

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

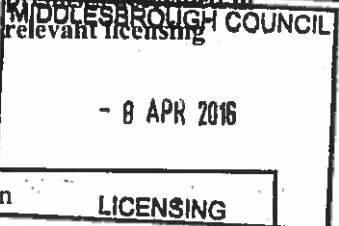
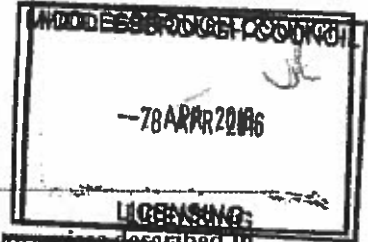
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

I/We MURALITHARAN KANAGIASABAPATHI

(Insert name(s) of applicant)

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 FLYOVER CONVENIENCE STORE 199 BOROUGH ROAD			
Post town	MIDDLESBROUGH	Postcode	TS4 2BN

Telephone number at premises (if any)	01642 232299
Non-domestic rateable value of premises	£3,950

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)	
Surname KANAGIASABAPATHI			First names MURALITHARAN		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		153 PARLIAMENT ROAD			
Post town	MIDDLESBROUGH		Postcode	TS1 4PR	
Daytime contact telephone number					
E-mail address (optional)	CONTACT@ARKALICENSING.CO.UK				

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
07	04	2016

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)

Local convenience store selling alcohol for consumption OFF the premises only. The spirits and any other high strength alcohol will be displayed behind the counter. The premises will have new layout and fittings and high level of lightings system. Alcohol will displayed securely near and behind the counter, away from the entrance

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

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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 performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

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. 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</u> (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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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> (please read guidance note 5)
Fri			
Sat			
Sun			

D

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</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				
Wed				
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
Thur			<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</u> (please read guidance note 5)	
Fri				
Sat				
Sun				

E

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				
Sun				

F

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

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance 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					
			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur					
			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<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					

I

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 type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Tue					
			<u>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</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

J

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	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	06:00	23:00						
Tue	06:00	23:00						
Wed	06:00	23:00						
Thur	06:00	23:00						
Fri	06:00	23:00						
Sat	06:00	23:00						
Sun	06:00	23:00						
						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 (please read guidance note 5)		

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

Name MURALITHARAN KANAGIASABAPATHIU	
Address 153 PARLIAMENT ROAD MIDDLESBROUGH	
Postcode	TS1 4PR
Personal licence number (if known) MBRO/PL1061/077197	
Issuing licensing authority (if known) MIDDLESBROUGH COUNCIL	

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	06:00	23:00	<p><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)</p>
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	
Fri	06:00	23:00	
Sat	06:00	23:00	
Sun	06:00	23:00	

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)

PLEASE SEE THE ATTACHMENT

b) The prevention of crime and disorder

PLEASE SEE THE ATTACHMENT

c) Public safety

PLEASE SEE THE ATTACHMENT

d) The prevention of public nuisance

PLEASE SEE THE ATTACHMENT

e) The protection of children from harm

PLEASE SEE THE ATTACHMENT

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	ADRIANA D VELEVA
Date	06/04/2016
Capacity	LICENSING AGENT

For joint applications, signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)
ARKA LICENSING CONSULTANTS
UNIT B003, TRIDENT BUSINESS CENTRE
89 BICKERSTETH ROAD

Post town	TOOTING	Postcode	SW17 9SH
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Telephone number (if any)	07714 495287
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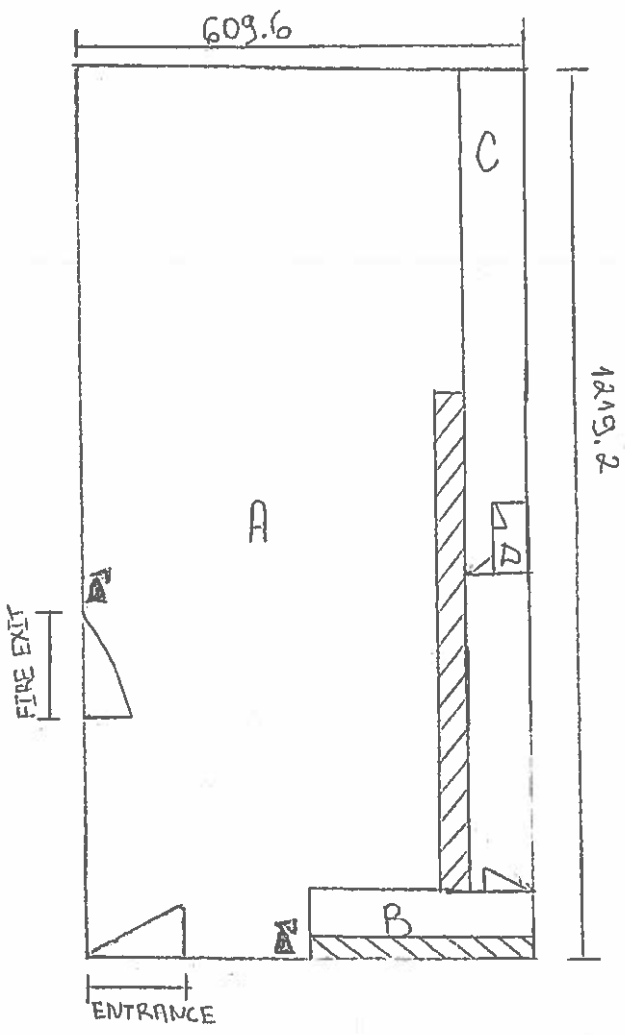
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
CONTACT@ARKALICENSING.CO.UK

Notes for Guidance

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 the 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 applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

ADDRESS:
FLYOVER CONVENIENCE STORE
199 BOROUGH ROAD
MIDDLESBROUGH
TS4 2BN

- SCALE 1:100 (cm)
- A - RETAIL AREA
 - B - SALES COUNTER
 - C - STORAGE ROOM
 - D - TOILET ROOM
 -  - ALCOHOL DISPLAY
 -  - FIRE EXTINGUISHER



Consent of individual to being specified as premises supervisor

I MURALITHARAN KANAGIASABAPATHI
[full name of prospective premises supervisor]

of 153 PARLIAMENT ROAD
MIDDLESBROUGH
TS1 4PR

.....
[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 LICENCE
[type of application]

by

MURALITHARAN KANAGIASABAPATHI
[name of applicant]

relating to a premises licence
[number of existing licence, if any]

for FLYOVER CONVENIENCE STORE
199 BOROUGH ROAD
MIDDLESBROUGH
TS4 2BN

.....
[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

MURALITHARAN KANAGIASA BAPATHI
[name of applicant]

concerning the supply of alcohol at

FLYOVER CONVENIENCE STORE
199 BOROUGH ROAD
MIDDLESBROUGH
TS4 2BN

[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

MBRO/PL1061/077197
[insert personal licence number, if any]

Personal licence issuing authority

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

Signed

Muralitharan Kanagiasa Bapathi

Name (please print)

KMB

Date

05/04/16

CONDITIONS in line with the four licensing objectives for Flyover Convenience Store, 199 Borough Road, Middlesbrough, TS4 2BN

Prevention of Crime & Disorder

1. A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standard.
2. All CCTV recordings shall be maintained for a minimum of thirty-one (31) days with date & time-stamping. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points and at least one other camera shall cover the alcohol display area.
3. Notices shall be displayed advising that CCTV is in operation.
4. Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within three (3) days.
5. When CCTV is not operating, no supply of alcohol shall be made on the premises. If a fault develops with the CCTV system, the duration and nature shall be recorded in a log to be made available for inspection by Police and authorised officers of the Local Authority upon demand.
6. All staff shall be instructed to record in an incident book/register all incidents of crime and disorder occurring at the premises, and details of any occasion when the police are called. These records shall include the time and date of any incident and the identities of staff members involved. The incident book/register shall be made available for inspection by Police and authorised officers of the Local Authority upon demand.
7. Alcohol shall not be sold in an open container or consumed in the licensed premises.

Protection of Children from Harm

8. The "Challenge 25"/"Think 25" proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the

person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

9. All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including any refresher training) will be logged and provided not less than every six months. The training log will be made available for inspection by Police and authorised persons.

10. A refusals log must be kept at the premises and made immediately available on request to the police or an authorised person. The refusals log shall be inspected on a monthly basis by the DPS and noted in the log, and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:
 - a) the identity of the member of staff who refused the sale;
 - b) the date and time of the refusal;
 - c) the alcohol requested and reason for refusal;
 - d) description of the person refused alcohol.

11. The following posters shall be displayed conspicuously on the premises in customer facing areas:
 - a) "Think 25" or similar poster to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be under 25.

Prevention of Public Nuisance

12. The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.




13. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.

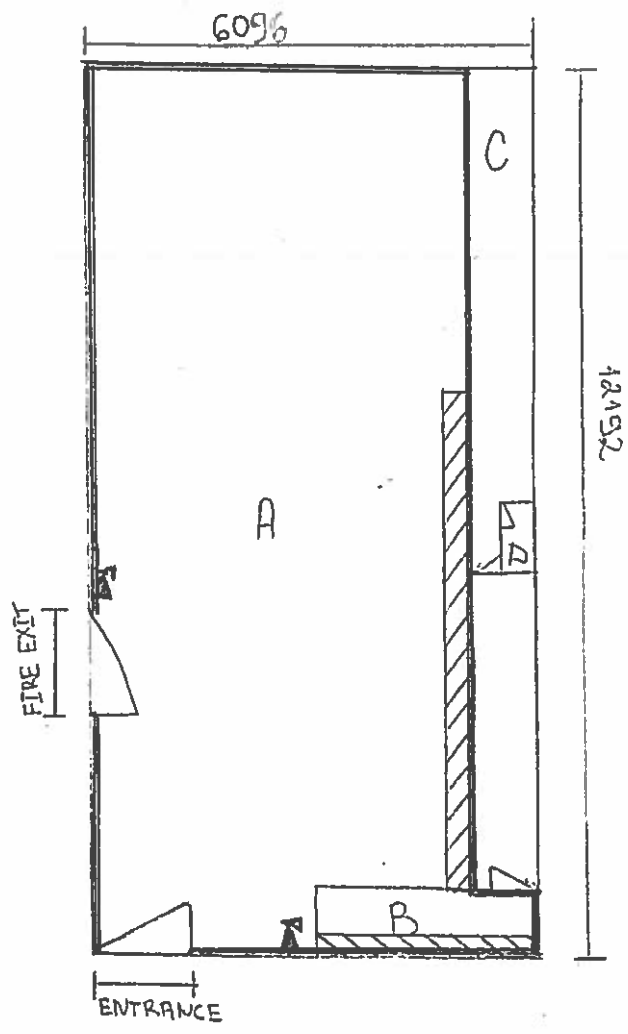
Public Safety

14. The premises will follow the Health And Safety Law and the Fire Safety Law

ADDRESS:
FLYOVER CONVENIENCE STOR
199 BOROUGH ROAD
MIDDLESBROUGH
TS4 2BN

SCALE 1:100 (mm)

- A - RETAIL AREA
- B - SALES COUNTER
- C - STORAGE ROOM
- D - TOILET ROOM
-  - ALCOHOL DISPLAY
-  - FIRE EXTINGUISHER
-  - ALCOHOL RETAIL AREA



**DECISION OF LICENSING SUB-COMMITTEE 23 DECEMBER 2015 – 199 BOROUGH ROAD,
MIDDLESBROUGH**

In reaching the decision Members considered the following:-

1. The Licensing Act 2003 and amended Government Guidance issued under Section 182 of the Act.
2. Middlesbrough Council's Licensing Policy.
3. The case presented by the Applicant and the DPS.
4. The representations made by the Police.
5. The representations made by Public Health.
6. The representations made by Trading Standards.
7. The representations made by the Ward Councillors.

The Committee ORDERED that in respect of the Application for a Review of the Premises Licence in respect of 199 Borough Road, Middlesbrough TS4 2BN: Ref.No: OL/15/16 that the Premises Licence be revoked for the following reasons:-

REASONS

1. The responsible authorities had for some considerable period of time been unable to establish who was in control of the premises, and this was an ongoing situation. As a result, the Premises Licence Holder (PLH) had failed to give the responsible authorities confidence that sales of alcohol had been or were being sufficiently regulated in accordance with the licensing conditions.
2. Having considered the application, representations by the Police, Public Health, Trading Standards and the Ward Councillors, and the representations/response of the Designated Premises Supervisor (DPS), the Committee considered that there was a lack of overall management control at the premises and (up to August 2015), a lack of clarity in respect of who was in day to day control at the premises.
3. The overall failure by the PLH and the DPS to comply with the premises licensing conditions was of major concern to the Committee. The PLH and the DPS did not appear to recognise their responsibilities with regard to the licensing objectives, or to appreciate the importance of complying with the licensing conditions.
4. During a visit to the premises by the Police on Tuesday, 20 October 2015, the following breaches of licence conditions had been identified:-
 - No training records were present for staff members;
 - The DPS had been unable to access the CCTV system to demonstrate 31 days of recording;
 - Two brands of "perry" products were on sale at the premises;
 - The Refusals book had not had any entries since February 2014;

- The Incident book had not had any entries since May 2014 however there had been incidents reported to the police since this time.

The above breaches of conditions, coupled with previous underage sales of alcohol at the premises gave rise to serious concerns about the willingness and ability of both the PLH and the DPS, to ensure that the premises were operating in accordance with the premises licensing conditions to support the licensing objectives.

The Committee recognised that the current DPS had only taken over the premises in August 2015; however, the Committee considered that it was evident from the representations made, and from the Police visit on 20 October 2015, that the DPS had failed to implement robust systems to ensure adherence to the licensing conditions from the outset of his tenure.

Although the DPS produced copies of an Incident Book, Refusals Book and Training Records at the meeting, the records that were produced had periods where no incidents were recorded and the Training Record was not dated; in addition, the entries recorded were entered only after the Police visit on 20 October 2015.

The Committee had been advised by the Trading Standards Officer, as part of her evidence, that periods where no incidents had been recorded was unusual, and in the Committee's view, this cast some doubt on the validity of the records.

5. The Committee considered the details of the Police Occurrence Incident Logs relating to anti-social behaviour and alcohol fuelled anti-social incidents and determined that although none of the incidents could be directly attributable to the premises, there was evidence of problems of anti-social behaviour and underage sales of alcohol in the vicinity of the premises.

The Chair informed the parties to the hearing of their right to appeal the decision within 21 days of receiving the notice and full details of the decision and reasons will be sent in writing to the parties within five working days.



199 BOROUGH ROAD, MIDDLESBROUGH

Licensing department

DATE 21 April 2016

Re: Flyover convenience store, 199 Borough rd Middlesbrough.

Dear sirs,

Myself and Councillor Uddin strongly object to this licensing application to sell alcohol off the premises for the above Premises.

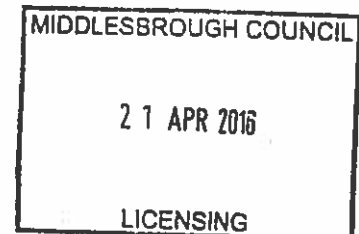
We are concerned that the same DPS is in charge as when the store was trading as Midi's Mini Market. This store refused to engage with Cleveland police licensing department and flouted the rules and regulations by declining to show when asked the 'incident/refusal books' and were caught selling alcohol to young people who were underage.

There were numerous cases of ASB in the vicinity of St John's gate and Breckonhill, concerns about which were raised by Cleveland police licensing at a previous hearing on 23rd December 2015. Also since January 2016 Central ward has been designated a Cumulative Impact Area

This license application therefor undermines all of the four Licensing objectives.

