

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 28 NOVEMBER 2013**

APPLICATION TO VARY A PREMISES LICENCE

Applicant: Mohan Palani Samy

Ref.No. PR0143/082194

Premises: Tudor Lodge Service Station, Marton Road, Middlesbrough, TS4 3SE

Application received: 4 October 2013

Summary of existing Licensable Activities:

Sale of Alcohol (Off Sales) - 6am to 11pm
Late Night Refreshment - 11pm to 12 midnight

A copy of the existing Premises Licence is attached at Appendix 1.

Summary of proposed Licensable Activities:

To extend the sale of alcohol to 24 hours daily, to extend the hours for the provision of late night refreshment from 12 midnight to 5am and to include a number of conditions.

Full details of the application and accompanying operating schedule have been reproduced at Appendix 2.

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 – 8 October 2013.

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. Background

The premises are located at the junction of Marton Road and Ladgate Lane in close proximity to residential premises. A location plan is attached at Appendix 3. The premises comprise of a convenience store operated in association with a petrol filling station.

The premises have had the benefit of a Premises Licence since November 2005, and prior to that time, a Justices 'Off' Licence. On 9 July 2013 the Premises Licence was transferred to the Applicant.

5. The Representations

On 10 October 2013 a representation was received from Councillor Budd and Councillor Carr, the local ward Councillors, objecting to the application on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of this representation is attached at Appendix 4.

On 14 October 2013 a representation was received from Mr D Tom, a local resident, objecting to the application on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of this representation is attached at Appendix 5.

On 29 October 2013 a representation was received from Cleveland Police objecting 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. A copy of this representation is attached at Appendix 6.

On 1 November 2013 a representation was received from the Council's Environmental Health (Noise) Officer objecting to the application on the grounds of the prevention of public nuisance. A copy of this representation is attached at Appendix 7.

6. The Licensing Policy

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

| | |
|----------------------------------|-----------------|
| Prevention of Crime and Disorder | Pages 32 to 42 |
| Public Safety | Pages 30 and 31 |
| Prevention of Public Nuisance | Pages 23 to 29 |
| Protection of Children from Harm | Pages 43 to 45 |

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

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

| | |
|------------------------|----------------------------|
| Crime and Disorder | starting at paragraph 2.1 |
| Public Safety | starting at paragraph 2.8 |
| Public Nuisance | starting at paragraph 2.18 |
| Protection of Children | starting at paragraph 2.25 |

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

8. 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. Reject the whole or part of the application.

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

Contact Officer: Sarah Morris
Senior Licensing Officer
Tel. 728716

For admin use only:

Decision: _____

Reasons:

Middlesbrough
Council



PREMISES LICENCE

Part A

Premises licence number

MBRO/PR0143/019137

Part 1 - Premises details

| | |
|---|------------------|
| Postal address of premises, or if none, ordnance survey map reference or description | |
| Marton Road Service Station Marton Road | |
| Post town | Post code |
| Middlesbrough | TS4 3SE |
| Telephone number | |
| 01642 328930 | |

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late Night Refreshment
Sale of Alcohol

The times the licence authorises the carrying out of licensable activities

LATE NIGHT REFRESHMENTS

Monday to Sunday - 11pm to Midnight

SALE OF ALCOHOL OFF PREMISES

Monday to Sunday - 6am to 11pm

The opening hours of the premises

Not Known

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol sales permitted OFF the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Mohan Palani Samy
7 Woburn Place
Duxford
Cambridge
CB22 4QJ

Registered number of holder, for example company number, charity number (where applicable)

Not Known

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Srinivasa Jaibharath Talari

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

07/00568/LAPER issued by Crawley Borough Council

Granted on 9 July 2013

Authorised Officer

Annex 1 - Mandatory conditions

Mandatory conditions in accordance with Section 19 of the Licensing Act 2003:

Where a premises licence authorises the supply of alcohol:

- (i) No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the operating Schedule

LICENSING OBJECTIVES

GENERAL - ALL FOUR LICENSING OBJECTIVES

None

THE PREVENTION OF CRIME AND DISORDER

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. A system will be in place to maintain the quality of the recorded image.
7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.

PUBLIC SAFETY

The applicant will at all times maintain adequate levels of staff. Such levels will be disclosed, on request, to the licensing authority and police.

