

# Public Document Pack

## GATESHEAD METROPOLITAN BOROUGH COUNCIL

### LICENSING SUB COMMITTEE MEETING

Monday, 3 February 2025

**PRESENT:** Councillor S Potts (Vice Chair)

Councillor(s): S Gallagher and M Ord

**LSC2 APPLICATION FOR PREMISES LICENCE**

**RESOLVED:**

- i. That the decision of the Committee as per the attached Summary of Decision as an Appendix to this minute is approved.

**Chair.....**

This page is intentionally left blank

**GATESHEAD COUNCIL**  
**LICENSING AUTHORITY**

**SUMMARY OF DECISION OF LICENSING SUB-COMMITTEE**

**Address :** LG Convenience Store, 35 Sheriffs Highway, Gateshead, NE9 5PJ

**Applicant :** Gopinath Kaliyannan (from LG Retail Ltd)

**Date of Hearing :** 03 February 2025

**Type of Hearing :** Application for the grant of a Premises Licence

**The Sub Committee has decided:**

To grant the application subject to conditions consistent with the operating schedule/the conditions agreed with Northumbria Police in advance of the hearing as follows –

1. Alcohol shall not be sold in an open container or be consumed in/on the licensed premises.
2. The Premises Licence holder will endeavour to support local initiatives promoted by the police or other responsible bodies when appropriate.
3. All persons involved in the sale of alcohol who are not the holder of a Personal Licence to sell alcohol will receive initial training and regular refresher training by the Designated Premises Supervisor or training provider with regards to the law in relation to sale of alcohol. Such training must be recorded and up to date training records of all such persons must be maintained at the premises or head office and produced and made available for inspection within 7 days of a request being made. There must be twelve months records retained.
4. A CCTV system will be installed and such system shall be maintained and fit for purpose.
5. The store management will be trained to view and download CCTV footage on receipt from Northumbria Police or the Licensing Authority. For urgent matters, at all times officers will be able to view CCTV footage to verify if a reported offence is covered and, whenever required, CCTV will be downloaded and made available to the officer as soon as reasonably practicable. For non-urgent matters, CCTV will be available to

view and download at all times during normal office hours and in any event within 48 hours.

6. Any recordings will be retained and stored in a suitable and secure manner for a minimum of 28 days.
7. The system will display, on any recording, the correct time and date of the recording.
8. The CCTV system will be maintained and operational throughout the hours that the premises are open for any licensable activity.
9. Upon receipt of a request of a Police Officer of the rank of Inspector or above or by a Police Licensing Officer and having regard to local initiatives, if concern is raised about a particular product on sale and evidence provided that the sale of this product was undermining one or more of the Licensing Objectives, management will take steps to remove the product or take other reasonable steps to address the Licensing Objectives.
10. The premises shall operate a Challenge 25 scheme and all members of staff at the premises shall seek credible photographic proof from any person who appears to be under the age of 25 and is seeking to purchase alcohol. Such credible evidence shall include a photograph of the customer which will either be a passport, photographic driving licence or proof of age carrying a PASS logo. Challenge 25 posters shall be displayed at the entry point to the premises, adjacent to the alcohol display and adjacent to the till area.
11. The Premises Licence holder shall ensure that at all times when the premises are open for any licensable activity, there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
12. An incident and refusals log /book shall be kept at the premises which is utilised and maintained at all times. This book will be available to the Police or local authority on request. An incident and refusals log shall be maintained on the premises (in writing or digitally) to record incidents and refusals and shall be made available to officers of the Licensing Authority or Northumbria Police upon request. Details of the following shall be recorded:-
  - a. All crimes reported to the venue or by the venue to the police
  - b. Any incidents of disorder
  - c. Any faults in the CCTV system

- d. Any refusals
  - e. Details of the staff member completing the report
13. If the store is open outside of the hours authorised for the sale of alcohol, all alcohol within the trading area will be secured behind locked grills/screens or secured behind locked cabinet doors as to prevent access to the alcohol by customers and staff.
  14. The premises licence holder will at all times maintain adequate levels of staff. For the purposes of upholding the licensing objectives. Such staff levels will be disclosed; on request; to the Licensing Authority and Northumbria Police.
  15. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over (EPOS System)
  16. There shall be no sale of single cans of beer, lager, cider or perry from the premises. The Minimum quantity that a customer can purchase is to be 4 cans and signage explaining this will be suitably displayed at the premises.
  17. Spirits and drinks containing alcohol with an ABV above 13% will be stored and displayed behind the counter. These items will not be available for self service.
  18. There shall be no sale of wine in bottles greater in size than 1 litre.
  19. A written record must be available for inspection, upon request by any responsible authority, detailing the names of those members of staff who are authorised by the Designated Premises Supervisor to sell alcohol. This will include details of the person deemed to be in charge at the premises at any specific time.
  20. The trading hours for the sale of alcohol will be 08:00 – 23:00 every day.

