

Application for a premises licence to be granted 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 **MR SURJIT SINGH PUNYANI**

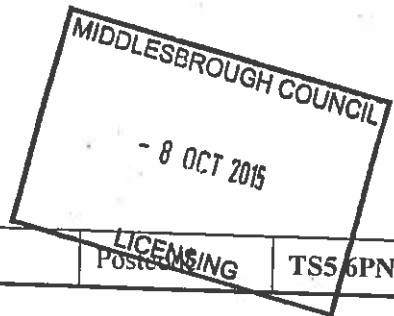
(Insert name(s) of applicant)

D.O.B: 12-12-1983

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<b>CUMBERLAND FOOD &amp; WINE</b> <b>57-59 CUMBERLAND ROAD</b>			
Post town		MIDDLESBROUGH	
		LICENSING	TSS 6PN
Telephone number at premises (if any)		07868239762	
Non-domestic rateable value of premises		£5,200.00	



Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)

- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> PUNYANI			<b>First names</b> SURJIT SINGH		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		81 MADDREN WAY			
Post town	MIDDLESBROUGH		Postcode	TS5 5BD	
Daytime contact telephone number			07868239762		
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

**A MODERN LOCAL COMMUNITY CONVENIENCE STORE**

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**B**

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>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</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 3)	
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					



**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Wed				
Thur			<b>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</b> (please read guidance note 5)	
Fri				
Sat				
Sun				

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri					
			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					

I

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

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> <b>please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  NONE  <b>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</b> (please read guidance note 5)  NONE		
Mon	07:00	23:00			
	HRS	HRS			
Tue	07:00	23:00			
	HRS	HRS			
Wed	07:00	23:00			
	HRS	HRS			
Thur	07:00	23:00			
	HRS	HRS			
Fri	07:00	23:00			
	HRS	HRS			
Sat	07:00	23:00			
	HRS	HRS			
Sun	07:00	23:00			
	HRS	HRS			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

- Name

Name <b>MR SURJIT SINGH PUNYANI</b>	
Address <b>81 MADDREN WAY MIDDLESBROUGH</b>	
Postcode	<b>TS5 5BD</b>
Personal licence number (if known) <b>LN/201300124</b>	
Issuing licensing authority (if known) <b>BRACKNELL FOREST BOROUGH COUNCIL</b>	

**K**

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).

NONE

**L**

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	NONE	
Mon	07:00	23:00		
	HRS	HRS		
Tue	07:00	23:00		
	HRS	HRS		
Wed	07:00	23:00		
	HRS	HRS		
Thur	07:00	23:00		<u>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</u> (please read guidance note 5)  NONE
	HRS	HRS		
Fri	07:00	23:00		
	HRS	HRS		
Sat	07:00	23:00		
	HRS	HRS		
Sun	07:00	23:00		
	HRS	HRS		

**M** Describe the steps you intend to take to promote the four licensing objectives:

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

**-STRICT IMPLEMENTATION OF CHALLENGE 25 POLICY  
-ALL STAFF TO BE TRAINED IN RESPONSIBLE ALCOHOL RETAILING  
-CCTV TO RECORD FOR 24HRS.  
-JOINING RETAILWATCH SCHEMES & KEEPING IN TOUCH WITH THE POLICE  
-REFUSAL AND INCIDENT BOOKS KEPT AT PREMISES  
-TRAINING MANUAL WILL BE KEPT AT PREMISES**

b) **The prevention of crime and disorder**

**-CCTV INSTALLED INSIDE AND OUTSIDE THE PREMISES  
-CCTV TO RECORD FOR 24HRS  
-ALL PURCHASES MADE FROM REPUTABLE WHOLESALERS/CASH AND CARRY'S  
-ALCOHOL AND TOBACCO INVOICES AVAILABLE UPON REQUEST.  
-JOIN RETAIL WATCH SCHEMES  
-THERE SHALL BE NO STOCK SWAPS  
-INCIDENT BOOK AVAILABLE ON PREMISES AT ALL TIMES**

c) **Public safety**

**-CCTV TO MONITOR PREMISES 24HOURS  
-ALL PURCHASES OF ALCOHOL AND TOBACCO TO BE MADE FROM REPUTABLE  
WHOLESALERS AND CASH AND CARRYS ONLY.**

