

**LICENSING SUB COMMITTEE A**

A meeting of the Licensing Sub Committee A was held on Wednesday 10 June 2020.

**PRESENT:** Councillors R Arundale (Chair), T Higgins and J Walker.

**ALSO IN ATTENDANCE:** Mr A Longworth - Applicant  
Mrs E Longworth – Applicant’s wife  
M Foster – Applicant’s legal representative.

**OFFICERS:** S Bonner, J Dixon, C Cunningham and S Morris.

20/1 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

20/2 **LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE - A&E NEWS & CONVENIENCE STORE, 36 BROUGHTON AVENUE, EASTERSIDE, MIDDLESBROUGH, TS4 3PZ. REF NO: OL/20/01.**

A report of the Director of Communities, Culture and Communications was circulated outlining an application for a Premises Licence in respect of A & E News, 36 Broughton Avenue, Easterside, Middlesbrough, TS4 3PZ, Ref No: OL/20/01.

Summary of Proposed Licensable Activities

Sale of Alcohol (off sales) – 6.00am to 10.00pm daily.

Full details of the application and accompanying 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.

Details of the Application

The Senior Licensing Officer presented the report outlining the application for a Premises Licence in respect of A & E News, 36 Broughton Avenue, Easterside, Middlesbrough, TS4 3PZ. A copy of the application was advertised in the Evening Gazette on 20 April 2020, as required by the Licensing Act 2003.

The premises were situated in a small parade of shops on Broughton Avenue, Easterside, amongst other retail outlets and alcohol licensed premises. The applicant intended to supply a full range of fresh, frozen and ambient foods, together with a selection of high quality wines, beers and spirits. A location plan was attached at Appendix 2.

Representations

On 17 April 2020 a representation was received from Anita Zabrocky, a local resident and the Vice Chair of Ladgate Community Council, objecting to the application on the grounds of anti-social behaviour and public nuisance issues. (Copy attached at Appendix 3). Mrs Zabrocky confirmed that she did not wish to attend the Committee meeting but asked that Members consider her written representations, including further Correspondence, dated 27 May 2020, also attached at Appendix 3.

On 17 April 2020 a representation was received from Mr Jeffrey Zabrocky, a local resident, objecting to the application on the grounds of anti-social behaviour and public nuisance issues. (Copy attached at Appendix 4). Mr Zabrocky subsequently confirmed that he did not wish to attend the Committee meeting but asked that Members consider his written

representations.

On 5 May 2020 a representation was received from Karen Horne, on behalf of Ladgate Community Council, objecting to the application on the grounds of anti-social behaviour and public nuisance issues. (Copy attached at Appendix 5). Karen Horne subsequently confirmed that she did not wish to attend the Committee meeting but asked that Members consider her written representations including further correspondence, dated 29 May 2020, also attached at Appendix 5.

In response to the consultation, the Council's officers from Public Health and Officers from Cleveland Police had concerns about the initial content of the application. However, following discussions with officers, the applicant has agreed to implement certain conditions, including an amendment to the opening times – the amendment being 7.00am to 10.00pm daily. Both Public Health and Cleveland Police officers had no objections to the grant of a licence on the basis of these agreed conditions being imposed on the licence. A copy of the list of conditions agreed with the applicant by Public Health and Cleveland Police was attached at Appendix 6.

#### Applicant in Attendance

The applicant, Mr A Longworth, accompanied by his wife, was in attendance at the meeting together with his legal representative who presented the case on behalf applicant in support of the application and addressed the issues within the representations.

Members of the Committee, and the Council's legal representative asked questions of the applicant which were responded to accordingly.

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 A & E News, 36 Broughton Avenue, Easterside, Middlesbrough, TS4 3PZ, Ref No: OL/20/01, be granted, as follows:-

#### Authority to Act/Considerations

1. On 10 June 2020, the Licensing Sub Committee considered an application for the grant of a Premises Licence to Anthony Steven Longworth for the off sales of alcohol at 36 Broughton Avenue, Easterside, known as A & E Convenience Store ("the Premises") with amended times from 7.00am until 10.00pm daily.
2. Under Section 18 of the Licensing Act 2003, as representations against the grant of the licence had been received, the Licensing Sub Committee must hold a hearing, and having regard to the representations take such steps it considers to be appropriate.
3. The Licensing Sub Committee carefully considered the report and appendices, the representations made by the objectors, the applicant, his personal representative and legal representative. It carefully considered the Act, the Government Guidance issued under the Act and the Council's Statement of Licensing Policy.

#### Decision

4. The Licensing Committee decided to grant the application for a Premises Licence for the off sales of alcohol between the hours of 7.00am and 10.00pm daily but that the Licence be subject to the 17 conditions set out and specified in Appendix 6 to the Report.

#### Reasons

5. The reasons for the Licensing Sub Committee's decision were as follows:-

6. The Committee considered that with the applicant's experience and track record, together with the robust conditions on the Licence, the sale of alcohol at the convenience store would uphold the licensing objectives.
7. Responsible Authorities did not have concerns that the operation would undermine the licensing objectives. The Police and Public Health agreed to the application being granted subject to the above revised conditions.
8. The Committee was informed that there had been no issues at the premises since the new owners took over for approximately six months. Also the Committee noted the applicant had operated a similar premises with a licence to sell alcohol in a neighbouring authority without issue.
9. Although the objectors stated that the area was already saturated with licensed premises, it was not within the Licensing Sub Committee's remit or power to consider whether another similar outlet was "needed".
10. The objectors stated that another outlet selling alcohol would add to the anti-social behavior problems in the area. However, there was no information or evidence available to the Licensing Committee in relation to incidents of alcohol-fueled anti-social behaviour or that current licensed premises cumulatively caused anti-social behaviour in the area where the premises was situated. An objector also stated that the shop was near to schools and a children's play area.
11. However, there was no information or evidence that would lead to a conclusion that the grant of the Licence at the Premises could lead to or would be likely to cause crime and disorder, public nuisance or undermine the protection of children in the area. The Premises would be operated as a convenience store with the sale of alcohol being only a small part of that operation.
12. The Licensing Sub Committee considered that the management of the Premises and the 17 conditions on the licence, including that a personal licence holder will be in the shop at all times; all staff will have intensive training including challenging ID, identifying proxy sales and monitoring sales / customers that could potentially go on to cause nuisance outside; that no strong beers, lagers ciders or Perry or single cans will be sold together with the other restrictions, should ensure that this particular premises would not add to or cause any anti-social behaviour in the area.
13. Although the Committee considered that the petition produced by the Premises Licence Holder could not be wholly reliable, it did consider that it showed a general support for the application.
14. The application, subject to the additional conditions, met the requirements of the Council's Policy.
15. Following a question from a Member of the Licensing Sub Committee, the applicant's representative confirmed that in addition to the Premises Licence Holder being displayed in the shop in accordance with the Act, the applicant would display the names of Personal Licence Holder(s) also in charge of the shop.
16. For these reasons the Licensing Sub Committee decided it was appropriate to grant the licence subject to the conditions.
17. If any party was aggrieved by the decision they may apply to the Teesside Justices Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough within 21 days from the date of receipt of this decision to appeal the decision, however, if the appeal was unsuccessful the Council will claim the costs of defending its decision which could be in excess of £750.

