

Appendix 11

WITNESS STATEMENT

(Criminal Procedure Rules, r.27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

Statement of: Scott Lawrence

Age (if over 18 enter 'over 18'): Over 18

Occupation: Senior Licensing Officer

Address: City Hall, Plater Way, Sunderland, SR1 3AA

This statement (consisting of 2 page(s), signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false, or do not believe to be true.



Signature:

Date: 10.01.2024

I am currently employed by Sunderland City Council, City Development Directorate, as a Senior Licensing Officer.

As the Responsible Authority for the Licensing Section, I work closely with partner agencies to ensure the promotion of the four licensing objectives. The application for 138 Newcastle Road has been a matter that has been brought to the attention of the group and has caused concern and I share their concerns on the matter.

On 26th October, 2023 I submitted a representation on behalf of the Licensing Section in objection to the application.

Following the end of the consultation deadline, a number of email exchanges took place between 17th and 20th November, 2023 between myself and the applicant's agent, Ms Gill Sherratt from Licensing Matters. A copy of the email exchange is detailed in Appendix SLA.

In her emails, Ms Sherratt wished to negotiate the conditions and the hours for the sale of alcohol to the following:

- Hours for sale of alcohol (in store) - 07:00 to 23:00,
- Delivery of all goods including alcohol - 07:00 to 01:00,
- Delivery of all other goods 07:00 to 03:00,
- The applicant also wished to withdraw the late night refreshment activity from the application



Signed

Continuation of statement of:

Page 2 of 2

It was a concern that the applicant wished to operate an alcohol delivery service and this had not referenced on the application form.

Operating an alcohol delivery service poses additional risks for the sale of alcohol and I was surprised to find that the applicant had not initially proposed any conditions in the operating schedule to properly identify, assess and control the potential risks when the application was submitted and therefore the Responsible Authorities had not been able to consider this on the application. There are also concerns with potential noise caused from closing/opening of car doors, sounding horns and possible parking issues from delivery drivers visiting the premises in the early hours.

Therefore, acting in my role as Responsible Authority for the Licensing Section, I am unable to support the Premises Licence application at this time.

Signed



Appendix SLA1

Scott Lawrence

From:
Sent: 20 November 2023 18:50
To: Scott Lawrence
Subject: RE: Newcastle Road Application

Follow Up Flag: Follow up
Flag Status: Completed

Hi Scott,

Thank very much for responding. I have just come off the phone to the applicant and he has decided to amend his application as follows:

- Hours for sale of alcohol (in store) - 07:00 to 23:00
- Delivery of all goods including alcohol - 07:00 to 01:00
- Delivery of all other goods 07:00 to 03:00

We are also content to WITHDRAW late night refreshment as that was not a central part of the business model.

In relation to deliveries, to be clear, all goods that are available for sale at the store will be available for delivery, it is not an alcohol focused service. On this point a store is entitled to open 24 hours to sell any non-licensable goods without reference to the licensing system, & a committee will not be able to limit opening hours if licensable activities are not being conducted. That being the case, we must ask the question, if deliveries are already taking place where is the evidence that a bottle of wine or other types of alcohol being amongst the goods will be the cause of disturbing residents?

In addition to the above, applicants and holders of licences have had the automatic right to deliver alcohol to customers since the old 1964 legislation, we do not have to apply for it. It is now a common place activity as people's shopping habits and society generally has changed considerably. As you will know COVID has further changed the way people undertake their shopping forever and delivery of goods is at the centre of that. I accept we should have offered the conditions relating to delivery at the outset and that was an oversight, so apologies for that.

