nuisance in that particular area of the centre with the additional attraction of a secluded cut to the side, a car park at the back,

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a canopy against the elements, no security and less safeguards. It was likely that the offer of alcohol would, therefore, increase anti-social behaviour and nuisance in addition to the problems in the centre and around the current shops that sold alcohol.

27. The premises operated as a post office with the sale of items such as post office paraphernalia, stationery, party goods, crafts, greeting cards, hardware, and household goods. The applicant explained he currently opened until 5.00pm Monday to Friday and mid-day Saturday.
28. The applicant explained for his business to be viable he needed to expand his offer and he, therefore, wanted to sell alcohol as part of the overall offer which would enable him to open from 8.00am until 10.00pm daily.
29. The Committee noted incidents of crime and disorder and anti-social behaviour to staff and customers had occurred at the premises, even without the additional heightened/elevated risks incurred in the sale of alcohol or opening in the evening.
30. The applicant submitted he would retain his clientele, but the Committee considered the proposed sale of alcohol was likely driving the ability to stay open later and was likely to attract a different risky problematic clientele requiring alcohol which the Committee felt the applicant did not acknowledge or fully address. The change in operation would be likely to create heightened risks of proxy sales by youths intimidating passers-by and elevated risks of alcohol thefts in addition to the likelihood of further crime, disorder, anti-social behaviour and nuisance as explained in the paragraphs above.
31. The Committee noted that the community supported the applicant's business in running the current post office and store, however, for a licence to sell alcohol, in an area that suffered from high levels of crime and disorder and anti-social behaviour with heightened risks where it was known gangs and youths congregated, the Committee would expect an applicant to be clear on the potential issues and the detail of how their operation, business plan and safeguarding measures would prevent those potential incidents occurring.
32. The Committee was concerned that a clearly defined staffing structure, setting out the levels of experience of staff, and duty rotas detailing when staff and the applicant, as a Personal Licence holder and DPS, would be present, was not provided to give confidence that the potential issues and risks could be managed and averted.
33. The Committee did not hear sufficient detail from the applicant as to how the conditions that were agreed with the Police would be implemented, for example, no detail was provided about how the staff training would be carried out or documentation/media supporting staff training other than the condition itself. The Committee did not hear from the applicant about any additional measures, for example, attendance at off-licensing forums, or links with other premises in the centre, to deter potential incidents.
34. The Committee noted the premises would be in direct competition with three other shops selling alcohol in a small area. The rationale for the applicant's request to the Police to remove the condition prohibiting the sale of single cans and bottles of beer, cider, and lager, was that the other shops in the centre sold single cans and bottles. The Committee was concerned that the applicant did not fully comprehend the issues in the area. The condition was suggested in the Policy and aimed to deter problem drinkers, youths attempting to buy alcohol through proxy sales or otherwise, or generally drinking in groups or individually in public places or going on to cause crime and disorder or anti-social behaviour which appeared to be prevalent in the area.
35. The Post Office was a small store and the alcohol was to be displayed along the length of one side of the store wall and halfway along an isle which were relatively near to the entrance doors; easily accessible; not sealed off or secured for situations that may require access to be prevented. The staff would be at the rear of the premises behind counters and doors at the front were manually operated. This would risk thefts, potential rowdy gangs causing problems outside and inside the store and be attractive to potential problematic customers.

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36. The Committee did not accept the applicant's submission that potential crime and disorder, and nuisance would be prevented by CCTV, Notices and staff training. CCTV had been operated in the centre and surrounding areas, other premises had those measures in place including additional safeguards and security, however, crime, disorder and anti-social behaviour still recurred.
37. The applicant stated that the Police, who were the main source of advice on crime and disorder under the Guidance, agreed to the application and no other Responsible Authority made representations against the application. The Committee considered that the Police Licensing Team may have agreed the application with usual conditions from their own particular perspective in relation to crime and disorder, however, this did not preclude the Committee from considering information from residents and Ward Councillors, public data, and local knowledge about the issues and problems of anti-social behaviour and linked crime and disorder and nuisance in their area and the prospective detrimental impact the sale of alcohol from the premises may have on the licensing objectives. It also did not preclude the Committee, after considering the information, from reaching a different conclusion and from making a judgment on the appropriate steps in the public interest.
38. After considering all of the relevant information at the hearing about the particular problems in the area that had occurred over a period of time and the likely prospective harm, the Committee concluded rejection of the application to sell alcohol was the appropriate step, in the public interest, to uphold the promotion of prevention of crime and disorder and public nuisance and to protect children from harm, for all the reasons set out above.

Right of Appeal

39. Any party to the hearing aggrieved by this decision may appeal to a Magistrates Court. The Local Magistrates Court was the Teesside Justices Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough. An appeal must be made within 21 days beginning with the day on which the Party was notified by the licensing authority of the decision.
40. If a Party made an appeal and the Council successfully defended the Committee's decision it would request the court make an order for the Party to pay the Council's costs in defending this decision.

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ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

There were no other urgent items.