THE PREVENTION OF PUBLIC NUISANCE

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

THE PROTECTION OF CHILDREN FROM HARM

The Premises Licence Holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similar accredited scheme) hologram.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not Applicable

Annex 4 - Plans

As per plan submitted on 30 August 2012 Plan No: 120481-ALC

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Mohan Palani Samy

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

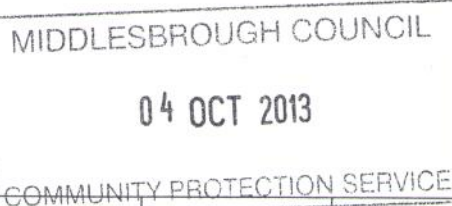
Premises licence number

MBRO/PR0143/019137

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Tudor Lodge Service Station
Marton Road



Post town Middlesbrough

Postcode

TS4 3SE

Telephone number at premises (if any)

01642 328 930

Non-domestic rateable value of premises

£17,750

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if different
from premises address

7 Woburn Place
Duxford
All correspondence to:
Winckworth Sherwood LLP
(Ref: CVE/34256/1/RPB)
Minerva House
5 Montague Close
London
SE1 9BB

Post town

Cambridge

Postcode

CB22 4QJ

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

| | | |
|----|----|------|
| DD | MM | YYYY |
| ┌ | ┌ | ┌ |
| └ | └ | └ |

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

A petrol forecourt store selling a broad range of groceries, household products and alcohol. Situated at Tudor Lodge Service Station, Marton Road, Middlesbrough, TS4 3SE to be varied as follows:

1. To extend the hours for the sale of alcohol to 24 hours daily.
2. To extend the hours for the provision of late night refreshment to between the hours of 2300 and 0500 daily.
3. To include in Annex 2 the conditions in box b and e of Section M of the operating schedule.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 6) | | | <u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

B

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|--|-------|--------|--|----------|--------------------------|
| Films Standard days and timings (please read guidance note 6) | | | <u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings.</u> Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, <u>please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 6) | | | Please give further details (please read guidance note 3) |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | | | |
| | | | |
| Tue | | | State any seasonal variations for indoor sporting events (please read guidance note 4) |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
| | | | |
| Fri | | | |
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| Sat | | | |
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| Boxing or wrestling entertainments Standard days and timings (please read guidance note 6) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u> | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here (please read guidance note 3)</u> | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u> | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u> | | |
| | | | | | |
| Sat | | | | | |
| Sun | | | | | |
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E

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|---|-------|--------|--|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
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| Sun | | | | | |

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|---|-------|--------|---|----------|--------------------------|
| Recorded music Standard days and timings (please read guidance note 6) | | | <u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u> | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here (please read guidance note 3)</u> | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u> | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

G

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|--|-------|--------|---|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

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|--|-------|--------|---|----------|--------------------------|
| <p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p> | | | <p>Please give a description of the type of entertainment you will be providing</p> | | |
| Day | Start | Finish | <p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p> | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <p><u>Please give further details here</u> (please read guidance note 3)</p> | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | <p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p> | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | <p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p> | | |
| Sun | | | | | |
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|---|-------|--------|---|----------|-------------------------------------|---|--|--|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> | | | |
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input checked="" type="checkbox"/> | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | | | |
| Mon | 0000 | 0500 | | | | | | |
| | 2300 | 2400 | | | | | | |
| Tue | 0000 | 0500 | | | | | | |
| | 2300 | 2400 | | | | | | |
| Wed | 0000 | 0500 | | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| | 2300 | 2400 | | | | | | |
| Thur | 0000 | 0500 | | | | | | |
| | 2300 | 2400 | | | | | | |
| Fri | 0000 | 0500 | | | | | | |
| | 2300 | 2400 | | | | | | |
| Sat | 0000 | 0500 | | | | | | |
| | 2300 | 2400 | | | | | | |
| Sun | 0000 | 0500 | | | | | | |
| | 2300 | 2400 | | | | | | |

