

REPORT OF THE DIRECTOR OF CITY DEVELOPMENT

LICENSING SUB-COMMITTEE – 11 MARCH 2024

LICENSING ACT 2003 – CONSIDERATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE – CASTLETOWN POST OFFICE, 35 ETHEL TERRACE, SUNDERLAND, SR5 3BQ

1.0 PURPOSE OF REPORT

- 1.1 To request the Sub-Committee to consider an application to grant a premises licence in respect of the above-mentioned premises.

2.0 DESCRIPTION OF DECISION

- 2.1 When determining the application, the Sub-Committee is requested to have regard to the representations referred to in paragraph 4.0 below, take such steps (if any) they consider appropriate for the promotion of the licensing objectives. The steps may be: -

- a) to grant the application subject to -
 - (i) the conditions mentioned in the operating schedule modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and
 - (ii) subject to the relevant mandatory conditions;
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the premises supervisor;
- d) to reject the application.

3.0 INTRODUCTION/BACKGROUND

- 3.1 An application for this premises was previously submitted for the grant of a Premises Licence on 29th August, 2023 for the sale of alcohol Monday – Sunday 08:30 to 23:00. The application received a number of representations in objection to the application from local residents and Ward Councillors who were concerned with the potential for crime and disorder and antisocial behaviour.
- 3.2 In addition to the objections made by local residents, representations in objection to the application were received from Northumbria Police and Trading Standards, in their role as a Responsible Authority. As a result, the applicant decided to withdraw the application on 27th September, 2023.
- 3.3 On 11th January, 2024 a meeting was held with the applicant and their agent via Microsoft Teams, to discuss a further proposal for an application for the premises with officers from Licensing, Trading Standards, Public Health and Northumbria Police, who were acting in their role as Responsible Authorities.

- 3.4 At the meeting, Officers discussed the previous concerns that were raised on the initial application and to seek reassurances from the applicant that the premises would not encounter any issues should a licence be granted. Concerns were also expressed by Officers regarding the possible limited time available by the applicant to be present at the premises. These concerns were due to him operating a similar business in Sunderland where previous issues were identified at that store. Officers were advised that the applicant wishes to sell his other store to focus solely on running the store at Ethel Terrace.
- 3.5 As part of the discussions, the applicant and his agent agreed to amend the proposed hours for the sale of alcohol to 8.30am – 10pm, which is one hour less than the previous application. The applicant also agreed to a number of conditions to be included in the operating schedule, which resulted in all parties agreeing to the proposed hours and conditions.
- 3.6 On 18th January, 2024 an application was received by the Licensing Section for the grant of a Premises Licence at 35 Ethel Terrace. Included in the application was a set of proposed conditions to be included in the operating schedule, which were in accord with those discussed by the Responsible Authorities at the meeting held on 11th January, 2024. A copy of the application, plan and proposed conditions are attached at **Appendix 1**.
- 3.7 According to the information provided by the applicant’s agent, the premises is a Post Office and Convenience Store. Alcohol sales will form part of the business.
- 3.8 The application is for sales of alcohol Monday – Sunday 08:30 to 22:00. In summary, the confirmed proposed licensable activities and opening hours are detailed as follows:

| Licensable Activity | Proposed Hours |
|-------------------------------------|---------------------------------|
| Sale of Alcohol Off the Premises | Monday to Sunday 08:30 to 22:00 |
| Opening Times of Premises | Monday to Sunday 07:00 to 22:00 |

- 3.9 For Members’ information, the premises are situated on Ethel Terrace, which has a parade of other retail and fast-food outlets. Plans showing the location of the premises along with the surrounding area of Ethel Terrace and similar Premises Licences granted in the area are shown at **Appendix 2**.
- 3.10 During the consultation period, a statutory notice was published in the Sunderland Echo on 24th January, 2024. In addition, blue site notices were displayed at the premises for a period of 28 days, allowing for any persons to submit any representations. Licensing Officers attended the premises on 6th February, 2024 and observed that the site notices were displayed.

