

Middlesbrough Council

The Licensing Act 2003 - Responsible Authority (RA) Representation

Representation by the Licensing Department, Middlesbrough Council as a Responsible Authority, objecting to the application made for the grant of a Premises Licence to Carol's Convenience Store, situated at 31-33 Saltersgill Avenue, Middlesbrough under the Licensing Act 2003.

Licence holder details

Name and Address of Premises  Carol's Convenience Store, 31-33 Saltersgill Avenue, Middlesbrough
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Name of Proposed licence holder or club holding club premises certificate (if known)  Ms Carol Anne Nivens 31 Saltersgill Ave Middlesbrough TS4 3LD
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Number of premises licence or club premise certificate (if known)  New application. Not currently licensed
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It is my opinion that the evidence provided by responsible authorities at a review of the Premises Licence in February 2018, clearly demonstrates that the proposed Premises Licence Holder and Designated Premises Supervisor of the premises have previously undermined the following licensing objectives:

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

Grounds for representation (including details of any previous representations)  This premises previously held a premises licence issued by Middlesbrough Council authorising the sale of alcohol. The premises licence was revoked following a Council committee hearing, and as that decision was not appealed the revocation of the premises licence took effect on 28 March 2018. The current applicant was in attendance at the Committee hearing as she was the Designated
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Premises Supervisor and the proposed new Premises Licence holder, however despite assurances that the previous persons concerned with the management of the premises would have no further involvement with the business, Committee members were not satisfied and the licence was revoked.

In light of the evidence provided by Trading Standards and HMRC following a multi-agency exercise on 16 June 2017, the Licensing Department had serious concerns in relation to the running of the business and the management's non-compliance with legislative requirements, in particular the requirements of HMRC's Alcohol Wholesaler Registration Scheme (AWRS) which was introduced on 1 April 2017.

The visit to the premises led to HMRC identifying the evasion of duty on a significant amount of alcohol which on sale from the premises. This alcohol was subsequently seized.

In addition, there is a history of non-compliance with licence conditions at the premises as follows:-

On 11 & 15 May 2013 Licensing Officers visited the premises to carry out routine licensing inspections to check compliance with licence conditions. At those times they found the following breaches of licence conditions –

- CCTV footage was not being retained for 31 days.
- There was no Designated Premises Supervisor recorded on the Premises Licence and alcohol was being offered for sale.

As a result of the visit a warning was issued to the premises licence holder and on 15 May 2013, and as a result of this warning an application was made to Licensing to add the Designated Premises Supervisor. A further visit to the premises took place on 20 August 2013 and the condition relating to the retention of 31 days CCTV footage was still not being complied with, and as a result a second warning letter was issued to the premises licence holder and Designated Premises Supervisor on 20 August 2013. A further visit to the premises took place on 28 September 2013 and the condition relating to the retention of 31 days CCTV footage was still not being complied with. A further visit to the premises took place on 21 August 2014 and the above matters had been rectified.

On 02 February 2015 Licensing Officers again visited the premises to carry out a routine licensing inspection to check compliance with licence conditions. At that time they found the following breaches of licence conditions –

- A 'Challenge 21' policy had not been implemented and notices were not displayed.
- Staff were unable to produce Part A premises licence.

In addition, staff at the premises were unable to operate the CCTV system which meant that Officers were unable to establish whether the CCTV system was being operated as per the conditions of licence. Staff were also not able to produce documented staff training records.

As a result of the visit a warning was issued to the premises licence holder and DPS on 06 February 2015. A further visit to the premises took place on 18 March 2015 but at that time the condition relating to the 'Challenge 21' policy was still not being complied with and staff could not produce Part A of the Premises Licence or staff training records.

On 19 March 2015 Licensing Officers again visited the premises to carry out a routine licensing inspection to check compliance with licence conditions. At that time they found the following breaches of licence conditions –

- Staff were unable to produce Part A premises licence.
- Staff were unable to produce any documented staff training records.

As a result of the continued non-compliance of the conditions of the Premises Licence Officers raised their concerns with Cleveland Police District Licensing Unit and as a result on 20 June 2015 Police Officers visited the premises the and at that time all above matters had been rectified.

On 10 October 2017 Licensing Officers again visited the premises to carry out a routine licensing inspection to check compliance with licence conditions. At that time they found the following breaches of licence conditions –

- Staff were unable to produce Part A of premises licence.
- Staff were unable to produce any documented staff training records.
- Incidents were not being recorded in the incident book.
- CCTV footage was not being retained for 31 days.
- Perry products were displayed for sale

As a result of the visit a warning was issued to the premises licence holder and DPS on 10 October 2017.

These premises are situated within the Longlands and Beechwood Ward area of Middlesbrough which, along with Central Ward, Newport Ward, Park Ward, and North Ormesby Wards is an area which suffers from the highest levels of crime and antisocial behaviour in Middlesbrough. These areas also have the highest numbers of off licence premises and alcohol attributable hospital admissions in Middlesbrough.

As a result of evidence, which shows that there is a direct relationship between the density of off licence premises and crime/anti-social behaviour and alcohol attributable hospital admissions, the Council, through its Statement of Licensing Policy, have included the Longlands and Beechwood Ward within a Cumulative Impact Policy (CIP) for off licence premises. This means that applicants for new premises licences within this area need to satisfy the Council that their proposed hours and style of operation will not have a negative impact on an area that already suffers from high levels of crime/anti-social behaviour.

It is the opinion of the Licensing Department that it is incumbent on all licensed premises within the CIP areas to ensure that they trade responsibly and operate their business in such a way as not to have a negative impact on the licensing

objectives. The above evidence demonstrates that the previous management had shown a blatant disregard for the law and failed to uphold the licensing objectives in relation to the prevention of crime and disorder and public safety. Despite assurances given by the applicant the Licensing department have concerns regarding the level of involvement the person previously concerned with the operating of the premises would have in the day to day running of the premises should the application be successful. The applicant has confirmed that she is in a relationship with the person previously responsible for the management of the premises and that he uses the main office at premises as his office to run his other businesses.

**Name of RA Representative:** Neil Williams, Licensing Enforcement Officer,  
Licensing Department, Middlesbrough Council

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