Yours faithfully


Councillor Linda Lewis :
LABOUR COUNCILLOR FOR CENTRAL WARD



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)

Pr. 1841 Price

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

Flyover Convenience Store
199 Borough Road,

Post Town

Post Code

Middlesbrough

TS4 2BN

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

Muralitharan Kanagiasabapathi

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

N/A

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

Please
Tick ✓

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this representation relates (please complete (A) below)

This representation relates to the following licensing objective(s)

- | | Please
Tick ✓ |
|---|-------------------------------------|
| 1. The prevention of crime and disorder | <input checked="" 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 checked="" type="checkbox"/> |

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

Cleveland Police have received an application for a new Premises Licence to be granted at 199 Borough Road, Middlesbrough. The application is for the sale of alcohol off the premises Monday – Sunday 06:00-23:00hrs. The applicant is a Muralitharan KANAGIASABAPATHI.

The premises previously had a Premises Licence for the off premises sale of alcohol; however due to prolific problems with the premises, in 2015 Cleveland Police made an application to review the current premises licence.

In December 2015 Middlesbrough Borough Council Licensing Committee made a decision to revoke the Premises licence upon hearing evidence from Cleveland Police in collaboration with evidence provided by Middlesbrough Council Licensing Department. This evidence documented the sale of alcohol to underage persons in January 2015, whereby staff/management at the premises were illusive and the person who made the sale could not be located. Issues surrounding anti social behaviour in the vicinity of the establishment were also highlighted.

The applicant; Muralitharan KANAGIASABAPATHI was the Designated Premises Supervisor for the premises from around 21st August 2015. A Premises Licence check was conducted at the address on 20th October 2015, whereby Muralitharan KANAGIASABAPATHI was present at the time. During this inspection the premises was found to be in breach of a large number of conditions attached to the Premises Licence; including issues once again with the display of the CCTV.

Cleveland Police have concerns that the premises have only recently been subject to a review of the Premises Licence following a catalogue of issues; some of which whilst under the day to day control of the applicant Muralitharan KANAGIASABAPATHI. It is the view of Cleveland Police that should this Premises Licence be granted the Crime and Disorder and Protection of Children from Harm licensing objectives will be undermined.

Please provide as much information as possible to support the representation. (Please read guidance note 2)
Should the application for Premises Licence not be withdrawn Cleveland Police will provide further evidence.

Please
Tick ✓

Middlesbrough	TS2 1AB
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Telephone Number (if any)	01642 302360
E-mail Address (optional)	emma.price@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.

Mr J Hodgson
Senior Licensing Officer
Public Protection Service
Licensing Office
Ground Floor
Civic Centre
MIDDLESBROUGH
TS1 1QP

Direct Line: (01642) 728717
Fax: (01642) 728960
Our Ref: 439081/SUP/LE6
Your Ref:
When telephoning please ask for:
Fiona Helyer
29 April 2016

Dear Mr Hodgson,

Application for Premises Licence
Re: 199 Borough Road, TS4 2BN

I act on behalf of the Director of Public Health as the Responsible Authority for Health and I have been consulted on the above application.

I am writing to advise you that I would like to make a representation against the granting of this application and currently recommend that the application is refused on the grounds that it does not demonstrate how the licensing objectives will be upheld, particularly in relation to crime and disorder, public nuisance and the protection of children from harm.

Please find attached evidence to support this representation.

I attach correspondence sent to the applicant.

Yours sincerely,

Fiona Helyer
Public Health Officer
Responsible Authority for Health.

Mr M Kanagiasabapathi
153 Parliament Road
Middlesbrough
TS1 4JD

PO Box 502
1st Floor
Vancouver House
Gurney Street
Middlesbrough

Tel: 01642 728717
Fax: 01642 728935
29 April 2016

Dear Sir,

**Premises Licence Application – 199 Borough Road, Middlesbrough.
Licensing Act 2003**

I am writing to you in relation to the above application which you have recently made to Middlesbrough Council Licensing Authority. I act on behalf of the Director of Public Health as the Responsible Authority for Health and I have been consulted on the above application.

In December 2015, members of Middlesbrough Council's licensing committee made a decision to revoke the premises licence in respect of the above premises after hearing evidence of an underage sale of alcohol from the premise, alcohol related anti- social behaviour and breaches in licensing conditions.

There are still concerns that if this premise is granted a licence, it will be operated in such a manner which would result in further undermining of the licencing objectives, in particular, Crime and Disorder, Public Safety and Protection of Children from Harm.