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|--|-------|--------|---|------------------|-------------------------------------|--|--|--|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 7) | On the premises | <input type="checkbox"/> | | | |
| | | | | Off the premises | <input checked="" type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) | | | | | |
| Mon | 0000 | 2400 | | | | | | |
| | | | | | | | | |
| Tue | 0000 | 2400 | | | | | | |
| | | | | | | | | |
| Wed | 0000 | 2400 | | | | | | |
| | | | | | | | | |
| Thur | 0000 | 2400 | | | | <u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| | | | | | | | | |
| Fri | 0000 | 2400 | | | | | | |
| | | | | | | | | |
| Sat | 0000 | 2400 | | | | | | |
| | | | | | | | | |
| Sun | 0000 | 2400 | | | | | | |
| | | | | | | | | |

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| <p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>The premises sell alcohol and other age restricted products.</p> |
|---|

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|--|-------|--------|---|
| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | 0000 | 2400 | |
| | | | |
| Tue | 0000 | 2400 | |
| | | | |
| Wed | 0000 | 2400 | |
| | | | |
| Thur | 0000 | 2400 | |
| | | | |
| Fri | 0000 | 2400 | |
| | | | |
| Sat | 0000 | 2400 | |
| | | | |
| Sun | 0000 | 2400 | |
| | | | |
| | | | Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

1. The hours for the sale of alcohol are currently restricted to:
Monday to Sunday 0600 to 2300 daily.
2. The hours for the provision of late night refreshment are currently restricted to:
Monday to Sunday 2300 to 2400 daily.

The above restrictions would be removed as a consequence of the proposed variation.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The existing conditions on the premises licence to remain unchanged with the additional conditions outlined below in box b and e.

b) The prevention of crime and disorder

1. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.

This register will be available for inspection by a police officer or other authorised officer on request.
2. An incidents register shall be maintained at the premises recording:
 - all incidents of crime and disorder occurring at the premises;
 - details of occasions when the police are called to the premises.

This register will be available for inspection by a police officer or other authorised officer on request.
3. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.
4. There shall be no sale of single cans of beer, lager, cider or perry from the premises and no single bottles of beer, lager or cider in vessels of less than 500ml.
5. No super-strength beer, lagers or cider or perry of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
6. There shall be no self service of spirits.
7. The entrance door to the shop will be closed to customers between the hours of 2300 and 0600. Any sales between these hours will be made through the night pay window.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be kept at the premises available for inspection by a police officer or other authorised officer on request.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|---|
| Signature | Winchworth Senwood LLP |
| Date | 3 October 2013 |
| Capacity | Solicitors duly authorised on behalf of the Applicant |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