I understand that you have the residents' objections & concerns in the back of your mind, but they are a separate consultee in this process and are making their own feeling known. As a responsible authority I would ask you to consider the rights of a **responsible business owner** to ensure that they are able to operate a viable business, particularly given that the licensing system is a permissive regime. Small independent retailers such as this one does not have the resources of Tesco or Asda, the costs to open and then operate a business of this nature are off the scale as I am sure you are very aware and store owners must provide as many services as possible to cover their overheads. Delivery is now a firm part of those efforts all across England & Wales and at Licensing Matters we deal with thousands of small business owners that have partnerships with companies such as UberEATS and Just Eat **and deliver goods (including alcohol) from their store without issues.**

Given the concessions that our client has now made, the committee will only be dealing with the delivery of alcohol between the hours of 23:00 and 03:00. If you feel unable to support the application in its amended form, and in order to assist the committee in their decision, can I ask that you provide some

evidence to back up your assertions, in line with the requirements outlined in the Thwaites case? I am sure that you have other delivery services for alcohol in the area. Please can you provide details of any complaints or disturbances that have been caused by those services or confirm that there have been no such complaints. I think the committee would be grateful for that information as it will make their consideration of this issue much more meaningful.

If you haven't any information in that regard, I would just refer you to the requirement to approach licensing system as a permissive regime and treat applications with a "light touch". If there is an issue with the grant of this licence for delivery (or any other reason), you have the power to review it.

These are significant concessions and I hope that we can agree on that basis.

I do not want to handle the conversation about conditions until the hours are agreed. If we cannot agree to those we will discuss your representation as a whole at the hearing.

If you would like to discuss this further over the phone over the next couple of days I am available on

Thanks,

From: Scott Lawrence
Sent: Monday, November 20, 2023 1:59 PM
To:
Subject: RE: Newcastle Road Application

Good afternoon

Thank you for your emails and your client's compromise on the end time for the sale of alcohol to close the store to customers at 12 midnight. I believe that the proposed amended terminal hour of 12 midnight is not really reflective - as the supply (deliveries) is still 3am.

I note in your email that your client wishes to operate an alcohol delivery service, however after reviewing the application, I cannot see any reference to this or what the provision of late-night refreshment entails.

Operating an alcohol delivery service poses additional risks for the sale of alcohol and I was surprised to find that your client had not proposed any conditions in the operating schedule to properly identify, assess and control the potential risks, however I note from this morning's email that you have now proposed conditions, which generally seem satisfactory. However, your client's proposed condition 1 suggests that alcohol supply between midnight and 7am is by delivery, there is no mention of the terminal hour being 3am.

Please note that there are also concerns with potential noise caused from closing/opening of car doors, sounding horns and possible parking issues from delivery drivers visiting the premises in the early hours.

In terms of the email sent to you on 17th October, would you be able to confirm if your client is in agreement with the conditions I proposed?

Given the concerns raised by the residents and responsible authorities during the consultation in relation to the licensable hours and the lack of conditions proposed to mitigate the concerns during the application process, Licensing would not be able to support the application.

Should you wish to discuss the matter further, please do not hesitate to contact me.

Regards

Scott Lawrence
Senior Licensing Officer
Sunderland City Council
City Development Directorate

www.sunderland.gov.uk

**Sunderland
City Council**

From:

Sent: Monday, November 20, 2023 8:43 AM

To: Scott Lawrence

Subject: Newcastle Road Application

This message originates from outside your organisation. Do not provide login or password details. Do not click on links or attachments unless you are sure of their authenticity. If in doubt review the guidance at [Report Phishing](#)

Hi Scott,

Apologies for bombarding you with emails!

As deliveries will be taking place from the premises, I have detailed some conditions (attached). I have also attached our supporting documents to demonstrate the professional systems that will be in place but clearly, we will expand on this in the hearing if needed.

I am hoping that this application can be agreed prior to the hearing on Thursday.

If you have any questions, please get in touch & I look forward to hearing from you.