d) **The prevention of public nuisance**

**-NOTICE TO CUSTOMERS REGARDING CONSIDERATION FOR NEIGHBOURS.  
-TO MONITOR ANTI SOCIAL BEHAVIOUR BY USE OF CCTV  
-ASKING CUSTOMERS TO LEAVE PREMISES IN A QUIET AND ORDERLY MANNER**

e) **The protection of children from harm**

**-STRICT IMPLEMENTATION OF CHALLENGE 25 POLICY  
-ALCOHOL TO BE KEPT AWAY FROM CHILDRENS CONFECTIONERY SHELVES  
-CHALLENGE 25 POSTERS DISPLAYED ACROSS THE PREMISES  
-SPIRITS & CIGARETTES TO BE KEPT BEHIND THE COUNTER  
-REFUSALS REGISTER TO BE ON THE PREMISES AND KEPT UP TO DATE AND MADE  
AVAILABLE UPON THE REQUEST OF POLICE, TRADING STANDARDS AND LOCAL  
AUTHORITY LICENSING OFFICERS**



**Checklist:**

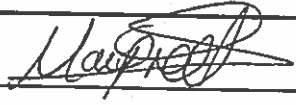
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11).  
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	06-10-2015
Capacity	AGENT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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 postal address for correspondence associated with this application (please read guidance note 13)

**MR MANPREET SINGH KAPOOR  
PERSONAL LICENCE COURSES LTD  
STUDIO 8  
HAYES BUSINESS STUDIO  
HAYES CAMPUS  
COLLEGE WAY**

Post town	<b>HAYES</b>	Postcode	<b>UB3 3BB</b>
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Telephone number (if any)	<b>020 8606 0558</b>
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
**info@personallicensecourses.co.uk**

**Consent of individual to being specified as premises supervisor**

MR SURJIT SINGH PUNYANI

-----  
*[full name of prospective premises supervisor]*

of

81 MADDREN WAY  
MIDDLESBROUGH  
TS5 5BD

-----  
*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW PREMISES APPLICATION

