

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

Name of RA Representative:

Address: Public Health and Public Protection Service, Civic Centre, Middlesbrough.
Email: EHTS@middlesbrough.gov.uk **Tel** 01642 728272

Licence holder details

Name and Address of Premises
 Carol's Convenience Store

Address: 31-33 Saltersgill Avenue, Middlesbrough, TS4 3LD

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

Miss Carol Anne Nivens (proposed)

Number of premises licence or club premise certificate (if known)

N/A

Representation

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

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

Grounds for representation (including details of any previous representations)

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.

In October 2017, Middlesbrough Council's Trading Standards applied to review the premises licence in respect of premises situated at 31-33 Saltersgill Avenue. The licensing sub-committee met for a review hearing on 27 February 2018. Members heard evidence from Middlesbrough Council's Trading Standards, HMRC, Public Health, Cleveland Police and Licensing Officers which related to an exercise that had taken place on 16 June 2017.

99.5 litres of beer and wine were 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.

The commission of this offence highlighted a failure in the traceability of supply of goods to the shop and a willingness to purchase stock from an untraceable "white van" as the business owners could not supply invoices for the stock to show it had been purchased from an authorised wholesaler (although 1 invoice was subsequently produced during the hearing). The committee also heard evidence of several breaches of licensing conditions over an extended period and there were concerns about ownership and control of the business.

After hearing all of the evidence from all parties concerned, members of the Licencing 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. Miss Nivens stated that during the period where the HMRC offences were committed and for some months prior to the hearing she was in and out of the shop and helping out.

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 due to it failing to demonstrate how the proposed premises would not negatively impact on the licensing objectives.

During the meeting the issue of transparency of business control and ownership was raised. Miss Nivens has subsequently supplied a lease document and various business papers to support her application (Exhibit JPM/1) and to show that this is a new business not associated with the previous owners. Whilst this is welcomed assurances are still sought that Miss Nivens is fully aware of her business responsibilities and the provisions of Part 41 of the Companies Act 2006. (JPM/2)

This premises is situated 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 and anti-social behaviour.

The application sets out in some detail the steps that will be taken to promote the licensing objectives, including a Challenge 25 policy and the operation of a refusals book. This is again welcomed but we would anticipate that these would be standard conditions in any new application and there is no reference to how this application would not add to the problems in the area that led to the establishment of the CIP. The application also makes reference to Miss Niven's forty years of retail sale of alcohol experience. During the meeting it was not made clear where this experience was and in what capacity – Miss Nivens did not show any supervisory or management experience that might be expected of a DPS and Premises licence holder.

It is our opinion that the granting of this premises licence will have a negative impact on the Crime and Disorder and Protection of Children from Harm licensing objectives.

Business Names Disclosure

Disclosure required: business documents etc

(1) A person to whom this Chapter applies must state the information required by this Chapter, in legible characters, on all—

(a) business letters,

(b) written orders for goods or services to be supplied to the business,

(c) invoices and receipts issued in the course of the business, and

(d) written demands for payment of debts arising in the course of the business.

This subsection has effect subject to section 1203 (exemption for large partnerships if certain conditions met).

(2) A person to whom this Chapter applies must secure that the information required by this Chapter is immediately given, by written notice, to any person with whom anything is done or discussed in the course of the business and who asks for that information.

(3) The Secretary of State may by regulations require that such notices be given in a specified form.

(4) Regulations under this section are subject to negative resolution procedure.