Thanks,

Delivery Conditions

1. Between 00:00 & 07:00 the store will close to customers and sales of alcohol between those times will only be by way of a pre-order delivery service.
2. All persons responsible for the delivery of alcohol will be trained in all elements of Challenge 25, acceptable identification and identifying people who are drunk. They will also be trained in the process for refusing a delivery in the event of a person being unable to prove their age. Training will be recorded and provided to the authorities for inspection upon request.
3. At the time of the order the customer will be informed that the person accepting the delivery will need to provide an acceptable form of photographic ID proving that they are 18 years of age or over in line with the Challenge 25 requirements. They will also be informed that the delivery of alcohol will be declined to a person who cannot prove their age upon request.
4. Delivery will only be made to a home or business address given at the time of the order & not to any public place such as parks, roadsides, or landmarks.
5. The person making the delivery will make the appropriate ID checks at the door of the address according to the Challenge 25 Scheme requirements.
6. The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and Home Office approved proof of age ID card bearing the PASS hologram.
7. If a third-party delivery service is utilised they will have in place a written contract showing that an ID check is required by the delivery driver at the point of delivery.



LICENSING MATTERS

you serve • we protect

PREMISES LICENCE APPLICATION
Newcastle Road Mini Mart, 138 Newcastle Road, Sunderland,
SR5 1NA

Hearing 23rd November 2023

SUPPORTING INFORMATION RELATING TO THE PROPOSED PREMISES LICENCE

Nature of Document	Pages
E-learning Licensing Training & LMS	2 - 6
Due diligence forms	7 - 8

E-learning Licensing Training

The Licensing Matters E-Learning Portal is an automated compliance training system that takes away all the time and effort it takes to train staff & ensure due diligence. Automatic reminders, permanent and secure records of training mean that consistency and peace of mind for the business are guaranteed.

Training Modules

A brief overview of the course benefits are as follows:

- The course consists of 3 unique and fully interactive modules covering the sale of all age restricted products with in-built tasks, quizzes and videos included.
- The course is accessible on any device, 24/7, with no time limits, with the staff members contacted directly and having their own personalised page.
- Each module is followed by a test of random questions with a pass mark of 80% required.
- The system includes refresher training with automated reminders.
- As each member of staff is dealt with on an individual basis and contacted directly about the training, it takes pressure off the manager & consistency of training is assured.



UNDERAGE SALE SCENARIO

Watch the video and help Tom decide the best course of action with these customers.



HOW DO I CHECK IDENTIFICATION?

As you have already learned, the only forms of identification you can accept as proof of age are Passport, Driving Licence (including provisional), Military ID and cards with the PASS Hologram.

It is important that you know how to check identification and that you do so carefully.

Select the different parts of the card to find out more.



Select the Pass Icon to see an example of a card with the pass hologram.



DO NOT simply allow a customer to present a form of ID to you in a wallet. The identification can easily be obscured and may lead to mistakes. If a customer does this politely ask them to remove the identification from the wallet and check it thoroughly.

WHY DO UNDERAGE SALES TAKE PLACE?

Most people do understand that they should not sell alcohol to a person under 18, but when in underage persons will do take place and place the whole business at risk.

Select the most accurate and common reasons for this.



Please complete this to continue

MODULE 3: REFUSING SALES & CONFLICT



This module will help you to understand the following, once completed:

- The types of customers you should refuse to sell certain products to.
- How to identify people who are drunk and what the law is.
- How to refuse a sale.
- What to do after you have refused a sale.
- How to deal with conflict.



THE ASSESSMENT

**WELL DONE
THAT'S THE END OF THE MODULE**

You have completed the learning pages of this module and must now complete an assessment to test your knowledge.

- You need to correctly answer 80% to pass the course and will be told your result at the end of the test
- If you fail to pass the assessment, you will be able to return to the relevant sections to review your incorrect answers. When ready, retry the assessment.

Start

The Learning Management System

The training modules are backed up with an LMS which proactively monitors the training and issues automated reminders to the store manager and individual staff members when refresher training or other relevant communications are due.

The LMS enables management to instantly see exactly where each individual stand with regards to licensing training. All training records are held securely and cannot be accessed which, providing training is maintained, guarantees due diligence in the event of a problem such as a sale to a person who is underage.

