

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 30 OCTOBER 2017**

APPLICATION FOR PREMISES LICENCE

Applicant: Farah Hussain

Ref.No. OL/17/04

Premises: 60 Byelands Street, Middlesbrough TS4 2HP

Application received: 6 September 2017

Summary of Proposed Licensable Activities:

Sale of Alcohol (Off sales) 10.00am – 10.00pm Daily

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

1. Notification to Responsible Authorities:

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

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

2. Application advertised by the applicant: Evening Gazette – 15 September 2017

3. Legislation

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

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

- The Protection of Children from Harm

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

4. Background

According to the applicant the premises currently operates as a general store providing cigarettes, groceries and household stuff.

Members are reminded that as part of its overall Statement of Licensing Policy, the Council has established a Cumulative Impact Policy (CIP) in relation to off licence premises in Middlesbrough town centre which covers certain wards including Central, the area within which these premises are situated. A plan showing the area of the CIP affecting off licensed premises for both Central and Newport wards is attached at **Appendix 2**. Within these two wards, there are currently 46 (27 in Central and 19 in Newport) currently licensed premises for off sales.

Work has been carried out to identify the location of off licence premises and links to crime, disorder, anti-social behaviour and alcohol attributable admissions to James Cook University Hospital. The evidence shows that there is a relationship between the density of off licence premises, crime and disorder/antisocial behaviour and alcohol attributable hospital admissions. .

The evidence shows that the wards of Central, Newport, Park, Longlands and Beechwood and North Ormesby have the highest level of crime and antisocial behaviour, the highest number of off licence premises and alcohol attributable hospital admissions.

The Licensing Authority considers that the density of off licence premises in these wards is having a negative impact on crime and disorder. Whilst maintaining public health is not a licensing objective, many of the hospital admissions arise from alcohol related crime and disorder.

The Cumulative Impact Policy has been applied to this designated area due to the number, type and density of the premises selling alcohol for consumption off the premises. The Licensing Authority is satisfied that there is good evidence that crime and disorder or nuisance occurring in this location is being caused by the customers of off licence premises, and that the cumulative impact of off licensed premises in this location is evident.

The Licensing Authority has agreed that the Cumulative Impact Policy should be applied to:

- new premises licences for the sale of alcohol off the premises
- material variations to existing off licence premises.

The effect of this policy is to create a rebuttable presumption (following relevant representations) that applications within the cumulative impact area will normally be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced.

5. The Representations

On 8 September 2017 a representation was received from Central Ward Councillor Linda Lewis, Councillor Zafar Uddin Councillor Matthew Storey objecting to the application on the grounds that the premises are located in the Cumulative Impact Area, and have also raised other concerns regarding the adverse impact of the availability of alcohol within the area. A copy of that representation is attached at **Appendix 3**.

On 30 September 2017, a representation was received from Cleveland Police objecting to the application on the grounds of the prevention of crime and disorder and the protection of children from harm, and also because the premises are located within the Cumulative Impact area. A copy of that representation is attached at **Appendix 4**.

On 3 October 2017, a representation was received from the Director of Public Health on the grounds that the premises are located within the Cumulative Impact area, and that the application does not demonstrate how the premises will not negatively impact on the licensing objectives, in particular, crime and disorder, public nuisance and the protection of children from harm. A copy of that representation along with further supporting evidence is attached at **Appendix 5**.

On 3 October 2017, a representation was received from Trading Standards on the grounds of the prevention of crime and disorder and the protection of children from harm and also that the premises are located within the Cumulative Impact area. A copy of that representation is attached at **Appendix 6**.

6. The Licensing Policy

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

Prevention of Crime and Disorder	Page 20
Public Safety	Page 25
Prevention of Public Nuisance	Page 27
Protection of Children from Harm	Page 30
Cumulative Impact – off licence premises	Pages 42 and 43

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

7. Guidance to the Licensing Act 2003

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

Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at para 2.6
Prevention of Public Nuisance	Starting at para 2.14
Protection of Children from Harm	Starting at para 2.21
Cumulative Impact	Starting at para 13.20

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

8. Members' Options

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives, provided that Members are satisfied that the granting of the application will not add to the existing cumulative impact in the area of the premises.
2. To refuse to specify a person in the licence as the premises supervisor.
3. To reject the application.

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

Contact Officer: Steve Wearing
Principal Licensing Officer
Tel. 728713