-----  
*[type of application]*

by

MR SURJIT SINGH PUNYANI

-----  
*[name of applicant]*

relating to a premises licence

N/A

-----  
*[number of existing licence, if any]*

for

CUMBERLAND FOOD & WINE  
57 - 59 CUMBERLAND ROAD  
MIDDLESBROUGH  
TS5 6PN

-----  
*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

MR SURJIT SINGH PUNYANI

-----  
*[name of applicant]*

concerning the supply of alcohol at

CUMBERLAND FOOD & WINE  
57 - 59 CUMBERLAND ROAD  
MIDDLESBROUGH  
TS5 6PN

-----  
*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LN/201300124

-----  
*[insert personal licence number, if any]*

Personal licence issuing authority

BRACKNELL FOREST BOROUGH COUNCIL

-----  
*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

*S.S. Punyani*

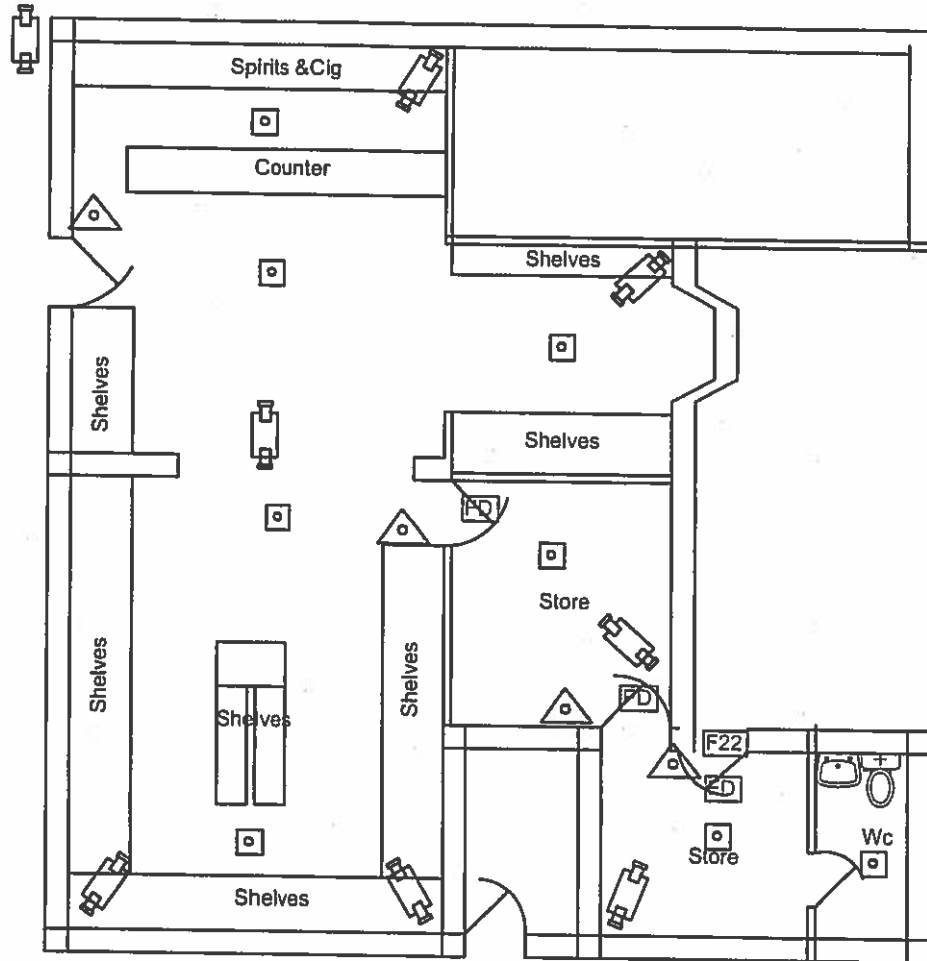
Name (please print)

MR SURJIT SINGH PUNYANI

Date

06-10-2015

# PROPOSED LICENSING PLAN



Drawing no: P/HBS/35		Date: 5th October 2015	
Key		Scale: 1:100	Paper: A4
	FIRE EXTINGUISHER		
	FIRE EXIT SIGNS		
	EMERGENCY LIGHTING		
	Fire Check Door		
	CCTV CAMERAS		
CCTV RECORDING 31 DAYS			
SHUTTERS PROVIDED			
ALARM SYSTEM TO AOISPEC OR SIMILAR FITTED			

The Committee decided to revoke the Premises Licence in respect of 57 – 59 Cumberland Road, Middlesbrough, for the following reasons:

The Committee had no confidence in the Premises Licence holder or yourself who allegedly took over the business at some point in 2011 to uphold the Licensing Objectives.

The police advised the Committee that in June 2011 when the Premises Licence was granted, the Premises Licence holder told the police [REDACTED] would not be involved in the running of the shop. The Premises Licence Holder agreed he would run the business and the business would not be let to any subsequent tenant without the consent of the police. The police required such undertakings and conditions when the Licence was granted because [REDACTED] had previously been convicted of conspiring to supply Class A drugs in 2005 and was arrested in May 2011 for money laundering when he advised the police he ran the Premises.

However, the Committee was advised that shortly after the grant of the Licence the Premises Licence Holder, in breach of the condition, transferred the business to yourself without the consent of the police and that [REDACTED] was in charge of running the shop.

The Committee considered that the Premises Licence Holder and yourself were not credible and were inconsistent as neither party could inform the committee what date or even what month in 2011 you took over the business. At a meeting with the police and licensing on the 10 November 2014, the police stated that you told them [REDACTED] who was your uncle, was already working at the Premises when you took over. However, at the hearing the Premises Licence Holder denied employing [REDACTED] and you said you employed him when you took over.

The Committee was informed that on the 15 July 2014 when [REDACTED] was the Premises Licence Holder and you were in charge of the business, the National Crime Agency, following a long standing investigation of the Premises, recovered a large quantity of heroin with an estimated value of £200,000 and a large quantity of cash from the Premises. [REDACTED] was convicted and imprisoned for a drugs offence. At the hearing the legal representative advised another person who travelled from Rotherham was also arrested for the offence at the Premises and the police confirmed they suspected the Premises had been used on other occasions for this purpose.

The Premises Licence Holder and yourself claimed they knew nothing about the links with drugs at the Premises, however, the Committee considered they knew and allowed the risk when they employed a convicted drug supplier to run the Premises despite the Police's concerns and undertakings given when the Licence was granted.

