



## LICENSING SUB-COMMITTEE

**MEETING** : Thursday, 1st July 2021

**PRESENT** : Cllrs. Finnegan, Hyman and Walford

### **Officers**

Licensing Team Leader

Licensing Officer

Senior Lawyer, One Legal

Democratic & Electoral Services Officer

### **Also in Attendance**

Chief Legal Officer and Head of Legal Services, Gloucestershire Constabulary

Gloucester and Forest Police Licensing Officer, Gloucestershire Constabulary

Licensing Officer, Gloucestershire Constabulary

Barrister, St John's Chambers (Representing the Licence Holder and Designated Premises Supervisor)

Agent, RB Retail & Licensing Services Limited (Representing the Licence Holder and Designated Premises Supervisor)

Licence Holder, Sedoos Stop

Designated Premises Supervisor, Sedoos Stop

**APOLOGIES** : Cllrs. None

### **1. ELECTION OF CHAIR**

Councillor Walford was elected Chair.

### **2. WELCOME AND INTRODUCTIONS**

Those present introduced themselves and the Chair outlined the procedure to be followed for the meeting.

### **3. DECLARATIONS OF INTEREST**

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There were no declarations of interest.

**4. APPLICATION FOR DETERMINATION**

**Licensing Officer's Report**

*Additional conditions proposed by the Licence Holder, the Designated Premises Supervisor and their representatives were circulated to members and other relevant parties in advance of the meeting.*

The Licensing Officer presented the report inviting members to consider an application from Gloucestershire Constabulary to review an existing Premises Licence in respect of Sedoos Stop, 25 London Road, Gloucester, GL1 3HB.

The Licensing Officer stated that, as a result of consultation between the Licence Holder, their representatives and Gloucestershire Constabulary, 16 proposed conditions on the Licence and an agreement to rearrange the layout of the shop, to help combat street drinking and anti-social behaviour within the locality had been reached.

The Chair asked if anyone present sought any clarification on any aspects of the Licensing Officer's report.

No one sought clarification.

**Statement of Gloucestershire Constabulary**

Counsel representing Gloucestershire Constabulary stated that members had been called to consider a review application that had been lodged by the Police, in relation to Sedoos Stop, a well-known convenience store.

He stated that representatives for the Designated Premises Supervisor (DPS) had sent representations to the Constabulary and had proposed additional conditions on their Licence to help combat anti-social behaviour, and street drinking within the locality. He said that in 2017, Sedoos had applied for a Licence to sell alcohol 24 hours a day, and there existed similar issues with regards to street drinking and anti-social behaviour then, but these issues had been exacerbated in the past few years.

Counsel representing Gloucestershire Constabulary noted that after analysing the proposed additional conditions on the Licence put forward by representatives of the DPS and Licence Holder, their view was that these conditions would, broadly speaking, meet the concerns that the Police had.

Counsel representing Gloucestershire Constabulary stated that the premises was located near several complex housing providers. He added that when there was an off-licence that was proximate to complex housing providers and in an area that had issues with street drinking, that it was pivotal to promote Licensing objectives and have stringent conditions. He stated that the area where Sedoos was located had been a problematic area for several years.

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Counsel representing Gloucestershire Constabulary stated that behavioural issues had got worse in the past 12 months and that the Gloucester and Forest Police Licensing Officer believed that the best way to deal with the behaviour that had been exacerbated by the selling of high strength and single cans of alcohol at Sedoos Stop was to have a review.

The Gloucester and Forest Police Licensing Officer explained that the biggest issue in the area was that of street drinking. He stated that the Constabulary had viewed CCTV which demonstrated clearly drunk persons who were congregating outside the store, going into it to purchase alcohol.

He stated that the issue of anti-social behaviour and street drinking in the area was so bad that children were taking a different route to school as people walking through the area were being heckled and abused.

The Gloucester and Forest Police Licensing Officer said that the Police and PCSO's were visiting the area and the shop regularly but that they could not feasibly be in the area at all times. He stated that there were many issues in the area, particularly with street drinkers. He said that some of the conditions offered by the DPS and Licence Holder for the store were 'quite unique'. He stated that it demonstrated that the store would actively co-operate with local complex housing providers such as Newton House.

