

**Middlesbrough Council  
The Licensing Act 2003 - Responsible Authority (RA) Representation**

**Name of RA Representative: Fiona Helyer, Public Health**

**Address:** Public Health and Public Protection Service, Civic Centre, Middlesbrough.

**Email:** EHTS@middlesbrough.gov.uk **Tel** 01642 728272

**Licence holder details**

<p>Name and Address of Premises</p> <p>Carol's Convenience Store</p> <p>Address: 31-33 Saltersgill Avenue, Middlesbrough, TS4 3LD</p>
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<p>Name of licence holder or club holding club premises certificate (if known)</p> <p>Miss Carol Anne Nivens (proposed)</p>
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<p>Number of premises licence or club premise certificate (if known)</p> <p>N/A</p>
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**Representation**

It is my opinion that the application fails to adequately satisfy the following licensing objectives:

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|---|----------------------------------|
| x | Prevention of Crime and Disorder |
|   | Prevention of Public Nuisance    |
| x | Public Safety                    |
|   | Protection of Children from Harm |

<p>Grounds for representation (including details of any previous representations)</p> <p>The Director of Public Health is making a representation as the Responsible Authority for Health on the grounds of crime and disorder and public safety.</p> <p>The application made is for the grant of a new premises licence from 0900 – 2200 hours seven days a week for the supply of alcohol. The application is made by Miss Carol Anne Nivens who is the proposed Premises Licence holder and Designated Premises Supervisor.</p>
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In October 2017, Middlesbrough Council's Trading Standards applied to review the premises licence in respect of premises situated at 31-33 Saltersgill Avenue. During a review hearing, members of Middlesbrough Council's Licensing Committee heard evidence from Middlesbrough Council's Trading Standards, HMRC, Public Health, Cleveland Police and Licensing Officers which related to a multi-agency exercise. This took place on 16 June 2017 and resulted in 99.5 litres of beer and wine being seized from the premises by HMRC as it was suspected that offences under the Customs and Excise Management Act 1979 had been committed, namely the evasion of duty equating to the sum of £458. In summary, the premises licence holder had purchased their alcohol from an unregistered source, namely an unidentified white van, breaching HMRC's Alcohol Wholesaler Registration Scheme.

There had also been concerns regarding the ownership and running of the business including several breaches of licensing conditions.

After hearing all of the evidence from all parties concerned, members of the Licensing Committee made the decision to revoke the licence.

Miss Carol Anne Nivens was present and gave evidence on behalf of the premises licence holder Mr Mark Finnegan at the licensing sub-committee prior to the decision to revoke the licence being made.

A meeting was held on Thursday 29 March 2018 with the applicant, Miss Carol Anne Nivens and her legal advisor Mr Catterall from Jacksons Solicitor's. Representatives from Public Health, Cleveland Police, Trading Standards and Licensing were present. The meeting was held to discuss the application as it failed to demonstrate how the proposed premises would not negatively impact on the licensing objectives.

During the meeting it became apparent that Miss Nivens had very little knowledge of Middlesbrough Council's Cumulative Impact Policy. Further concerns were raised about the future ownership and running of the business and Miss Nivens limited managerial experience and licensing knowledge.

In addition, this premise is located within the Cumulative Impact Policy area, approved by Middlesbrough Council due to the high density of off license premises and the area suffering from high levels of alcohol related crime and disorder, anti-social behaviour and high numbers of wholly attributable alcohol related hospital admissions.

There are a number of concerns regarding the current application made to Middlesbrough Council's Licensing Authority and it is our opinion that the granting of this premises off licence will have a negative impact on the Crime and Disorder and Public Safety licensing objectives.

Evidence to support this representation will be submitted prior to the licensing sub-committee hearing.

