

Licensing Act Sub Committee Hearing

Thursday 8<sup>th</sup> January 2009

Members of the Panel:	Councillors Atkinson, Fleet and G Lilley
Application Premises:	24 Hour Store, Raby Road, Hartlepool
Officers present:	Tony Macnab, Solicitor Sylvia Pinkney, Consumer Services Manager Jo Wilson, Democratic Services Officer
Applicant:	Mr J Swift
Interested Parties	MP Iain Wright Mrs J Swift Mr W Sutherland Mrs A Breeze Mr P Maxfield Mr W Grier, Barrister for Cleveland Police Acting Chief Inspector M Brown PC T Swales
Decision:	

The Licensing Authority considered that the application for a review of the premises licence by Mr Swift, an interested party, was relevant to the licensing objectives relating to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The application related to incidents of anti-social behaviour in close proximity to the premises including fighting, urinating in the street and throwing of bottles, most incidents occurring between 22:00 and 6:00. In addition nuisance and disturbance had been experienced by residents living in the vicinity caused by taxis and other vehicles pulling up near the premises during the early hours of the morning.

Mr Swift gave evidence of anti-social behaviour occurring close to the premises. He also stated that there had been sales of alcohol from the premises to persons under 18.

Iain Wright, MP for Hartlepool, put forward representations on behalf of 51 local residents who had made complaints to him concerning the criminal and anti-social behaviour in the neighbouring residential streets that they had been experiencing. Mr Wright gave firsthand evidence of his experience witnessing irresponsible parking in close proximity to the shop and a nearby junction.

Mr Wright called Mr Sutherland, a representative from Furness Street

Residents Association, to give evidence of his experiences of anti-social behaviour in the area of the premises including under-age drinking.

Mr Grier, Counsel for the Police, invited PC Swales, the Licensing Officer, to give evidence.

PC Swales stated that there had been 32 incidents directly linked to the premises between 1<sup>st</sup> September 2007 and 10<sup>th</sup> September 2008 and provided examples of 17 incidents which had occurred late at night and during the early hours of the morning. The incidents included rowdy anti-social behaviour, theft, criminal damage, assault and drug related offences.

PC Swales gave details of a recent incident of fighting outside the premises which resulted in one of the parties receiving hospital treatment. Members of staff had reported incidents to the police including threats to staff and criminal damage and, more recently, an armed robbery at the premises.

PC Swales gave his opinion that the Designated Premises Supervisor and her staff appeared to be promoting the licensing objectives and were co-operative with the Police however the situation appeared to be defeating them. He stated that the residents living in the surrounding area would benefit greatly from licensable activities ceasing from 23:00 to 07:00 hours.

Chief Inspector Williams had provided a statement which was presented by Acting Chief Inspector Brown who reiterated the problems caused by the sale of alcohol from the premises after 11pm. He had personally attended drink related incidents which had occurred outside the premises and gave firsthand evidence of his experiences. He also gave evidence that the premises attracted taxis from out of town carrying people who attended the premises.

Mr Maxfield, the premises Licence Holder, presented his case. He accepted that there had been a high number of incidents in and around the area of the premises although he stated that not all of the incidents could be attributed to the premises.

Mr Maxfield presented some CCTV footage obtained between 3am and 4am on 14<sup>th</sup> December 2008 which he stated was one of the busiest nights. He showed this footage to refute the allegations made by the Police and to demonstrate that it was not total chaos all the time.

The Licensing Authority considered all the evidence presented to them. They were satisfied that the applicant interested party, together with the other representatives and the police, had established that drink related anti-social behaviour, in addition to criminal activity and public nuisance, had occurred in close proximity to the premises. The incidents, as described by the Police and the applicant, were directly related to, and had originated from, the premises.

The Licensing Authority accepted that the Premises Licence Holder and the Designated Premises Supervisor had worked closely, and co-operated, with the Police but considered that the licensing objectives relating to the prevention of crime and disorder, public safety and the prevention of nuisance were not being promoted by the premises being allowed to supply alcohol late at night and during the early hours of the morning.

The Licensing Authority decided to modify the conditions of the licence in relation to the time the licence authorises the supply of alcohol so that alcohol may only be supplied between the hours of 07:00 and 23:00 Monday to Sunday.

The Licensing Authority considered that this action was necessary under Subsection 3 of Section 52 of the Licensing Act 2003 for the promotion of the licensing objectives.

CHAIR