- 3.11 In line with the statutory procedure set out in the Licensing Act 2003, a 28-day consultation period was allowed for any representations to be made. During the consultation period there were no representations received from any of the Responsible Authorities.
- 3.12 On 24th January, 2024 Mr Scott Lawrence, (Senior Licensing Officer), acting in his role as the Responsible Authority for Licensing sent an email to the applicants agent, requesting a further condition to be included on the operating schedule for notices to be displayed at the entrance of the premises advising customers that although the premises is open from 7am, alcohol supply will not take place until 8:30am.
- 3.13 On 24th January, 2024 the applicant's agent confirmed the approval of the additional condition. A copy of the email exchange is attached at **Appendix 3**.
- 3.14 Relevant representations were received from local residents and Ward Councillors, which are detailed at paragraph 4.0.

4.0 CURRENT POSITION

- 4.1 On 18th January, 2024 a representation was received in objection to the application from the local Ward Councillors. On 18th January, 2024 Mr Lawrence contacted the Councillors by email to confirm the background with the application. As a result of the email, the Councillors wished to uphold their representation. A copy of the representation and email correspondence is attached at **Appendix 4**.
- 4.2 On 18th January, 2024 a representation was received in objection to the application from a local resident. Mr Lawrence contacted the objector by email to confirm the background with the application. At the time of preparing the report the objector has not confirmed their position with their objection. A copy of the representation and email correspondence is attached at **Appendix 5**.
- 4.3 On 22nd January, 2024 a representation was received in objection to the application from a local resident. Mr Lawrence contacted the objector by email to confirm the background with the application. At the time of preparing the report the objector has not confirmed their position with their objection. A copy of the representation and email correspondence is attached at **Appendix 6**.
- 4.4 On 23rd January, 2024 a representation was received in objection to the application from a local resident. Mr Lawrence contacted the objector by email to confirm the background with the application. At the time of preparing the report the objector has not confirmed their position with their objection. A copy of the representation and email correspondence is attached at **Appendix 7**.
- 4.5 On 26th January, 2024 a representation was received in objection to the application from an owner of a local convenience store. Mr Lawrence contacted the objector by email to confirm the background with the application. At the time of preparing the report the objector has not confirmed

their position with their objection. A copy of the representation and email correspondence is attached at **Appendix 8**.

- 4.6 On 2nd February, 2024 an e-mail was received from Mrs Jill Lennox, (Licensing Coordinator for Northumbria Police) acknowledging the new condition added, which confirms that notices will be displayed at the entrance of the premises, that advising customers that although the premises is open from 7am, alcohol supply will not take place until 8:30am. Mrs Lennox confirmed that Northumbria Police have no objections to the Premises Licence application. A copy of the email is attached at **Appendix 9**.
- 4.7 On 12th February, 2024 the Licensing Section received an e-mail from a local resident in support of the application. A copy of the e-mail is attached at **Appendix 10**.

5.0 REASONS FOR THE DECISION

- 5.1 To determine the application as requested by section 18(3) of the Licensing Act 2003.

18(3) *“Where relevant representations are made, the authority must—*

(a)hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b)having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers for the promotion of the licensing objectives”

- 5.2 Section 4(2) of The Licensing Act 2003 lists the licensing objectives as:-

(a)the prevention of crime and disorder;

(b)public safety;

(c)the prevention of public nuisance; and

(d)the protection of children from harm.

6.0 ALTERNATIVE OPTIONS

- 6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

- 7.1 There are no other considerations that require the attention of the Sub-Committee.

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 LIST OF APPENDICES

Appendix 1 – Application form and plan of premises;
Appendix 2 – Plans of surrounding area
Appendix 3 – Email exchange with Mr Lawrence and Applicant's agent with agreeing additional condition;
Appendix 4 - Representation from Ward Councillors;
Appendix 5 - Representation from Local Resident;
Appendix 6 – Representation from Local Resident;
Appendix 7 - Representation from Local Resident;
Appendix 8 - Representation from owner of a local business;
Appendix 9 – Email from Jill Lennox from Northumbria Police; and
Appendix 10 – Email from local resident in support of the application

10.0 BACKGROUND PAPERS

10.1 None.