The Committee noted that on the 29 August 2014 a bottle of WKD original iron brew vodka was sold to a 16 year old and no proof of age was requested under a test purchase exercise. The Committee noted that you told the Committee that the seller had emotional problems when the alcohol was sold, however, the Committee

considered that the Premises Licence Holder and yourself failed to exercise control to ensure under age sales were not made and the prevention of crime and disorder and protection of children from harm objectives were being upheld. The Committee noted this took place shortly after the raid by National Crime Agency and that at that time conditions were being breached. It also was concerned that the shop is in a known catchment area for underage drinking and that Council's policy states that Middlesbrough has one of the highest levels of alcohol related problems among the under 19s in the Country.

The Committee were also concerned of the number of ongoing breaches of the conditions on the premises licence, which continued to occur after your meeting with Trading Standards following the underage sale and after a meeting between the Police, Licensing, the Premises Licence Holder and yourself on the 10 November 2014. The breaches included failure to comply with staff training, sale of Perry based products and failure of the CCTV footage to record over a period of 31 days. The CCTV condition was still breached on a visit on the 28 November 2014 and again on the 8 January 2015. You informed the Committee that you had arranged for Maplin to reconfigure the CCTV and later a CCTV consultant, however, the Committee considered in light of the incidents that had occurred the Premises Licence Holder and the person running the business should have ensured the condition was being met and it would be reasonable to keep checking the CCTV was recording for the required period.

The Committee considered that serious offences have occurred at the Premises relating to drugs and an underage sale whilst [REDACTED] was the Premises Licence Holder you had allegedly been in charge of the business. The Committee also considered that serious breaches of conditions had continued to occur despite the serious offences, meetings with responsible authorities and inspections of the Premises. The Committee considered that the Premises Licence Holder and yourself have both, through your actions or lack thereof, undermined the Licensing Objectives.

The Committee therefore, in accordance with the Guidance and the Council's Policy, decided that it was appropriate to revoke the Licence in order to promote the prevention of crime and disorder and the protection of children from harm. The Committee strongly considered that it would undermine the objectives if the Licence was transferred to yourself and then suspended until you received training, as suggested by your legal representative, in view of all the incidents and issues that have taken place since you allegedly had taken over the business.



## 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**

Please note that a full copy of your representation (including your personal details) will be sent to the Applicant and will be a public document at any hearing of this matter. Reports to the Licensing Committee and accompanying documentation will be published on the Council's website.

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 Higgins

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

CUMBERLAND FOOD & WINE  
57-59 CUMBERLAND ROAD

Post Town  
MIDDLESBROUGH

Post Code  
TS5 6PN

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

Number of premises licence or club premise certificate (if known)

### PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

**Please Tick**

- |    |   |                          |
|----|---|--------------------------|
| 1) | Individual (please complete (a) below)                              | <input type="checkbox"/> |
|    | Representative of Residents Association (please complete (b) below) | <input type="checkbox"/> |
|    | Ward Councillor (please complete (b) below)                         | <input type="checkbox"/> |
|    | Parish Council (please complete (b) below)                          | <input type="checkbox"/> |
|    | MP (please complete (b) below)                                      | <input type="checkbox"/> |
|    | Trade Association (please complete (b) below)                       | <input type="checkbox"/> |
|    | Other (please specify and complete (b) below) _____                 | <input type="checkbox"/> |

Please supply details of those you represent e.g. residents of The Grove

- |    |   |   |
|----|---|---|
| 2) | Responsible Authority (please complete (c) below) | X |
|----|---|---|

**(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			
Post Town		Post Code	

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)	
E-Mail address (optional)	

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address	
Chief Constable of Cleveland Police c/o Sgt 944 Paul Higgins Middlesbrough Police Bridge Street West Middlesbrough	
Telephone Number (If any)	01642 302160
E-Mail address (optional)	



### PART 3 - REPRESENTATION

This representation relates to the following licensing objective(s)

	Please Tick
1. the prevention of crime and disorder	X
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 5)

This is a new application made under the Licensing act 2003, with regards to 57-59 Cumberland Road, Middlesbrough.