He reiterated that co-operation with complex housing providers was necessary to combat the issue of anti-social behaviour and street drinking.

The Chair asked the DPS and his Counsel whether they sought any clarification on the submissions of the Police.

The DPS and his Counsel sought no clarification.

Councillor Hyman asked the Gloucester and Forest Licensing Police Officer whether there were issues with other premises that sold alcohol within the locality and what action Sedoos had taken to combat the persistent street drinking and other behavioural issues in the area.

The Gloucester and Forest Police Licensing Officer replied that Sedoos would benefit by going outside to see those who were visibly drunk on occasions so that they would know who to refuse service to. He stated that one of the conditions proposed by the DPS and his counsel was to sell a minimum of four cans of beer, lager, or cider to any one customer at a time. He stated that this would help combat street drinking as many street drinkers go in as soon as they had enough for one can and would purchase it from Sedoos. He stated that this proposed policy of no single cans being sold would be greatly beneficial. He said that numerous other premises in the area, including Tesco's Express and a nearby Petrol station already had a policy of not selling single cans and that most had introduced a ban on beer, lager or cider above 7.5% abv, though not all premises in the locality had.

He stated that street drinkers usually congregated outside Sedoos due to how easy it was to purchase alcohol there.

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The Chair pointed to the sixteenth proposed condition which stated that 'the premises will not stock or sell any beer, lager or cider above 9% abv.' He asked why 9% was the agreed figure.

The Gloucester and Forest Police Licensing Officer replied that this was the figure that was agreed upon by himself and the DPS and their counsel. He stated that idealistically capping it to a maximum of 7.5% abv could be beneficial and that other stores within the area had a policy of not selling cans of beer, lager, or cider above that percentage.

He added that the most important aspect was avoiding the sale of extremely high strength cans, as street drinkers who had the goal of getting drunk for the cheapest price, would prioritise the highest percentage and cheapest cans they could purchase.

The Chair noted that one of the proposed conditions stated that Sedoos would cooperate with support organisations in the area and he questioned why there were so many complex support organisations in such close proximity to one another. He asked how co-operation would happen between Sedoos and other appropriate support organisations to ensure that banned individuals did not purchase alcohol.

The Gloucester and Forest Police Licensing Officer replied that one of the conditions proposed by the DPS and their counsel and agreed upon by Gloucestershire Constabulary was that Sedoos would join the City Safe scheme and that the City Safe app had banned individuals on it, whilst remaining GDPR compliant. He stated that the City Safe scheme would allow employees at Sedoos to view a list of banned persons. He stated that he would work with PCSO's and agencies to provide a list of people not to serve alcohol. He stated that it should be a simple process to get Sedoos on the City Safe scheme and for them to receive an updated list of banned persons.

Councillor Finnegan noted that there were numerous complex housing and support providers within the locality and that many of their residents had extremely complex needs. She questioned how long the list of banned persons would be.

The Gloucester and Forest Police Licensing Officer replied that there was usually less than 100 people on the banned list. He stated that they had to rely on the management of the complex housing/ support providers to liaise with the appropriate authority and make premises aware of who should not be served alcohol.

**Statement of the Licence Holder and the DPS**

Counsel representing the Licence Holder and DPS stated that Sedoos was a family business that was clearly operating within a difficult area. He said that whilst the owners of the store did not accept all allegations contained within the report, they did accept that changes needed to be made to combat the issue of street drinking and anti-social behaviour within the area. He said that he believed that the conditions proposed were very proactive.

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He stated that he was happy that the Police had supported the additional conditions and the proposal to change the layout of the store and that going to review had been beneficial as it had led to the introduction of the conditions that would help combat street drinking and anti-social behaviour in the area.

Counsel representing the DPS and the Licence Holder stated that the vast majority of the sixteen conditions proposed would be introduced immediately. He stated that the first condition, which stated that the 'premises shall install and maintain a new comprehensive CCTV system' would begin on the 15<sup>th</sup> July and would be completed by the 25<sup>th</sup> July. He noted that the CCTV installation would cost the licence holder and the DPS £10,000.