In addition, Middlesbrough Council have recently approved a Cumulative Impact Policy for Central ward and four other town centre wards, due to the high density of off licence premises in this area and the negative impact on the licensing objectives. Your premise is located within this Cumulative Impact Policy area and it is our opinion that your application should demonstrate how these premises will not negatively impact on the licensing objectives.

Therefore, I am advising you that a representation has been submitted to Middlesbrough Council's Licensing Authority by the Director of Public Health, as the Responsible Authority for Health in relation to the above application.

Yours faithfully

Fiona Helyer
Public Health Officer
Responsible Authority for Health.

Evidence presented by Middlesbrough Council, responsible authority for health, against the application for a premises licence in respect of premises situated at 199 Borough Road, under the Licensing Act 2003

The Director of Public Health, as the Responsible Authority for health, is making a representation to this application on the grounds of Crime and Disorder, Public Safety and Protection of Children from Harm.

The application for the grant of a Premises Licence in respect of premises situated at 199 Borough Road has been made by Mr Muralitharan Kanagiasabapathi, who has named himself as the proposed Premises Licence holder and Designated Premises Supervisor for this premise.

In December 2015, during a review hearing, members of Middlesbrough Council's Licensing Committee heard evidence from Cleveland Police, Middlesbrough Council's Trading Standards and Public Health Officers which related to a sale of alcohol to children, alcohol related anti-social behaviour and breaches in conditions in accordance with the Premises Licence regarding 199 Borough Road. Also between January 2015 (when the underage sale was made) and August 2015, there had been concerns regarding the ownership of the business and the lack of accountability at the time of the underage sale. A male representative for the premise named Mr Muralitharan Kanagiasabapathi was present during the hearing. He confirmed that he was the named Designated Premises Licence holder on the Premises Licence in respect of these premises. He also confirmed that he had held this position since August 2015.

After hearing all of the evidence from all parties concerned, members of the Licencing Committee made the decision to revoke the licence, (see attached decision letter).

It is our opinion that the granting of a new premises licence in respect of these premises would undermine the Crime and Disorder, Public Safety, and Protection of Children from Harm licensing objectives.

Licensed premises must operate in such a manner to uphold the licensing objectives and the DPS has an important role to ensure a premise's operates within the law. There are concerns about the sale of alcohol to children. The availability of alcohol to young people increases their vulnerability and the risks to their health and safety. Consumption of alcohol at an early age can have serious implications for long term health and wellbeing. It is also evident that previously the Police identified breaches of licensing conditions in relation to the sale of "Perry" products at the time when Mr Kanagiasabapathi was responsible for the premises. These products along with white ciders have been identified as being highly desirable to young people as they are cheap to buy and have a strong ABV content (7.5%).

This premise is located within the Central ward but also within close proximity to the boundary of North Ormesby. Both wards are listed as being the most deprived wards within Middlesbrough. There is high unemployment, low education attainments, a predominance of privately rented properties, some of the poorest in Middlesbrough, and a high prevalence of ill health. Alcohol arrest data shows that these wards are both hotspot areas for alcohol related crime and that a high number of cases involve people drinking in the home. Irresponsible sales and the availability of cheap alcohol fuel crime and disorder.

There are 30 off licensed premises situated within Central ward. Approximately 60% of off licensed premises are situated within 5 ward areas of Middlesbrough: Central, Newport, Park, Longlands and Beechwood and North Ormesby. During 2014/2015 a high proportion of the alcohol related crimes, wholly attributable hospital admissions and crime and disorder incidents were recorded from these ward areas. This, together with the high density of off licence premises prompted the need for a Cumulative Impact Policy to be included in Middlesbrough Council's Licensing Policy 2016-2021. This Policy ensures that further off licence premises applications do not add to existing crime and disorder issues within these wards. It will also assist in the promotion of all licensing objectives and responsible and effective retailing.

Alcohol related data and intelligence has been gathered for Central and North Ormesby wards. Central ward has the highest number of alcohol attributable admissions to James Cook University Hospital.