The applicant is requesting the provision of, the sale of alcohol by retail from 07 00hrs until 23 00hrs, seven days a week.

Cleveland Police wish to make representations for the following reasons,

Over recent years Cleveland Police have had numerous issues with this premise, in 2014, after a long standing investigation, the National Crime agency recovered a large quantity of drugs and a large quantity of cash from the premise, this investigation resulted in a member of staff from the premise, (who has a previous conviction for conspiracy to supply Class A) receiving a lengthy custodial sentence. The owner of the building/premise's licence holder, Arshad ALI, was fully aware of the member of staff's conviction and prior to the National Crime Agency's investigation, gave assurances to Cleveland Police that this member of staff would not be employed at the premise anymore, however, he was and was actually running the business.

In July of 2014, the premise failed a test purchase, whereby a member of staff sold alcohol to an underage person.

As a result of these issues, Cleveland Police conducted a licensing check in November 2014, numerous conditions on the premises license were being breached and despite further visits and assistance, none of the breaches were rectified.

After a meeting with the premise's license holder/building owner, Cleveland Police had no alternative but to seek a review of the premise.

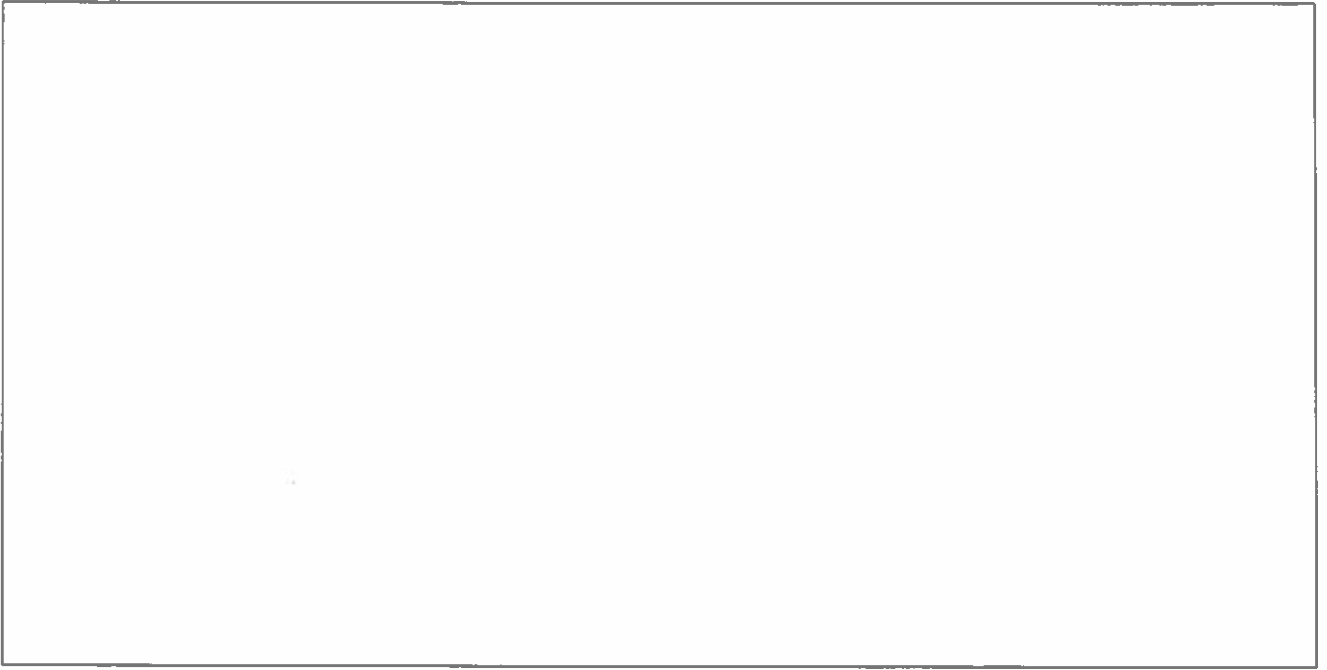
On the 22<sup>nd</sup> of April 2015, Middlesbrough Council's Licensing Sub Committee considered the review application and the premises license was revoked.

Some 6 months later, Cleveland Police received this new application for the sale of alcohol, proposing Surjit Singh PUNYANI as the DPS and premises license holder.