## **Reasons**

The Sub Committee had regard to the Licensing Officer's report dated 24 January 2025, and the verbal representations made at the hearing by:

- The Applicant, Gopinath Kaliyannan Subramani, from LG Retail Limited (represented by Mr Naga Rajesh from Preradic Ltd).
- Mrs Nirroshany Rammeash

The Sub Committee heard submissions from Mr Rajesh-

- That this is an application for a new premises licence, and that the Applicant is a personal licence holder with a number of years of experience.
- That the premises are on a main street and are an existing retail unit in which the Applicant has invested a large amount of money; and in view of the level of investment made the Applicant is not going to jeopardise this by undermining any of the licensing objectives.
- That the Applicant has had detailed conversations with the Police and has taken on board all of the advice provided by the Police; to include reducing the proposed hours of alcohol sales from 6:00am to 11:00pm, to 8:00am to 11:00pm, together with an agreed matrix of conditions.
- That the Applicant has voluntarily put forward the proposal to the Police that any alcohol of less than 500ml for beer, lager, cider or perry, of less than 500ml in a can or bottle will not be sold in a single unit and there will be a sign on the premises to this effect. This has been agreed as a condition.
- That some of the conditions agreed with the Police include detailed CCTV conditions, a challenge 25 policy, an EPOS system with till prompts to remind staff to check the ID, and that all spirits will be kept behind the counter. There will also be regular staff training.
- That none of the Responsible Authorities under the Act have made representations to the Committee and that the Home Office Guidance issued under section 182 of the Licensing Act 2003 states, "Licensing authorities should look to the Police as the main source of advice on crime and disorder". There is no evidence with regards to this particular application in respect of crime and disorder and the Police have not commented on this.
- That although the impact on other businesses has been raised by the objectors, this is not relevant to the consideration of the application, nor are the issues raised about parking and traffic. The premises are a retail unit which has already been granted planning permission under the relevant legislation.

The Sub Committee heard from Mrs Nirroshany Rammeash

- That she is a business owner, a landlord, and a resident in the relevant area.
- That her main objection is regarding the community and the young people in the community.

- That there have been many incidents reported to the Police to include issues occurring with female staff members working in her own business. She is not sure why the Police have not made any representations.
- That she has experience in the retail sector, and she is concerned as to how the level of investment referenced by the Applicant will impact her business, and her position as a landlord, in view of existing businesses in the area already struggling.
- That traffic was already a problem in the area, and she has concerns regarding the difficulties with parking and deliveries blocking traffic.
- That there is an alleyway next to the relevant property which is a high crime area, and she has concerns that a convenience store will cause further problems.

Summing up the application, Mr Rajesh stated –

- That most of the things put forward by the objectors are outside of the licensing objectives and there is a lack of evidence to support the claims made.
- That having heard the concerns raised about the alleyway to the side of the premises, the area will have lights and CCTV installed once the business is in operation.
- That the conditions agreed with Northumbria Police are stricter than other premises in the area, and have been agreed on a voluntary basis, in order ensure the protection of the licensing objectives.
- That the Home Office Guidance issued under section 182 of the Licensing Act 2003 states that “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours”.

The Sub-Committee then received legal advice in open session.

The Sub-Committee had due regard to –

- the Licensing Act 2003

- the Home Office Guidance issued under Section 182 of the Act, most recently updated in December 2023
- the Council's Statement of Licensing Policy
- the application itself (as amended)
- the relevant representations received from the interested parties; and
- the submissions made by the parties at the hearing.

The Sub-Committee was mindful that its duty under the Act is to carry out its functions with a view to promoting the Licensing Objectives of -

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; and
- the protection of children from harm.

The Sub-Committee had regard to section 18 of the Act, and as such disregarded any information which it did not consider to be, "about the likely effect of the grant of the application on the promotion of the licensing objectives".

The Sub Committee were mindful of the Judgment in the case of R (on the application of Hope & Glory Public House Ltd) v (1) City of Westminster Magistrates' Court & Ors [2011] EWCA Civ 31 in which Lord Toulson stated –

"Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on... They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location."

The Sub Committee noted the Judgment of Mr Justice Jay in the case of East Lindsey District Council v Hanif (t/a Zara's) (2016) EWHC 1265 (Admin) with regard to the approach



to be taken to determining the appropriate and proportionate action in light of the salient Licensing Objectives; and in particular their approach should involve –

- consideration of the antecedent facts; and
- a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

The Sub-Committee had regard to the case of *Daniel Thwaites plc v Wirral Borough Magistrates Court* (2008) EWHC 838 (Admin) and *Meade v Brighton Corporation* (1968) 67 LGR 289, in particular -

“[D]rawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act’s approach [however Committees] must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.”

The Sub-Committee had regard to the Home Office Guidance, including –

- paragraph 8.42 – “Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
  - the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate
  - any risk posed to the local area by the applicants’ proposed licensable activities; and
  - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks”
- paragraph 8.43 – “Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy”

- paragraph 9.38 – “In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives
  - the representations (including supporting information) presented by all the parties
  - this Guidance
  - its own statement of licensing policy”

The Sub-Committee had regard to paragraph 6.2 of the Council’s Statement of Licensing Policy, noting that –

“the Licensing Authority considers –

- the effective and responsible management of premises
- instruction, training and supervision of staff; and
- the adoption of best practice

to be the most important control measures for the achievement of all the licensing objectives.”

The Sub-Committee determined that it was satisfied that the applicant’s operating schedule together with the incorporated conditions agreed with Northumbria Police should, if adhered to, ensure the effective promotion of the licensing objectives and that on that basis the licence could therefore be granted.

### **Right of appeal**

Should the Applicant and/or Interested Parties be aggrieved by the Sub Committee’s decision, a right of appeal to the Magistrates’ Court exists pursuant to section 181 and paragraph 2(2)(a) and paragraph 2(3) of Schedule 5 of the Act.

Any appeal is to be brought before Gateshead Magistrates’ Court within 21 days of the date of notification of the decision.

*In reaching this decision the Sub Committee has been persuaded by the individual circumstances of this Application and does not intend to create a general exception to its Policy or to create a precedent.*

**Dated : 3 February 2025**

This page is intentionally left blank