

# Licensing Act Sub Committee Hearing

21 March 2013

Members of the Panel:	Councillors Griffin (Chair), A Lilley and Jackson
Application Premises:	New Premise Licence - Vicky's Convenience Store, 36 Mulgrave Road
Officers present:	Ian Harrison, Principal Trading Standards and Licensing Officer Tony Macnab, Solicitor Jo Stubbs, Democratic Services Officer
Applicant:	Mr Suvaissan Savarimuthu represented by Joan Smith of Counsel
Objectors:	Councillors Richardson and Simmons, Susan Gaffney, Margaret Harrington, Denise and William Jervis, Harry Squirrel and Michael Westhorp
Decision:	
<p>The Licensing Sub-Committee considered an application from Mr Suvaissan Savarimuthu for a premises licence for the sale of alcohol in respect of premises at 36 Mulgrave Road.</p> <p>The Licensing authority received objections from a Neighbourhood Police Sergeant, a local trader, 5 local residents and the three Ward councillors. The objections related to all four of the licensing objectives. The applicant was represented by Joan Smith of Counsel, who outlined the application.</p> <p>Miss Smith presented a petition in favour of the application with 79 persons named on it, some of whom live in the same streets as the objectors. The applicant's premises are a very small convenience store which has been open for a month. The applicant wishes to provide the community with a fully functioning convenience store, not just to sell alcohol. He has applied for a licence to sell alcohol from 9am to 10pm Monday to Saturday and from 10am to 9pm on a Sunday.</p> <p>The applicant lives above the store as it is his home. He is experienced in the licensing trade. The premises have a CCTV system in place. He has worked in premises close to a school so is used to being near schools. There will be two people working on the premises, he and his wife, who is also a personal licence holder. There is a refusals book which is being used. There were 26 refusals for attempts by under 18's to buy cigarettes in the past 30 days; so he is able to turn people away. The target of the shop is not to sell to children, otherwise he would lose his licence, or to cause problems for the community.</p> <p>The applicant gave evidence confirming his witness statement. He stated that he had already been granted a licence in Hartlepool and never had any complaints made against him. Wines and spirits would be displayed behind</p>	

the counter with beers and lagers in a chilled cabinet on the shop floor. He stated that the shop is a convenience store, not there only to sell alcohol and he didn't want to sell 100% alcohol. He confirmed that on the location map showing the premises that there are two schools but stated that he has worked at premises a lot closer to a school and that he wouldn't let children buy alcohol. He confirmed that he will continue with a refusals register as he needs to know and must be aware of what goes on on his premises. He has been at other premises whilst test purchases took place and passed on two or three occasions.

In response to questions from Councillor Jackson, he confirmed that he and his wife will work on the premises and will employ another person if needed and will train that person.

In response to questions from Councillor Richardson, Ward Councillor on behalf of the residents, the applicant confirmed that he works on the premises between 8 and 10 hours per day but if busy his wife is always on hand and that if he needs her help he doesn't have to leave the shop floor.

A question was asked in respect of the CCTV system. Ian Harrison, the Principal Trading Standards and Licensing Officer, confirmed that a condition had been agreed with the Trading Standards Responsible Authority.

The objectors asked questions relating to CCTV, whether the applicant's wife held a personal licence and why there had been so many refusals relating to the sale of cigarettes.

The applicant confirmed that his wife held a personal licence. He did not think there were so many refusals compared with other shops. He said the kids are not coming back. He stated that he refuses them and they go away. He stated that he hadn't seen children asking adults to buy alcohol for them.

Councillor Richardson as a Ward Councillor had provided a witness statement setting out his concerns on behalf of local residents. He confirmed that he had represented this area for 28 years and had seen crime fluctuate and in the past 6 to 7 years crime had gone down. He stated that when Victoria Wines was there anti social behaviour increased and a robbery took place. People are afraid of what could happen with another premises selling alcohol. He thinks that this will increase the perception of anti social behaviour in the area.

Councillor Chris Simmons had also provided a witness statement. He confirmed that he had lived in the Ward for over 40 years and had represented the area since 2007. He stated that local residents are concerned that the opening of an off-licence would see the return of the problems that were there when Victoria Wines was open. He said that there were a lot of incidents at Victoria Wines including gangs of youths hanging around intimidating adults and drunk youths roaming the area. He stated that residents concerns are that premises selling alcohol in hours of darkness will lead to an increase in anti social behaviour. He said the residents felt more comfortable since Victoria Wines closed.