Counsel representing the DPS and the Licence holder stated that they had learnt their lesson and that they were wholly aware that if there were any breaches of the licence in the future, then they would end up in front of a Sub-Committee again and that there would be consequences.

The agent representing the Licence Holder and the DPS pointed to a Premises Licence Guidance Manual. He stated that it aimed to simplify the training procedure for staff meaning that that all staff members would be properly trained. He stated that section 3 of the Premises Licence Guidance Manual had a pamphlet for staff for them to read at home and then be tested at the store. He stated that the Guidance Manual covered a comprehensive list of topics including consumption of alcohol off and on the premises, preventing sales to underage persons, duty to refuse service and street drinking.

The Chair asked the DPS how often he attended the store.

The DPS replied that he was usually there five days a week.

The Chair asked the DPS how he intended to handle the issue of street drinking and anti-social behaviour.

The DPS replied that changing the layout of the shop to put all alcoholic products behind the counter, thus preventing self-service on any alcoholic products would help to combat the issue. He stated that they would also not sell single cans of beer, lager, or cider. He added that they had also banned numerous people from purchasing alcohol who were at Newton House and that they would co-operate with the police.

The Chair asked the DPS what steps he would take to clean up the area just outside the store.

The DPS replied that he or a member of staff would clean up outside the store every single day.

Councillor Finnegan noted that a couple of the witness statements noted that the shop ran tabs for some customers and that there were many vulnerable people in the area. She asked whether the store had a tab limit, particularly for vulnerable customers.

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The DPS replied that the store did not provide tabs for customers.

The Chair noted that sixteenth proposed additional condition stated that the store would not sell alcohol above 9% abv. He asked whether currently, the client bought high strength alcohol.

The DPS replied that most customers did not buy the high strength beers and lagers and that they preferred ciders. He stated that the condition not to sell single cans would help the issue with street drinking and that street drinkers had stopped coming since the agreement not to sell single cans.

Councillor Hyman asked the DPS whether he was suggesting that trouble inside and around the premises had gone down recently.

The DPS replied that he was unsure, that most of the trouble was outside of the store but that he believed that imposing the conditions would mean that anti-social behaviour and street drinking would come down.

**Sum up by Gloucestershire Constabulary**

Counsel representing Gloucestershire Constabulary stated that having observed the DPS's evidence that most of the problems in the area were caused by customers. He stated that the proposed additional conditions demonstrated a shift in policy and a step forward by the store and that Gloucestershire Constabulary would monitor the situation. He stated that, in broad terms, they were happy with the package and the conditions put forth by the Licence Holder, the DPS and their representatives.

**Licence Holder and DPS Sum up**

The agent representing the Licence Holder and DPS stated that a lot of effort had been put into the new layout of the store. He added that it would prevent any self-service of alcohol. He stated that the layout changes, additional conditions, and training manual would put the control firmly in the hands of staff members.

**Officer Sum Up**

The Licensing Officer outlined the options available to the Sub-Committee detailed in the report.

**The Decision**

The Sub-Committee having considered the request of a review of the premises licence of Sedoos Stop, 25 London Road, Gloucester, GL1 3HB under section 51 of the Licensing Act 2003, after having undertaking a hearing and considering all of the relevant representations has resolved: -

To modify the conditions of the Premises Licence as per the 16 conditions put forward by the police and agreed by the those representing Sedoos save for

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amending condition 16 to make the ABV 7.5% in line with the other stores in the area.

Furthermore, there will be the removal of all existing conditions from annex 2 on page 4 of the existing premises licence and the 16 conditions as approved be substituted.

The committee are impressed by the collaborative working, they think this is very innovative and like the idea of all the parties working together.

The redesign of the shop has taken in to account the major issue with customers being able to handle alcohol themselves and the committee applaud that decision.

**Right of appeal**

All parties are reminded that there is a right of appeal to the local Magistrates' Court within 21 days of formal notification of this decision.

**Time of commencement: 4.00 pm hours**

**Time of conclusion: 4.55 pm hours**

**Chair**