Surjit Singh PUNYANI is currently the DPS/premises license holder of the Boro 24 shop on Linthorpe road, Middlesbrough. In the 2013, we discovered numerous license condition breaches at the premise, ranging from no CCTV footage to the selling of Perry products, as such, representations were submitted when he applied to extend the hours of the sale of alcohol.

On the 27<sup>th</sup> of October 2015, Cleveland Police met with Surjit Singh PUNYANI at 57-59 Cumberland Road, at that meeting, he stated that he has leased the premise from the building owner, Arshad ALI. He also stated that he intends to continue running the Boro 24 hour shop.

Given the previous concerns at this premise, Cleveland Police believe that the Crime and Disorder licensing objective will be undermined as the property owner, Arshad ALI, has demonstrated he has no regard for who he allows to operate the business and has previously allowed legitimate people to front the business knowing that people involved in crime are involved behind the scenes.



Please provide as much information as possible to support the representation. (Please read guidance note 5 )

A statement will be provided, if needed.

Have you made any representation relating to these premises before?

YES

If Yes, please state the date of that representation

Day		Month		Year			
0	5	0	2	2	0	1	5

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

The premise in question has previously had a premises licence, on the 05/02/2015 paperwork was submitted requesting a review of the premises licence.

**PART 4 – SIGNATURES**

Signature		Date	
Capacity	Licensing Sergeant, Cleveland Police		

## Licensing Act 2003 Guidance on Making a Representation

### **1. Purpose**

The purpose of this guidance is to offer assistance to members of the public wishing to make representations about licensing applications e.g. applications for new Premises Licences or applications to vary existing Premises Licences and Club Premises Certificates made under the Licensing Act 2003.

This guidance explains who is entitled to make representations and how such representations should be made. It also explains the process which follows once representations have been received by the Council.

Further details about the Licensing Act 2003 can be found at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk) and [www.gov.uk/alcohol-licensing](http://www.gov.uk/alcohol-licensing)

### **2. Licensing Act 2003**

Under the Licensing Act 2003 Middlesbrough Council is the Licensing Authority for the borough of Middlesbrough. The Licensing Authority issues Premises Licences and Club Premises Certificates which allow businesses to carry out the following licensable activities.

- Sale/Supply of Alcohol
- The Provision of Regulated Entertainment
- The Provision of Late Night Refreshment

This affects pubs, bars, clubs, restaurants, supermarkets, off licences, cinemas, theatres, community premises and late night takeaways.

Under the Licensing Act 2003 the Licensing Authority must publish a Statement of Licensing Policy showing how it will promote the licensing objectives which are:

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

This document is available at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk)

The licensing objectives have equal weight and form the entire basis of the Licensing Act 2003.

### **3. Applications made under the Licensing Act 2003**

A Premises Licence can authorise one or more licensable activities. Some premises, such as takeaways, will just have Late Night Refreshment while other venues such as hotels and nightclubs may have a combination of all activities.

At any time the holder of a Premises Licence or Club Premises Certificate can make application to the Licensing Authority to vary their licence. These variation applications, as well as brand new Premises Licence applications, must be advertised and can be subject to public representations.

### **4. Advertising of Applications**

A blue notice will advertise an application for a new licence or a variation to an existing licence, a white notice will be used for a minor variation. The notice must be prominently displayed on the premises, in a place that is accessible by the public.

The notice will provide a final date for representations as well as brief details of the application.

For full variations and new Premises Licence applications a notice must also be placed, by the Applicant, in a local newspaper that covers the area in which their premises is situated. This notice will appear within 10 days of the Applicant making their Application to the Licensing Authority. A notice of the application will also be displayed at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk)

### **5. Criteria for making a Representation**

Your representation must be relevant and based on the likely effect the granting of the application will have on the promotion of the licensing objectives:

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

For example, if you are concerned the granting of a variation will lead to an increase in crime and disorder in the area of the premises, give reasons why you think this or detail specific incidents with dates and times to support your representation. This is a relevant representation.

However, if you are concerned the granting of longer hours at the premises will lower house prices in the area or that you feel that another premises is not needed, or that it may affect an existing business already in the area. These are not relevant representations and cannot be considered by the Licensing Authority.

