

## AGENDA ITEM

### FOR THE CHAIR AND MEMBERS OF THE LICENSING SUB-COMMITTEE FOR 29 NOVEMBER 2017

## APPLICATION FOR REVIEW OF PREMISES LICENCE

Ref No. OL/17/08

**Applicant:** James P McCluskey, Principal Trading Standards Officer

**Premises:** Lifestyle Express, 345 Linthorpe Road, Middlesbrough, TS5 6AB

**Application received:** 5 October 2017

#### **Summary of Current Licensable Activities:**

Sale of alcohol (off sales) – 11.00am until 11.00pm on Mondays to Sundays

A copy of the current premises licence is attached at **Appendix 1**.

#### **1. Summary of Application:**

The purpose of this report is to enable Members to consider an application for a review of the premises licence for Lifestyle Express, 345 Linthorpe Road, Middlesbrough made by the Council's Trading Standards Service. This follows a multi-agency operation carried out over 4 days in June and July 2017 involving officers from the Council's Trading Standards Service, HMRC, Immigration Enforcement and Cleveland Police licensing when 36 off licensed premises were visited within the Middlesbrough and Redcar areas.

At the time of the visit to these premises on 15 June 2017, HMRC officers revealed that UK Excise Duty in the sum of £709 had not been paid in respect of a range of alcoholic products being offered for sale. This resulted in the seizure of 343.5 litres of alcohol. A copy of the review application submitted by Mr McCluskey, Principal Trading Standards Officer is attached at **Appendix 2**.

#### **2. 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.

In accordance with the requirements of Section 51 of the Licensing Act 2003, a copy of the review application was served on the premises licence holder Mr Dorel Danci and all the Responsible Authorities.

Also, a notice of the review application was posted at the premises and also at the Council's offices at the Civic Centre, Middlesbrough.

### **3. Consultation on review application**

The premises licence holder, any responsible authority or any other person are invited to make representations in respect of the review application within 28 days following publication of a notice.

In response to the consultation, on 18 October 2017 the Director of Public Health submitted a representation in support of the review application, a copy of which is attached at **Appendix 3**.

On 1 November 2017, a representation in support of the review application was submitted by Cleveland Police. A copy of that representation is attached at **Appendix 4**.

On 2 November 2017, a representation was received from the Licensing Authority acting in its role as a Responsible Authority. A copy of that representation is attached at **Appendix 5**.

### **4. Background**

These premises have operated with the benefit of a premises licence authorising the sale of alcohol for consumption off the premises since 21 March 2014. The current licensee Mr Dorel Danci, has held the licence since that time. Mr Ajy Pooyathinalodiyil Kurian is the named premises supervisor on the licence.

### **5. The Licensing Policy**

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

Prevention of Crime and Disorder	Pages 20 to 24
Reviews	Pages 47 to 50

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

### **6. 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
Reviews	Paragraph 11

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

### **7. Members' Options**

Members may consider the following options:

- a. To modify the conditions of the licence.
- b. To exclude a licensable activity from the scope of the licence.
- c. To remove the Designated Premises Supervisor
- d. To suspend the licence for a period of not exceeding 3 months.
- e. To revoke the licence.
- f. Alternatively, Members may consider that it is not necessary to take any of the above steps and may issue an informal warning and/or or recommend improvement within a certain time period.

Any party to the hearing who may be aggrieved by the decision taken by the Licensing Sub-Committee would have a right of appeal to the Magistrates' Court.

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