The objectors present had all provided witness statements which detailed their reasons for objecting to the premises licence.

The objectors main concerns were the return of anti social behaviour, crime and disorder and public nuisance caused by youths congregating in the area which had occurred when Victoria Wines, at 39 Mulgrave Road, was open.

Susan Gaffney who lives next door to the applicant's premises stated that she can hear noise from the premises and has started to see children accumulating outside the premises and is concerned if children see that alcohol is being served.

Denise Jervis stated that when Victoria Wines was open children under the influence of alcohol had caused damage to her property. She stated that last Saturday night some teenagers had banged on her window after having had relative peace in this area for some years. She stated that last night, she returned home with her husband and he was approached by a youth asking him to buy cigarettes. She was concerned that as this has happened children would be asking adults to get alcohol for them.

Margaret Harrington stated that there is a problem with drugs in the area and where there is drink this adds to the problems. She stated that Michael Westthorp's off-licence shuts at 7pm and they don't get any problems. She stated that she doesn't want the problems of the past to return.

Michael Westthorp, who owns the off-licence and convenience store at 26 Mulgrave Road, stated that initially he had opened his premises later than he does now for a period of two weeks after he got his licence but decided to close earlier. He closes at 7.30pm on Wednesdays and Saturdays and 1pm on Sundays and 7pm on all other days. He always has two members of staff in his shop. He stated that the applicant premises would promote drink and would attract children.

William Jervis confirmed that he had been approached by a youth asking him to buy cigarettes.

David Halliday, the Neighbourhood Policing Sergeant for the South and Central Sector Wards in Hartlepool, had provided a statement expressing his concerns if the applicant premises were granted a licence. He was unable to attend the meeting and therefore his statement was read out by Ian Harrison. His general concerns were over the location of the premises and that premises that sell alcohol are invariably a catalyst for retail theft and anti social behaviour and their potential to attract groups of people who will cause anti social behaviour. His statement reiterated that a new alcohol sales licence would severely affect the quality of life of local residents.

Councillor Simmons, in summing up, stated that the residents are concerned about the quality of life based on their previous experience with Victoria Wines. The concerns were that the location will be a centre for people drinking underage and that they don't want an increase in crime. Councillor Richardson added that as Ward Councillors they reflect the views of the residents.

Miss Smith on behalf of the appellant in summing up stated that there was no evidence, no statistical figures to show that there will be an impact on the licensing objectives. She stated that Sergeant Halliday works in the Ward but

that no representations had been made by Cleveland Police. Their licensing unit has worked with the applicant. If there were any concerns or evidence then they would be here. There is no evidence about crime and disorder in the area. Trading standards have agreed conditions with the applicant. Miss Smith submitted that there is no association with the applicant's premises and Victoria Wines which closed 7 years ago. She stated that the applicant is experienced and the easiest way of addressing concerns is by way of conditions. Miss Smith submitted that the times alcohol could be sold could be limited to 10am to 7pm as another premises already does that even though those premises can open later.

The Licensing Sub Committee considered the application and representations put forward by Miss Smith on behalf of the applicant and the evidence given by the applicant. The Licensing Sub Committee considered the representations and evidence that was put to it by the objectors in person and the evidence contained within all of the witness statements.

The objectors gave evidence of the experiences they had had to endure when Victoria Wines was open and their concerns that crime and disorder and anti social behaviour would increase if the applicant was granted a premises licence.

The Licensing Sub Committee considered that the concerns raised by the objectors could be dealt with by the imposition of appropriate conditions which would promote the licensing objectives.

The Licensing Sub Committee granted the premises licence subject to the following conditions:

- 1) The sale of alcohol shall be restricted to the hours of 10am and 7.30pm each day.
- 2) The premises shall not be used exclusively or primarily for the sale or supply of alcohol.
- 3) The premises licence holder consents to under age sales test purchase operations being carried out by Trading Standards Officers and/or Cleveland Police without prior notification.
- 4) There shall at all times during licensed hours be a minimum of one personal licence holder present on the premises.

The Licensing Sub Committee considered that the conditions are appropriate for the promotion of the licensing objectives and a proportionate step to take.

The above conditions are additional to those conditions previously agreed with Trading Standards.

CHAIR