

Licensing Act Sub Committee Hearing

14 January 2013

Members of the Panel:	Councillors George Morris (Chair), Steve Gibbon and Sylvia Tempest.
Application Premises:	91 Elwick Road, Hartlepool.
Officers present:	Sylvia Pinkney, Public Protection Manager Tony Macnab, Solicitor David Cosgrove, Principal Democratic Services Officer
Applicant:	Varan Thananayagam (applicant) Mr Suresh (Agent)
Respondent:	Sgt Halliday, Cleveland Police

Decision:

The Licensing Sub-Committee considered an application from Varan Thananayagam for a premises license for the sale of alcohol in respect of the premises at 91 Elwick Road.

The Licensing Authority received objections from the Police, three ward Councillors, Burn Valley North Residents Association and members of the public relating to all four of the licensing objectives.

The applicant was represented by his agent Mr Suresh. The applicant had made the application in accordance with the Council's licensing policy and understands that there were a lot of objections from the public and the Police.

The applicant had experience running a shop in London for five years in a difficult area which suffered from high crime including Anti-Social Behaviour. He worked with the Police and trained staff in spotting under-age sales and identifying those buying for others.

The applicant's agent stated that the premises would be open until 10.00 p.m. and that the applicant would use the Challenge 25 Policy and does not serve those that are drunk. He will not be selling high strength beers or very cheap beers. Stock will be displayed at the rear of the shop and small bottles of spirits would be stored behind the counter.

In respect of noise nuisance the applicant did not think that this would be a problem as the shop will be a local convenience store.

Sergeant Halliday put forward the objections on behalf of Cleveland Police.

Sergeant Halliday stated that the premises are situated at the centre of one of the busiest areas of the ward. He stated that historically premises selling

alcohol attract Anti-Social Behaviour and thefts. He stated that there had been 48 incidents of retail crime in this ward in 2012, 44% of which related to licensed premises. He stated that retailers selling alcohol tend to be magnets for Anti-Social Behaviour.

Sergeant Halliday stated that car parking is a concern with these premises as this would have an impact on the flow of traffic. He was also concerned at the risk to pedestrians and also to children playing in the street.

Sergeant Halliday stated that in respect of the protection of children from harm that this is a major issue. He stated that young people target small stores as they believe they will get served or can intimidate staff into serving them. He stated that this problem has largely gone away due to the larger stores in the area but that these problems could start again with these premises.

Councillor Hall, one of the ward members, put forward his objections as a local resident and ward councillor.

Councillor Hall stated that the premises are in very close proximity to residential properties and that there are parking problems in an already congested area.

Councillor Hall referred to the letter written by Carol Laud, the Chair of Burn Valley North Residents Association, who also put forward her objections.

Councillor Hall also asked Mrs Fisher the resident of 93 Elwick Road to put forward her objections. She stated that when the premises were open previously as a hairdresser there had been no problems. However, when it operated as a general dealers it was open later and attracted youths. These youths would sit on the wall outside her property and would cause Anti-Social Behaviour and leave graffiti on the wall. On one occasion she came home to find that one of the youths had used the front of her property as a toilet.

Councillor Hall stated that there had been problems with premises in nearby Cornwall Street which were in a middle of a residential area. There had been significant Anti-Social Behaviour problems which had reduced since the closure of those premises.

In respect of public safety he stated that parking is a problem in the area. In addition the proposed introduction of a one-way system in the side streets in the area would cause extra traffic in Elwick Road.

Councillor Lauderdale, another ward member, read out his letter of objection. He lives three or four doors away from a previous licensed premises in Cornwall Street and he and local residents experienced the problems of Anti-Social Behaviour. In particular he stated that the premises attracted youths which was a major problem.

In addition to the representations put forward in person, written objections had also been received from Councillor Brash the other ward Member and also from members of the public.

The applicant's agent in summing up stated that it appeared that children had

caused Anti-Social Behaviour. He stated that he has experience in dealing with those issues. He stated that the shop would not be a target as he was not intending to sell high strength beers which tend to bring problems. He would put steps in place to prevent Anti-Social Behaviour and work with the residents association.

The Licensing Sub Committee considered the application and representations put forward by the applicant and the representations and evidence that was presented to it by the Police, the ward councillors and members of the public who had objected.

The Licensing Sub Committee accepted the evidence presented by the Police and the objectors and considered that Anti-Social Behaviour would return to the area if the premises were to be granted a licence.

The Licensing Sub-Committee considered that the licensing objectives would not be promoted if the application was granted and further, that they could not impose any conditions which would enable the licensing objectives to be promoted.

The Licensing Sub-Committee therefore refuse the application as they consider that this is the appropriate step to take for the promotion of the licensing objectives.

CHAIR