



SALE OF ALCOHOL FROM ERIMUS RETAIL PREMISES

1 POLICY STATEMENT

- 1.1 Erimus Housing owns a number of retail premises, some of which already have consents in place to sell alcohol. These have in some cases contributed to anti-social activities in the locality of the properties. Erimus has also received requests from other tenants to extend their existing leases to permit alcohol sales.
- 1.2 Through this policy Erimus Housing aims to minimise any adverse impact arising from, or contributed to, by the sale of alcohol from Erimus Housing's retail premises.
- 1.3 This policy outlines the position of Erimus Housing in response to new requests from tenants or prospective tenants to sell alcohol from Erimus owned retail units.
- 1.4 The policy will also deal with the management approach to retail properties where existing leases already permit the sale of alcohol.
- 1.5 Erimus Housing's staff, Board Members and contractors will be expected to adhere to the principles laid down in this policy and have an individual and collective responsibility to ensure that this policy is actively applied in practice.

2 REFERENCE MATERIAL

- 2.1 There is no external reference material.

3 DEFINITIONS

- 3.1 'Tenant' – an existing tenant of Erimus Housing retail premises.
- 3.2 'Prospective tenant' – a party interested in taking a new lease direct from Erimus Housing.
- 3.3 'Prospective Assignee' – a party interested in taking a new lease direct from Erimus Housing.

4 POLICY CONTENT

- 4.1 Implementation
 - 4.1.1 Erimus Housing will delegate to the Land and Property Manager responsibility for ensuring that this policy is communicated and implemented.

4.2 Right to Appeal

4.2.1 If a tenant is unhappy with the implementation of this policy, an appeal may be made through the Complaints and Appeals process.

4.3 Policy Principles

4.3.1 This policy relates to Erimus Housing's position as landlord. Tenants are still subject to the licensing laws and the control of Middlesbrough Council as Licensing Authority.

4.3.2 Future requests (over and above those already in place) for consent to sell alcohol from Erimus Housing retail premises will be declined.

4.3.3 Lettings particulars for vacant properties will clearly state the use of the premises and the restriction on the sale of alcohol. This will be brought to the attention of prospective tenants and be included as a specific covenant within the lease.

4.3.4 Subsequent requests by those parties (after they have become tenants) to sell alcohol from such premises will be declined in accordance with this policy without further community consultation at the time.

4.3.5 No action will be taken to seek removal of existing alcohol consents where the tenant is trading satisfactorily and there is no proven link between anti-social behaviour and the subject property.

4.3.6 Where existing leases are due for renewal and have security of tenure under Landlord & Tenant legislation, the retention of the alcohol consent shall not be opposed unless there is known to be evidence of illegal (e.g. underage sales), or conduct by the tenant that is creating problems with anti-social behaviour in the locality. The strength of evidence (including that provided by partner agencies) must be capable of standing legal scrutiny as necessary in the event that removal of the consent is sought or conditions imposed.

4.3.7 Where during the lease term allegations are made that the sale of alcohol from Erimus owned retail premises is contributing towards anti-social behaviour, this shall be investigated with reasonable diligence to assess whether there is any breach of the tenants obligations under the lease. Evidence may be gathered both internally and from partner agencies to determine whether specific action should be pursued against the tenant. The strength of evidence (including that provided by partner agencies) must be capable of standing legal scrutiny as necessary.

4.3.8 Where requests by existing tenants are received to transfer leases/businesses that already include alcohol sales, the opportunity to remove the consent will be considered on merit. This will only be possible where the lease gives Erimus Housing absolute discretion on whether to permit the lease transfer. If

there are, or have been, allegations that the sale of alcohol from the premises is contributing towards anti-social behaviour, this shall be investigated with reasonable diligence to assess whether:

- a) There is any breach of the tenants obligations under the lease, and;
- b) If the removal of alcohol sales from the premises may be in the best interests of Erimus Housing, its tenants, or the community.

Evidence may be gathered both internally and from partner agencies to determine whether specific action should be pursued or conditions imposed before consent to the lease transfer is agreed.

5 EQUALITY AND DIVERSITY

- 5.1 There are no equality and diversity issues directly associated with this policy.

6 CUSTOMER INVOLVEMENT AND CONSULTATION

- 6.1 This policy has been introduced following community consultation on requests for alcohol/off-licence sales and the information found from work with partner agencies aiming to resolve problems with anti-social behaviour where alcohol sales from Erimus premises were, or were believed to be a contributory factor.

7 MONITORING AND REVIEW

7.1 Monitoring

- 7.1.1 The Land & Property Manager in consultation with Housing Managers shall be responsible for monitoring the need for intervention through this policy and monitoring the outcome.

7.2 Review

- 7.2.1 Erimus Housing will undertake a review of this policy on a three yearly basis to ensure it remains valid and appropriate to circumstances at the time.
- 7.2.3 Tenant representative groups will be involved and consulted in any review of this policy in-line with Erimus Housing's policy on tenant participation and consultation.

8 RESPONSIBILITY

- 8.1 It is the responsibility of the Chief Executive and senior officers to ensure that:
- All staff are aware of Erimus Housing's policies;
 - All staff are trained on the policies;
 - Customers are adequately informed of the policies;
 - Appropriate action is taken against employees whose actions are inconsistent with this policy.