Training items

Distribute training to Ben FLETCHER

Sequencing Rules

Search... Filter Bulk actions

TRAINING	TYPE	STATUS	GIVEN ON	DUE ON	EXPIRES ON	LAST UPDATED
Refusing Sales of Alcohol & Other Age-restricted Products - Refusing Sales of Alcohol & Other Products	...	Passed 100%	11 Nov 2019, 15:24 on 13 Nov 2019, 18:13	18 Nov 2019, 15:24	18 Nov 2019, 15:24	13 Nov 2019, 18:13
Age Restricted Sales	...	Passed 100%	11 Nov 2019, 15:24 on 13 Nov 2019, 18:02	18 Nov 2019, 15:24	18 Nov 2019, 15:24	13 Nov 2019, 18:02
The Alcohol Licensing System	Available Module	Passed 80%	11 Nov 2019, 15:24 on 13 Nov 2019, 17:36	18 Nov 2019, 15:24	18 Nov 2019, 15:24	13 Nov 2019, 17:36

Allocations 1-3 of 3

Status report for: CAMBERLEY

Team Module Changes per line



'CHALLENGE 25' AGE VERIFICATION POLICY

These premises operate a strict 'Challenge 25' policy at all times.

1. The 'Challenge 25' policy means that if a customer buying alcohol appears to be under the age of 25 then you must ask for proof of age.
2. If they cannot provide an accepted form of identification then you must refuse the sale.
3. If the customer you suspect to be under 25 has no form of acceptable ID, but protests they are 23 or 24 you **MUST NOT** give them the benefit of the doubt and serve them.
4. If the person can provide an acceptable form of identification that proves they are aged 18 or over you may then serve them.
5. The only forms of identification that are acceptable proof of age are a current passport, driving licence and the government approved cards bearing the PASS logo.

I certify that I have read and understood the 'Challenge 25' policy & have been trained fully in what it means. I agree that I am to implement it **AT ALL TIMES**.

Signed.....

Print name.....

Date.....

AUTHORITY TO SELL ALCOHOL

I am the nominated DPS for:

(premises address)

.....

.....

And hereby certify that

(staff member)

has been trained in their responsibilities in relation to the Licensing Act 2003 and their knowledge tested. I therefore give them authorisation to sell alcohol on my behalf.

Signed.....

Date

I, (staff member)

am aware of my responsibilities with regard to licensing law and that I am authorised to sell alcohol by the above-named person.

Signed.....

Print name.....

Date

Scott Lawrence

From:
Sent: 17 November 2023 13:24
To: Scott Lawrence
Subject: Newcastle Road, Sunderland

Follow Up Flag: Follow up
Flag Status: Flagged

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Good afternoon Scott,

As you know the above application is at hearing before the subcommittee next Thursday and I am writing to make an offer to resolve your representation.

Our client has a business model that includes an end time to 3am but in light of the objections he has received, and the concerns people have, he is happy to amend the times for alcohol sales. He does so in the spirit of co-operation and to show partnership working with all parties.

I am sure that you appreciate the licensing system is permissive and the correct approach is to permit applications unless there is real & clear evidence why the application or hours should not be granted. Having viewed the representations from all authorities there is a clear lack of evidence being presented, and concerns centre around speculation and broad assumptions about what might happen should the licence be granted. That approach is not in line with the statutory duty (the Thwaites case), to handle an application with a "hands off" approach.

All that said in circumstances such as these, where there is a strength of feeling against an application, we draw on the partnership approach that is another central feature of the licensing system and advise clients to limit what they are asking for, with a view to allowing all to see the impact the licence has in reality.

Our client is happy to take this approach and has asked if we could compromise on an end time to the sale of alcohol and store closure to customers of 12 midnight. He does however want to deliver alcohol as many convenience stores now do, via Uber Eats and Deliveroo until 3am. In providing that service the store will be closed (something that will be reflected in the licence), and so there will be no impact.

I know you have proposed conditions but as I don't have access to those at present (I am currently in the car), I will come back to you on those once I hear from you about the hours. I have looked at them and on the whole, they seem fine, but I do need to sit down and consider them properly.

I hope you are able to agree to the above hours and give our client the opportunity to prove himself to you. Of course, if there were to be any issues, he understands that a review of the licence is something you may well consider.

I look forward to hearing from you.

Thanks,