

**At a meeting of the LICENSING SUB-COMMITTEE held in the CIVIC CENTRE on ,  
Wednesday 10<sup>th</sup> November, 2010 at 10.00 a.m.**

**Present:-**

Councillor Old in the Chair

Councillors Bell and D. Richardson

**Declarations of Interest**

There were no declarations of interest.

**Apologies for Absence**

All Members of the Sub-Committee being present, there were no apologies for absence.

**Licensing Act 2003 – Consideration of an Application for the Grant of a  
Premises Licence – 33 Park Parade, Roker, Sunderland, SR6 9LU**

The Executive Director of City Services submitted a report (copy circulated) concerning the above.

(For copy report – see original minutes).

The Sub-Committee in accordance with the requirements of the Licensing Act 2003 and regulations made thereunder have read all the documents presented to them contained in and appended to the report for this hearing.

In reaching their decision the Committee have taken account only of the information presented by the Applicant and those relevant representations of responsible authorities and interested parties as defined in the Act.

No responsible authority has objected to the application.

One interested party objected to the application. This letter can be found at Appendix 2 to the Committee report. This letter states that the objection is based on problems of anti-social behaviour and young under age people obtaining drink associated with the premises when operated by previous owners. It cites incidents of cars being damaged, shouting and fighting which was terrifying to elderly residents.

The letter states that there are other outlets selling alcohol with no trouble at all. It goes on to say Hendon Suppliers are regular ports of call for the Police as there is always trouble around these shops. The letter goes on to say anti-social behaviour is a problem in the City suggesting the shop would be better put to other users.

The interested party who wrote the letter has not attended the hearing arranged before the Sub-Committee.

1. Mr. Usman Ali (Director of the Company)
2. Mr. David Pearson, Solicitor

The Applicant's position is Hendon Discount Stores are applying for a premises licence for 33 Park Parade Mr. Ali is the Director of that company the premises was previously operated as a Booze Buster off-licence situated at a corner site near a fish and chip shop and an Indian restaurant. Hendon Discount Stores operate five other stores in Sunderland the intention is to operate as a general dealers with the sale of alcohol ancillary to that business it is intended to be a quality outlet offering goods at competitive prices to the local community. The business will be run in a way to promote the licensing objectives. Mr. Ali has liaised with the Police and will be providing CCTV coverage both inside and outside of the premises. All the staff to be employed will be local and will know the people in the area it is hoped that because of this they will be able to prevent the type of anti-social behaviour complained of in the representations from Miss Hutchinson. The staff will all be fully trained, the CCTV will be retained for 28 days and be available for inspection by the Police or Council Officers. There will be a public safety notice displayed as to what action to take in the event of a fire and suitable fire fighting equipment will be provided also if required notices will be put up to advise customers to bear in mind the needs of local residents when coming to and from the shop. There will be no sales to persons under the age of 18 years and all staff will be trained in this regard it is intended to operate the Challenge 21 scheme. The Applicant has considered putting the representations and concerns relating to anti-social behaviour laid at the door of the former operators Booze Busters. This new premises will be very different with the alcohol sales being ancillary, in addition Mr. Ali is a very experienced operator in this trade and will be visiting the premises on a daily basis. His intention is not to alienate the local residents but become part of that community and offer a useful service to them. It should be noted that none of the responsible Authorities including the Police have objected to the application and the one interested party's objection relates to the very different operation carried out by Booze Busters.

Councillor Bell asked if it was necessary for the hours to be as long as they were seeking from 7.00 till 10.00 pm. Mr. Ali indicated that he would be prepared to reduce the hours so that alcohol could only be sold between 9.00 am and 10.00 pm. He would have said 9.00 pm which is when most of his shops close but by the time he gets round all five premises it could be after 9.00 and he wants to maintain this flexibility. Councillor Bell also stated that the current scheme operated by Northumbria Police was Challenge 25 and not Challenge 21. Mr. Ali agreed to adopt Challenge 25.

In accordance with the Council's procedures adopted for hearings before its Licensing Sub-Committee all parties – the Applicant, Responsible Authorities and interested parties – have been given an equal opportunity to present their respective positions and sum up thence having heard all the evidence.

The Committee, having heard and read all the evidence, have considered all of this in light of the requirement placed upon them in the Act, to promote the four licensing objectives of:

- (1) the prevention of crime and disorder;
- (2) public safety;
- (3) the prevention of public nuisance;
- (4) the protection of children from harm.

The Committee have also had due regard to the Council's own statement of licensing policy and the issued government guidance.

Specifically the Committee has taken into account the following provisions of the Licensing Act 2003:-

Section : 17, 18 and 19

Reasons: These sections deal with the application for a Premises Licence and its determination.

The Committee has taken into account the following provisions of the guidance under section 182 of the Act:

Paragraphs 1.1 to 1.9, 2.1 to 2.2, 2.32 to 2.40, 2.47 to 2.48, 2.51, 8.3 to 8.15, 9.1 to 9.12, 9.19 to 9.28, 10.7 to 10.21, 10.65 to 10.68, 13.33 to 13.38

Reasons: These paragraphs deal with the licensing objectives and aims, the determination of the application, the attachment of conditions and the restrictions on cumulative impact policies.

The Committee has taken into account the following provisions of its statement of licensing policy:

Paragraphs 4, 6, 9, 10, 11, 13, 16, 17 and Appendix 1.

Reasons: These paragraphs deal with the issues being considered in the application.

The Committee have decided in respect of this application having regard to the licensing objectives:-

(i) Prevention of Crime and Disorder

There has been no representation from the Police or any other responsible authority. The one interested party who has objected did not attend the hearing. The concerns raised relate to problems associated with the operation of the premises by a previous operator. The letter acknowledges that there are other similar premises in the area that operate without problems. It states that Hendon Stores are a regular port of call for the Police as there is always trouble around the shops, without providing any evidence to back up this statement. The Police clearly by the lack of objection do not share these concerns. The mention of need is not a relevant consideration as no cumulative impact policy is in force. The fears and concerns as how the premises may operate are speculative rather than evidentially based. It is established in the 'Thwaites' case, any decision must be based on real evidence. There is none. The applicant in the operation schedule is agreeing to install CCTV and operate the Challenge 21 scheme requiring photographic ID and keep refusal books. The scheme adopted by the Police is now Challenge 25 and Mr. Ali has agreed to adopt this. He has also agreed that the hours for the sale of alcohol will be 9.00 am until 10.00 pm. In addition he said all staff will be trained in respect of the requirements under the Licensing Act and that CCTV will be installed and maintained with all recordings being kept for at least 28 days and made available to the Police and Council on request. The premises will operate as a general dealers with alcohol sales being ancillary to that business.

(ii) Public Safety

There are no public safety issues.

(iii) Prevention of nuisance

As per prevention of Crime and Disorder.

(iv) Protection of children from harm

As per Prevention of Crime and Disorder there is no evidence this operator will sell to under age individuals.

The Committee have decided to grant the application for the reason given above under the Prevention of Crime and Disorder including the hour changes for the sale of alcohol now being 9.00 am until 10.00 pm.

1. RESOLVED that the application is granted subject to the following conditions:-

(a) Prevention of Crime and Disorder

As per operating schedule including for CCTV the provisions of Condition 19 in Appendix 1 of the Statement of Licensing Policy and the adoption of the Challenge 25 scheme.

(b) Public Safety

No additional conditions are being added.

(c) Prevention of nuisance

No additional conditions are being added.

(d) Protection of children from harm

The challenge 21 scheme offered is changed to challenge 25 with requirement for photographic ID.

(Signed) S. OLD,  
Chairman.