

# Middlesbrough Council

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## 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)

PC 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

Carol's Convenience Store,  
31-33 Saltersgill Avenue,

Post Town

Middlesbrough

Post Code

TS4 3LD

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

N/A

Number of premises licence or club premises 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)

**(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	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)**

Name and Address	<input type="text"/>
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Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

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

Name and Address	CHIEF CONSTABLE OF CLEVELAND POLICE C/O POLICE SERGEANT 944 HIGGINS MIDDLESBROUGH DISTRICT H/Q BRIDGE STREET WEST MIDDLESBROUGH TS2 1AB
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Telephone Number (If any)	01642 303176
E-Mail address (optional)	<input type="text"/>

This representation relates to the following licensing objective(s)

- |   | Please<br>Tick ✓                    |
|---|-------------------------------------|
| 1. The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2. Public safety                        | <input checked="" 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 1)

An application to grant a premises licence has been made by Carol Anne Nivens for Carol's Convenience Store, 31-33 Saltersgill Avenue, Middlesbrough. The application is for the supply of alcohol off premises Monday – Sunday, between 09.00 - 22.00 hours. Carol Nivens also proposes to be the Designated Premises Supervisor of the store.

The premises is located on a parade of shops within a residential area, this area suffers issues with alcohol related crimes and anti-social behaviour. In addition to these issues the premises falls within an area deemed by Middlesbrough Council to be a Saturation Zone; the onus is therefore placed upon the applicant to demonstrate how they will not further impact upon this area.

The premises, has up until recently, been in possession of a premises licence granting the sale of alcohol; this licence was subject to a recent review following a multi agency operation on 16<sup>th</sup> June 2017 whereby HMRC seized a quantity of none duty paid alcohol. An application to review the licence was made by Middlesbrough Trading Standards; however a number of other responsible authorities joined the review application, including Cleveland Police.

During the investigation into the seizure it was found that the building owner Mark Finnegan had been responsible for the purchase of some of the seized illicit alcohol from a man in a 'white van'. It has since been established that Mark Finnegan is the partner of this applicant, Carol Nivens. In November 2017 Carol Nivens became the Designated Premises Supervisor of the store immediately following the grant of her personal licence. During the licencing committee Carol Nivens explained that she 'helped out' in the store shortly prior to her becoming the DPS. On 27<sup>th</sup> February 2018 Middlesbrough Council Licensing Sub-Committee heard evidence from responsible authorities and a decision was subsequently made to revoke the premises licence.

On 29<sup>th</sup> March 2018 a meeting was held with Carol Nivens, her legal representative and several members of the responsible authorities; during the meeting it was discussed what concerns the authorities had about her operating the premises with her continuing connection to Mark Finnegan who purchased illicit alcohol for the store and whom also owns the premises.

From the meeting it was felt that Carol Nivens is not sufficiently independent from Mr Finnegan's control as landlord and partner for this to make a sufficient change from the previous operation which resulted in the licence being revoked. For this reason Cleveland Police believe that if granted the identified licensing objectives will be undermined.

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

Should the application not be withdrawn then Cleveland Police will provide further evidence.

Please  
Tick

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			
1	2	0	1	2	0	1	8

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

12/10/2017 – Cleveland Police joined in the application to Review the premises licence along with Middlesbrough Trading Standards.

15/12/2017- Representations made in relation to the application to Transfer the premises licence for MK Convenience to the name Mark Finnegan; this application was subsequently withdrawn.

12/01/2018 – Representations made in relation to the application to Transfer the premises licence for MK Convenience to the name Carol Nivens; this application was subsequently withdrawn.

### **How We Collect And Use Information**

By completing this document you give Middlesbrough Council the authority to collect and retain information about you for the purpose of the application. In order to process the application we may need to check this information with other enforcement agencies, local authorities or government departments.

We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share this information with other enforcement agencies including those organisations which handle public funds. Middlesbrough Council will not disclose information about you unless the law permits.

Middlesbrough Council is the Data Controller for the purposes of the Data Protection Act. If you want to know more about the information the Authority holds about you or the way the Authority uses that information please contact the Information Security Officer, PO Box 17, Melrose House, 1 Melrose Street, Middlesbrough, TS1 2YW.

**Part 3 – Signatures** (Please read guidance note 3)

Signature of representative or representative's solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature	PC 1841 Price	Date	07/04/2018
Capacity	Cleveland Police Licensing Officer		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)

PC 1841 Price,  
Middlesbrough Police HQ,  
Bridge Street West

Post Town	Post Code
Middlesbrough	TS2 1AB

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](http://www.middlesbrough.gov.uk) and you are advised to read any relevant guidance leaflets before completing this form.