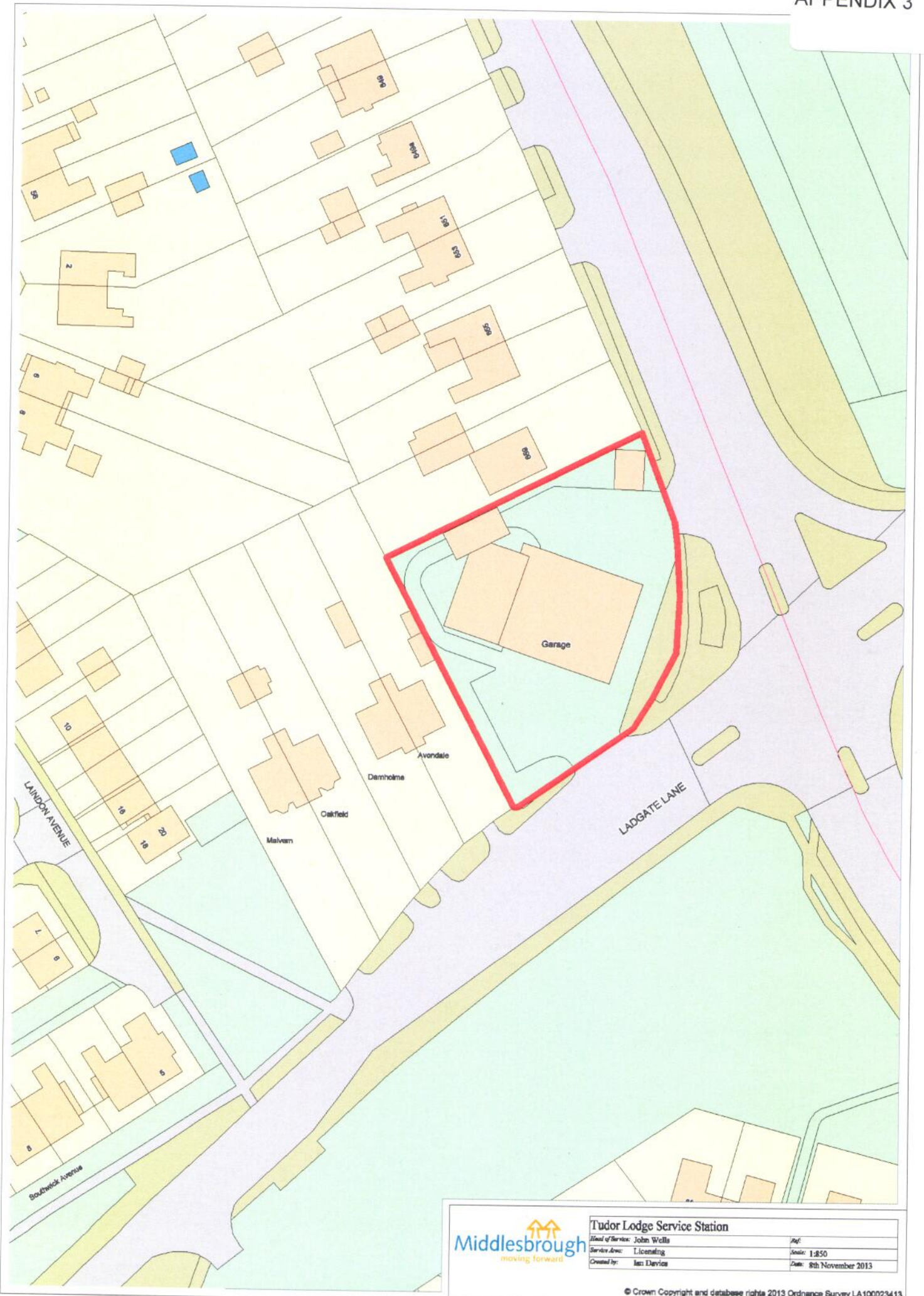
| | | | |
|---|---------------|------------------|---------|
| Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) (Ref: CVE/34256/1/RPB) Winckworth Sherwood LLP Minerva House 5 Montague Close | | | |
| Post town | London | Post code | SE1 9BB |
| Telephone number (if any) | 020 7593 0277 | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) cedwards@wslaw.co.uk | | | |

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



| | | |
|------------------------------------|------------|-------------------------|
| Tudor Lodge Service Station | | |
| Head of Service: | John Wells | /s/ |
| Service Area: | Licensing | Scale: 1:250 |
| Created by: | Ian Davies | Date: 8th November 2013 |



David
Budd

10/10/2013 21:25

To

cc

bcc

Subject Re: Licensing Act 2003 - Variation application, Marton Road
Service Station, Marton Road (PR143) 

Thank you Louise.

We strongly object to this application. There are many houses close by which would be badly affected by such long opening hours. Residents would suffer from noise and there are fears about crime, anti social behaviour and safety. The site is totally unsuitable for this kind of operation.

Would you please report our objection on behalf of the residents of both Easterside and Marton Manor to this unwelcome proposal.

Regards
Dave Budd
Mike Carr

Mr. D. Thom

9th October 2013

It has come to my notice that the petrol station / shop which I believe is known as Tudor Lodge Garage situated at the junction of Marton road and Ladgate Lane in Middlesbrough is applying for a licence to sell alcohol 24 hours a day.

As a resident living near to these premises I object to the granting of this 24 hour licence on the grounds of the prevention of crime and disorder, public nuisance and safety.

Thank you, Mr. D. Thom.

A handwritten signature in black ink, appearing to read 'S. Thom', with a long horizontal stroke underneath.

Middlesbrough Council

www.middlesbrough.gov.uk

COMMUNITY PROTECTION SERVICES

Licensing

PO Box 65, Vancouver House, Gurney Street,
Middlesbrough TS1 1QP
Tel: (01642) 245432



Representations On A Current Application For A Grant/Variation of a Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

Before Completing This Form Please Read The Guidance Notes At The End Of The Form

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I (Insert name)

Marie Nevison

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

| | |
|---|----------------------|
| Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description Tudor Lodge Service Station Marton Road | |
| Post Town Middlesbrough | Post Code TS4 3SE |
| Name of premises licence holder or club holding club premises certificate (if known) | |
| Number of premises licence or club premise certificate (if known) | |
| N/K | |