Licensed premises must ensure alcohol is sold responsibly. It is very clear from the evidence that was presented at the hearing in December 2015 that this premise was being operated in such a way that undermined the licensing objectives of the prevention of crime and disorder, public safety and protection of children from harm. For this reason the Licensing Committee decided to revoke the licence. There are still concerns that if this premise is granted a licence it will be operated in such a manner that would once again undermine the licensing objectives, given that there does not appear to be any changes in the management of the premises nor does there appear to be any changes of, or new conditions added to the proposed operating schedule which would further promote the licensing objectives.



Edward Kunonga
Director of Public Health
Middlesbrough Council

Dated: 29 April 2016

Representations On A Review 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)

SINFAD LIPTON

Wish to make representation about the application for variation for a premises licence

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description
Flyover Convenience Store, ,199 Borough Road,

Post Town
MIDDLESBROUGH

Post Code TS4 2BN

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

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

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

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

The applicant Mr Kanagiasabapathi was the designated Premises Supervisor for a business operating from this premise which had its Alcohol License revoked at Middlesbrough Council's Licensing Committee in December 2015. This decision was made after the Committee heard evidence relating to concerns that sales of alcohol were being made to under 18's from this premise and concerns regarding the way the business was operating. Trading Standards had expressed concerns that the Police evidence presented showed that at the time of a Police test purchasing exercise on 21st January 2015, when 4 cans of Stella artois lager, were made to two 15 year old volunteers, no attempts had been made to prevent underage sales as no questions were asked of the volunteers and no ID was requested. Furthermore the CCTV footage was not available as the unit had been thrown out and there were concerns about the conduct of staff involved in the premises when police visited the store on 24th January 2015. Trading Standards had pointed out then, and it is still our position now that the business should ensure that they have robust systems in place to ensure that sales of alcohol are not being made to persons under 18 years.


At the hearing the police had presented evidence that when they conducted a licensing visit to this premises on 20th October 2015 various breaches of licensing conditions were found, including a lack of training records, non use of refusal and incidents books, non access to CCTV records and the stocking of perry products. I had identified that this raised major concerns for Trading Standards about the way the business was being operated particularly in relation to the prevention of underage sales. Perry products were goods known to be desirable to young people due to their price and strong ABV content.

At the time of the licensing visit in October 2015 Mr Kanagiasabapathi, the applicant for this licence, was the designated premises supervisor and had been for a number of months. In this position he was responsible for ensuring that alcohol from the premises was sold responsibly in accordance with the licensing Act, that he understand the law relating to the licensing Act and upheld the licensing objectives in the operation of the business. The findings from the police during this licensing visit, evidence presented to the Licensing Committee in December 2015, showed that this had not been done. Furthermore examination of evidence produced by the applicant during the hearing showed that their procedures and the management of them in relation to underage sales was still inadequate, a fact which the Committee acknowledged in their decision.

The Licensing Committee had revoked the licence of a business operating from this premise after finding that the way it was being operated, during a time when it was under the day to day control of Mr Kanagiasabapathi, the person applying for this license, undermined the licensing objectives. It is the view of Trading Standards that if this premise is granted a licence the licensing objectives of "Prevention of Crime and Disorder" and "Protection of Children from Harm" will be undermined, given that the same person is involved in the business.

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

Underage drinking is a major source of anti social behaviour within Middlesbrough. A risk taking behaviour roadshow survey of Middlesbrough Schoolchildren aged 13-14 years in 2013-14 identified that 29.4% had drunk alcohol and 12.1% had got drunk on alcohol to the point of losing control. In addition 89.3% believed that most people their age group drank alcohol at least once a month. The local Alcohol profiles for England show that between 2010/11-2012/13 the North East

Signature		Date	6/5/16
Capacity	Principal Trading Standards Officer		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5) PUBLIC PROTECTION IMPROVING PUBLIC HEALTH SERVICE MIDDLESBROUGH COUNCIL PO BOX 502 VANCOUVER HOUSE GURNEY STREET MIDDLESBROUGH	
Post Town Middlesbrough	Post Code TS1 9FW

Telephone Number (if any)	01642 728231
E-mail Address (optional)	Sinead_upton @Middlesbrough.gov.uk

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
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