

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR**

APPLICATION FOR PREMISES LICENCE

Applicant: Cumberland Food & Wine

Ref.No. OL/15/14

Premises: 57-59 Cumberland Road Middlesbrough TS5 6PN

Application received: 8 October 2015

Summary of proposed Licensable Activities:

Supply of Alcohol Off Premises – 7am to 11pm 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 – 22 October 2015

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 consist of a convenience store situated in a primarily residential area in close proximity to residential properties. The premises operated with the benefit of a premises licence following the introduction of the Licensing Act in 2005. Prior to the introduction of the

Licensing Act the premises operated with the benefit of a justice's licence. That premises licence was then surrendered in February 2011. A fresh application for a premises licence was submitted by the current licence holder on 9 May 2011. Cleveland Police initially made a representation in relation to the application; however, that representation was withdrawn following an agreement with the applicant in relation to the imposition of conditions upon the licence. That licence was then granted on 17 June 2011. On 2 March 2015 Cleveland Police submitted an application to review the premises licence. This review was considered by Members on 22 April 2015 and on that occasion they chose to revoke the licence on the grounds given in Appendix 2.

5. The Representations

On 4 November 2015 a representation was received from Cleveland Police objecting to the application on the grounds of the prevention of crime and disorder. A copy of this representation is attached at Appendix 3.

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

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.

Prevention of Crime and Disorder Starting at paragraph 2.1

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 Person) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer: John Hodgson
 Senior Licensing Officer
 Tel. 728719

For admin use only:

Decision:

Reasons: