

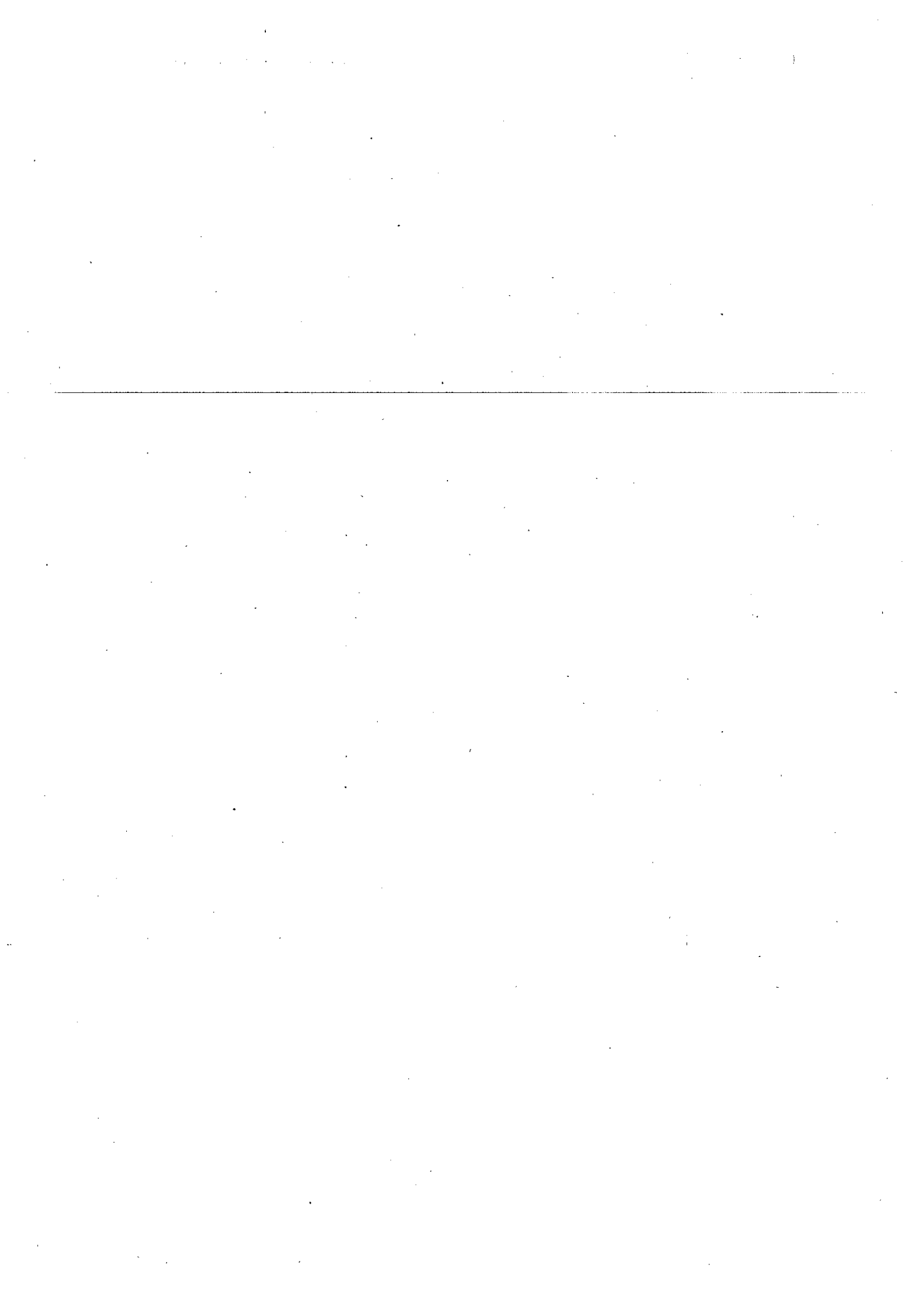
Steve Wearing

From: Fiona Helyer
Sent: Tuesday, 03 October 2017 08:18
To: Steve Wearing; Louise Romaine
Cc: Judith Hedgley
Subject: Representation Letter - 60 Byelands Street
Attachments: Representation Letter - Applicants home.docx; Supporting Evidence 2.doc

Hi,

Please accept this as notification that on behalf of the Director of Public Health a representation is made in relation to the application received for a premises licence for premises at 60 Byelands Street, Middlesbrough. This representation is made on the grounds 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. In addition to this, the premises is situated within a Cumulative Impact area.

Kind regards
Fiona



Miss Farah Hussain
17 Ennerdale Avenue
Middlesbrough
TS5 7BB

PO Box 502
5th Floor
Vancouver House
Gurney Street
Middlesbrough

Tel: 01642 728717
Fax: 01642 728935
3 October 2017

Dear Miss Hussain,

**Premises Licence – 60 Byeland Street, 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.

As you are aware a meeting was held on Tuesday 16 September 2017 with you and representatives from Trading Standards, Police, Licensing and Public Health. The meeting was held to discuss your application due to concerns that it did not demonstrate how the proposed premises will not negatively impact on the licensing objectives.

During the meeting you provided the following information;

- The premises for which the application is made is owned and operates currently as a family general dealers.
- You grew up in the area where the premises are situated and feel that you have has a good level of knowledge and understanding of the area highlighting that the area is highly populated with students.
- You hold the BIIAB Level 2 Award for Personal Licence Holders and have a law degree
- You have no previous experience of working in off licensed premises nor do the staff (family members) that you intend to have working at the premises.
- You have very little knowledge of the types of alcohol products available, although you confirmed that alcohol including beers, lagers, cider and perry products with an ABV content above 6.5% would not be sold from the premises.
- You will complete training with all staff which will cover the four licensing objectives, the sale of alcohol to persons drunk or under the age of 18 years, Challenge 25 scheme and acceptable forms of proof of age and conflict management.

- The premises is not viable without the granting of an alcohol licence as it is struggling to compete with those premises in the area already licensed.
- Alcohol displays will account for 20-30% of the floor space area.

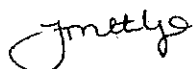
During the meeting you were advised that in January 2016 Middlesbrough Council had approved a Cumulative Impact Policy for Central ward and four other town centre wards, due to the high density of off licence premises in this area and the negative impact on the licensing objectives.

This premise is located within the Cumulative Impact Policy area and it is our opinion that the granting of this premises off licence will have a negative impact on the licensing objectives in an area which already has a high density of off licensed premises and suffers from high levels of alcohol related Crime and Disorder, Anti- Social behaviour and Public-Health-issues.

As a responsible retailer of an off licensed premise it is expected that the premises licence holder/designated premises supervisor has clear knowledge and understanding of the Licensing Act and responsibilities attached to running such premises. Although you were able to show some knowledge regarding licensing legislation you were unable to demonstrate how you would apply such knowledge due to your inexperience of working and being in control of such premises.

Therefore, I am advising you that a representation has been submitted to Middlesbrough Council's Licensing Authority on behalf of the Director of Public Health, as the Responsible Authority for Health in relation to the above application. This representation is made on the grounds 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. In addition to this the premises is within a Cumulative Impact area.

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 60 Byelands Street 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 area in which these premises are situated suffers from high levels of alcohol related crime and disorder, anti-social behaviour and there are high numbers of wholly attributable alcohol related hospital admissions to James Cook Hospital.

The application made is for the grant of a new premises licence from 1000 – 2200 hours seven days a week for the supply of alcohol. The application is made by Miss Farah Hussain who is the proposed premises licence holder and designated premises supervisor.

There are a number of concerns regarding the current application that has been made to Middlesbrough Council's Licensing Authority. The premises are situated in an area which already suffers from a number of alcohol related issues, particularly in relation to crime and disorder, anti-social behaviour and alcohol related health harms.

This premise is located within Central ward, which is one of the most deprived areas within Middlesbrough. In Central ward there is high unemployment, low education attainments, a predominance of privately rented properties with poor standards and a high prevalence of ill health. Alcohol arrest data shows that Central ward is a hotspot area for alcohol related crime and that a number of these cases have involved people drinking in the home.

There is a high density of premises within Central ward – approximately 28 in total. Approximately 60% of off licensed premises are situated within 5 ward areas of Middlesbrough: Central, Newport, Park, Longlands and Beechwood and North Ormesby. During 2015/2016 a high proportion of the alcohol related crimes, wholly attributable hospital admissions and crime and disorder incidents were recorded from this ward. This, together with the high density of off licence premises prompted the need for a Cumulative Impact Policy which forms part of Middlesbrough Council's Licensing Policy 2016-2021 which was adopted on 7th January 2016. This policy requires off licence premises applications to demonstrate how they will not add to existing crime and disorder issues within these wards.

The impact of alcohol misuse is broad, are often hidden and adversely affect individuals, families and communities in many ways, with the harm being disproportionately greater for vulnerable and disadvantaged communities. It impacts upon a number of Council services as well as the NHS, Police, Criminal Justice System, Education, Voluntary and

Community sector. The cost of alcohol misuse is estimated to cost the economy in England up to £25 billion per year and for Middlesbrough the estimated cost of £56.5 million includes health, social care, crime and licensing

Alcohol misuse causes physical and mental health issues, as well as a range of social issues including troubled families, homelessness and domestic abuse, unemployment and reduced productivity through workplace absenteeism. In Middlesbrough, the incidence of domestic violence is high and there is evidence that where domestic abuse exists, alcohol is often present. Alcohol related violence in the home (including child abuse and domestic violence) often arises when alcohol is being consumed at home. Domestic abuse affects children because it impacts on parenting capacity and the exposure to physical, psychological and emotional abuse has profound negative effects on a child's mental health. In 2015, 114 young people under the age of 18 were living with parents in Middlesbrough who have alcohol problems. 10 children under the age of 18 were recorded as suffering with alcohol related problems.

Where there are high levels of crime and disorder, alcohol related hospital admissions and a high density of off licence premises, as in the CIP areas consideration has to be given to the increased potential for domestic violence, the impact on children and the undermining of the protection of children from harm licensing objective.

Operation Encompass, a key partnership between Cleveland Police, Local Authorities and schools works towards safeguarding children and it has identified that 44% of those incidents involving children as witness, present or involved in a domestic incident, involve alcohol as an aggravating factor.

Nationally and out of the 326 Local Authority areas, Middlesbrough is ranked number 13 for alcohol related mortality. Middlesbrough is also ranked within the top 10 for the highest hospital admissions which relate to the following alcohol related disorders -: cardio vascular disease, mental and behavioural disorders, self-poisoning and exposure and unintentional injuries. Such alcohol related illnesses/disorders have a huge impact on the National Health Service.

Currently, Middlesbrough has the highest rate within the North East region of alcohol related hospital admissions for 2015/2016 at 2,439 per 100,000, which is 23.9% higher than the regional average and 48.8% higher than the national average. Alcohol related data and intelligence has been gathered for Central ward which shows that during 2015/2016 Central ward had the highest number of alcohol attributable admissions to James Cook University Hospital.

On Tuesday 16 September 2017 a meeting was held with the applicant, Miss Hussain. Representatives from Cleveland Police, Trading Standards, Licensing and Public Health were present. The meeting was held to discuss the application due to concerns that it did not demonstrate how the proposed premises will not negatively impact on the licensing objectives in an area that is already deemed as saturated.

During the meeting Miss Hussain provided the following information:

- The premises for which the application is made is owned and operates currently as a family general dealers.
- She grew up in the area where the premises are situated and feels she has a good level of knowledge and understanding of the area highlighting that the area is highly populated with students.
- She holds the BIIAB Level 2 Award for Personal Licence Holders and has a law degree
- She has no previous experience of working in off licensed premises nor do the staff (family members) that she intends to have working at the premises.
- She has very little knowledge of the types of alcohol products available.
- She confirmed that alcohol including beers, lagers, cider and perry products with an ABV content above 6.5% would not be sold from the premises.
- Miss Hussain will complete training with all staff which will cover the four licensing objectives, the sale of alcohol to persons drunk or under the age of 18 years, Challenge 25 scheme and acceptable forms of proof of age and conflict management.
- The premises is not viable without the granting of an alcohol licence as it is struggling to compete with those premises in the area already licensed.
- Alcohol displays will account for 20-30% of the floor space area.

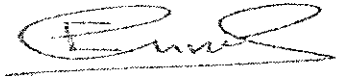
As a responsible retailer of an off licensed premise it is expected that the premises licence holder/designated premises supervisor has clear knowledge and understanding of the Licensing Act and responsibilities attached to running such premises. Miss Hussain was able to provide knowledge around her responsibilities relating to the four licensing objectives and legislation regarding the sale of alcohol to drunks or persons under the age of 18 however she was unable to demonstrate how she would put this knowledge into practice and how this premises, if granted a licence, would not further undermine the licensing objectives in an area which already suffers from high levels of alcohol related crime and disorder, anti-social behaviour and alcohol related health issues.

Further concerns were raised when Miss Hussain confirmed that she had experienced people coming into her shop offering stolen goods for sale, highlighting the ongoing issues with criminal activity in the area and the need for responsible management and retailing of alcohol products.

In addition, Miss Hussain had no knowledge of HMRC's Alcohol Wholesalers registration scheme which was introduced on 1 April 2017. HM Revenue and Customs (HMRC) introduced the scheme to tackle alcohol fraud and it is mandatory.

This premise is located within the Cumulative Impact Policy area and it is our opinion that the granting of this premises off licence will have a negative impact on the licensing objectives in an area which already has a high density of off licensed premises and

suffers from high levels of alcohol related crime and disorder, anti- social behaviour and public health issues.

A handwritten signature in black ink, appearing to read 'Edward', with a horizontal line underneath it.

Edward Kunonga
Director of Public Health
Middlesbrough Council

Dated: 3 October 2017