The Licensing Authority will not consider representations that are frivolous or vexatious e.g. a frivolous representation may be one that does not have a serious purpose or is not serious in its nature, whilst a vexatious representation may be one that is made purely to cause annoyance to the Applicant.

### **6. Making a Representation**

Relevant representations must be in writing and submitted to the Licensing Authority. To assist objectors the Licensing Authority has created this form. We would recommend that you use this form to submit your representation. The form is designed to help extract the type of information which is required to ensure the representation can be accepted.

Your representation must reach us within the 28 day notice period. Late representations will not be considered. If you are unsure when the application was made, you can check with the Licensing Authority or look at the advertising of the application.

A copy of your representation will be included in the committee papers and your personal details may form part of the recorded decision, all of which are public documents. It is important that the Applicant is provided with the opportunity to address the comments raised in your representation.

If you do not want your personal details to be released then you will be unable to make a personal representation.

### **7. Alternatives to Making a Representation**

If you do not want your personal details to be released then you can approach a local representative who may consider making the representation on your behalf. You should not delay in seeking a representative as any representations must be received within the 28 day notice period. You could ask a local Councillor, Town and Parish Councillors, or any other locally recognised body or association.

It is advised that you write to the chosen representative as they will need to keep evidence of your request (in the instance of any further challenge i.e. through an appeal hearing). You must provide them with your name, address and details of the grounds upon which your representation is made. They will need to satisfy themselves that your representation complies with the required criteria, and agree to take the matter on your behalf.

They should then submit written representation to the Licensing Authority replicating the grounds upon which your representation is made.

We will then process this representation as we would any others and include a copy in the committee report.

Please note that all future dialogue and correspondence will be held with your representative, and the Licensing Authority will not be in a position to make direct contact with you. Consequently the Notice of Hearing and any decision letter will also be sent to your representative.

### **8. Petitions**

The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition.

We ask that the instigator of the petition identifies themselves as a central point of contact. We may need to make contact in order to verify certain matters and if we are unable to do so this could invalidate the petition.

Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.

Full names and addresses must be supplied and all signatories must be made aware that a copy of the petition will be supplied to the Applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.

We will not write to each signatory separately, but instead assume that the instigator will advise each signatory of the hearing date and the final outcome of the application. It is expected that the instigator will represent the signatories at the hearing and speak for them.

### **9. Hearings**

If relevant representations are made the applications shall be referred for hearing, unless the Council, the Applicant and everyone else who has made representations agree that a hearing is not necessary.

The hearing will take place before a Licensing Sub-Committee which is made up of three Councillors selected from the full Licensing Committee.

All parties (the Applicant, objectors, representatives of objectors and any Responsible Authority i.e. Police, Trading Standards, Environmental Health etc.) will receive a Notice of Hearing.

The Notice will set out the date, time and location and explains the procedure to be followed at the hearing. This notice is sent out 10 days before the hearing.

All parties will be able to address the Sub-Committee. Where there are a lot of objectors/supporters present, the Sub-Committee may request that a spokesperson is nominated.

**Note:** Whilst this is a public hearing only those who have made their identity known through their representation may address the Committee in person. Therefore if you have chosen to use a local representative, only they may speak on your behalf. Even if you (or your representative) are unable to attend the hearing the Sub-Committee will still consider your written representation.

In making decisions the Sub-Committee will take into account all of the written and verbal evidence before them. They also have a duty to take into account the licensing objectives set out in the Licensing Act 2003, the Council's Statement of Licensing Policy and the guidance given by the Secretary of State.

The Committee will normally announce their decision at the hearing and written confirmation will be distributed to all parties following the hearing.

If any party is aggrieved of the decision, then there is a right of appeal to the Magistrates Court.

**10. Contact details and address to send a representation to:**

Middlesbrough Council  
Economic Development and Communities  
Licensing Section  
PO Box 502  
Vancouver House  
Gurney Street  
Middlesbrough  
TS1 9FW

Telephone: 01642 728011

Website: [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk)

Email: [licensing@middlesbrough.gov.uk](mailto:licensing@middlesbrough.gov.uk)

**This document is for guidance only. Only the Courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions may have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law.**

**You may wish to seek your own legal advice on the matters raised in this guidance note.**