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

- | | Please
Tick ✓ |
|--|--------------------------|
| 1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input type="checkbox"/> |
| 3) a member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

| | | | |
|-----------------|----------------------|-----------|----------------------|
| Current Address | <input type="text"/> | | |
| Post Town | <input type="text"/> | Post Code | <input type="text"/> |

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

| | |
|------------------|----------------------|
| Name and Address | <input type="text"/> |
|------------------|----------------------|

| | |
|---------------------------|----------------------|
| Telephone Number (If any) | <input type="text"/> |
| E-Mail address (optional) | <input type="text"/> |

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

| | |
|------------------|--|
| Name and Address | CHIEF CONSTABLE OF CLEVELAND POLICE C/O POLICE SERGEANT 944 HIGGINS MIDDLESBROUGH DISTRICT H/Q BRIDGE STREET WEST MIDDLESBROUGH TS2 1AB |
|------------------|--|

| | |
|---------------------------|----------------------|
| Telephone Number (If any) | 01642 303176 |
| E-Mail address (optional) | <input type="text"/> |

This representation relates to the following licensing objective(s)

- | | Please
Tick ✓ |
|---|--------------------------|
| 1. The prevention of crime and disorder | <input type="checkbox"/> |
| 2. Public safety | <input type="checkbox"/> |
| 3. The prevention of public nuisance | <input type="checkbox"/> |
| 4. The protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for representation. (please read guidance note 1)

This is an application to vary a premises licence currently selling alcohol Monday to Sunday 06:00 - 23:00 hours to 00:00 - 24:00 (24 hours daily) and the provision of late night refreshments Monday to Sunday from 23:00 - 00:00 hours to 23:00 - 05:00 hours. In addition to this, additional conditions have been proposed. Cleveland Police make representations for the following reasons:

The premises is situated in area which already suffers from anti social behaviour and crime and disorder. Indeed, in a six month period, there were numerous incidents of anti social behaviour of which, a large proportion were alcohol related and disorder in the vicinity surrounding the premises.

In addition to this, the premises is situated close to residential and recreational areas. It is of concern that should the premises be allowed to sell alcohol 24 hours each day of the week, the problems already encountered will increase, thus undermining the above licensing objectives resulting in a detrimental effect on the lives of nearby residents.

Cleveland Police refer to Middlesbrough Council Licensing Policy Statement, paragraph 7.5 of Public Nuisance which states:

"In predominately residential areas the Licensing Authority will normally expect all licensable activities to cease at 11pm, with the premises to close no later than 11.30pm".

For the above reasons, Cleveland Police have no alternative but to make representations to this application. Failure to do so will result in undermining the above licensing objectives.

Please provide as much information as possible to support the representation. (Please read guidance note 2)
I the event that this application is not withdrawn, further evidence will be provided by Cleveland Police

Have you made any representation relating to these premises before?

Please
Tick ✓

X

If Yes, please state the date of that representation

| Day | | Month | | Year | | | |
|-----|---|-------|---|------|---|---|---|
| 3 | 1 | 0 | 8 | 2 | 0 | 1 | 2 |

If you have made representation before relating to these premises please state what they were and when you made them.

Representations were made for exactly the same reasons as with this application when an application for 24 hour sale of alcohol was submitted. However, at the time, the application was submitted under the name of Marton Road Service Station.

How We Collect And Use Information

By completing this document you give Middlesbrough Council the authority to collect and retain information about you for the purpose of the application. In order to process the application we may need to check this information with other enforcement agencies, local authorities or government departments.

We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share this information with other enforcement agencies including those organisations which handle public funds. Middlesbrough Council will not disclose information about you unless the law permits.

Middlesbrough Council is the Data Controller for the purposes of the Data Protection Act. If you want to know more about the information the Authority holds about you or the way the Authority uses that information please contact the Information Security Officer, PO Box 17, Melrose House, 1 Melrose Street, Middlesbrough, TS1 2YW.

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representative's solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

| | | | |
|-----------|---------------|------|-------------------------------|
| Signature | Marie Nevison | Date | 29 th October 2013 |
| Capacity | Solicitor | | |

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)

| | |
|-----------|-----------|
| Post Town | Post Code |
|-----------|-----------|

| | |
|---------------------------|--|
| Telephone Number (if any) | |
|---------------------------|--|

| | |
|---------------------------|---------------------------------------|
| E-mail Address (optional) | marie.nevison@cleveland.pnn.police.uk |
|---------------------------|---------------------------------------|

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.
6. Information on the Licensing Act 2003 is available at www.middlesbrough.gov.uk and you are advised to read any relevant guidance leaflets before completing this form.

Middlesbrough
Council



**Representations On A Current Application For A Grant/Variation of a Premises
Licence Or Club Premises Certificate Under The Licensing Act 2003**

Before Completing This Form Please Read The Guidance Notes At The End Of The Form

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I (Insert name)

Paul Douglas MacGregor

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description
Tudor Lodge Service Station, Marton Road, Middlesbrough

Post Town
Middlesbrough

Post Code
TS4 3SE

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premise certificate (if known)
MBRO/PR0143/019137

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

- | | Please
Tick ✓ |
|--|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3) a member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

| | | | |
|-----------------|----------------------|-----------|----------------------|
| Current Address | <input type="text"/> | | |
| Post Town | <input type="text"/> | Post Code | <input type="text"/> |

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

Name and Address

| | |
|---------------------------|----------------------|
| Telephone Number (if any) | <input type="text"/> |
| E-Mail address (optional) | <input type="text"/> |

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address
Mr Paul MacGregor
Environmental Protection
Middlesbrough Council
Neighbourhoods and Communities
PO Box 502
Vancouver House
Central Mews, Gurney Street, Middlesbrough TS1 9FW

| | |
|---------------------------|-------------------------------------|
| Telephone Number (if any) | 01642 728240 |
| E-Mail address (optional) | paul_macgregor@middlesbrough.gov.uk |

This representation relates to the following licensing objective(s)

- | | Please
Tick ✓ |
|---|----------------------------|
| 1. the prevention of crime and disorder | <input type="checkbox"/> |
| 2. public safety | <input type="checkbox"/> |
| 3. the prevention of public nuisance | X <input type="checkbox"/> |
| 4. the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for representation. (please read guidance note 1)

The current premises license for the Tudor Lodge Service Station allows the sale of alcohol from Monday to Sunday 06.00 – 23.00 hours and provision of late night refreshments from Monday to Sunday 23.00 – 00.00. The variation applied for would extend the sale of alcohol to 00.00 - 24.00 hours i.e. 24 hours daily and the increase of for late night refreshments to 23.00 – 05.00 hours Monday to Sunday. No additional conditions have been included with the application for the prevention of public nuisance.

The premises is situated in a predominately residential area. Residential premises are located to the West and North of the premises and at a greater distance to the South. The residential property to the North of the service station is located on the boundary of the site and has habitable rooms overlooking the garage forecourt area. As a result the residents are likely to be subjected to disturbing noise from customers using the retail facility, especially during the night when background noise levels are lower.

Initially a condition was proposed to require the operator of the site to take appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents. The condition was not agreed to by the applicant. The suggestion of a condition by the environmental protection team was an oversight as Middlesbrough Council's licensing policy would indicate that the variation would be contrary to the licensing policy with regard to Prevention of Nuisance. Paragraph 7.5 Location and Impact of Activity states that "In predominately residential area the Licensing Authority will normally expect all licensable activities to cease at 11pm, with the premises to close no later than 11.30pm."

Due to the potential for disturbance to residents neighbouring the service station the Environmental Protection service makes a representation to this application on the grounds that it does not meet the principles of Middlesbrough Council's Licensing policy.

Please provide as much information as possible to support the representation. (Please read guidance note 2)

Please Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

| Day | | Month | | Year | | | |
|-----|--|-------|--|------|--|--|--|
| | | | | | | | |

If you have made representation before relating to this premises please state what they were and when you made them.

How We Collect And Use Information

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Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

| | | | |
|-----------|--|------|-----------|
| Signature | <i>P. Moelreyer</i> | Date | 1/11/2013 |
| Capacity | PRINCIPAL ENVIRONMENTAL HEALTH OFFICER | | |

| | |
|---|-----------|
| Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5) | |
| Post Town | Post Code |

| | |
|---------------------------|--|
| Telephone Number (if any) | |
| E-mail Address (optional) | |

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.
6. Information on the Licensing Act 2003 is available at www.middlesbrough.gov.uk and you are advised to read any relevant guidance leaflets before completing this form.