

MIDDLESBROUGH COUNCIL

AGENDA ITEM

COMMITTEE REPORT

LICENSING SUB COMMITTEE

21 SEPTEMBER 2012

REPORT OF THE ASSISTANT DIRECTOR OF COMMUNITY PROTECTION

APPLICATION FOR PREMISES LICENCE

Applicant: Kuldip Singh

Ref.No. PR0250

Premises: The Post Office, 119 Crescent Road, Middlesbrough

Application Received: 28 June 2012

Summary of Proposed Licensable Activities:

Supply of Alcohol Off the Premises – 7am to 10pm daily

Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.

1. Notification to Responsible Authorities:

The following Responsible Authorities have all received notification of the application:

Chief Constable	Planning Manager
Chief Fire Officer	Trading Standards Manager
Area Child Protection Group	Director of Public Health
Environmental Health Manager (Public Safety and Public Nuisance)	

2. Application advertised by the applicant: Evening Gazette 4 July 2012

3. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

4. Information

This application was due to be considered by Members on 21 August 2012. However, due to the unavailability of the applicant's legal representative and with the agreement of all parties the hearing was rearranged.

Since the original report was issued on 10 August 2012 additional information has been received from Cleveland Police and is referred to in paragraph 6 below.

5. Background

These premises consist of a Post Office and an unlicensed convenience retail outlet located on Crescent Road close to its junction with Essex Street. The premises are in close proximity to residential properties. A location plan is attached at Appendix 2.

6. The Representations

On the 20 July 2012 a representation was received from Gresham Community Council which objects to the application on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Following receipt of this representation and following a request from the Applicant's representative, the Senior Licensing Officer contacted the Chair of Gresham Community Council and requested that further information be supplied in relation to the representation. Further information was received on 6 August 2012. Both the initial representation and the additional information are attached at Appendix 3.

On 26 July 2012 a representation was received from Mohammed Aslam, a local resident, which objects to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. This representation is attached at Appendix 4.

On 26 July 2012 a representation was received from Cleveland Police which objected to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. This representation is attached at Appendix 5.

On 15 August 2012 additional information was received from Cleveland Police in support of their representation. This information is attached at Appendix 6.

7. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy:

Prevention of Public Nuisance	pages 23 - 29
Public Safety	pages 30 – 31
Crime and Disorder	pages 32 – 42
Protection of Children from Harm	pages 43 – 46

And any other sections of the Policy which Members consider to be relevant.

8. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance

Prevention of Public Nuisance	starting at paragraph 2.33
Public Safety	starting at paragraph 2.17
Crime and Disorder	starting at paragraph 2.1
Protection of Children Harm	starting at paragraph 2.41

And any other sections of the Guidance which Members consider to be relevant.

9. Members' Options

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule and mandatory conditions if applicable.
2. Grant the application subject to the addition of new conditions.
3. Refuse to specify a person in the licence as the premises supervisor.
4. Reject the whole or part of the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority or other persons) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer: Sarah Morris
Senior Licensing Officer
Tel. 728716

Ed Chicken
Head of Community Protection
Date: 21 September 2012

For admin use only:

Decision:

Reasons: