

## Middlesbrough Council

## The Licensing Act 2003 - Responsible Authority (RA) Representation

Representation by the Licensing Department, Middlesbrough Council as a Responsible Authority, in respect of an application for a premises licence

Name and Address of Premises

European Deli, 242-244 Linthorpe Road, Middlesbrough TS1 3QP

Name of applicant

European Deli Limited

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

N/A

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

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | Prevention of Crime and Disorder |
| <input type="checkbox"/>            | Prevention of Public Nuisance    |
| <input checked="" type="checkbox"/> | Public Safety                    |
| <input checked="" type="checkbox"/> | Protection of Children from Harm |

Grounds for representation

The application made is for the grant of a new premises licence from 0900 – 2200 hours seven days a week for the sale of alcohol for consumption off the premises. The application is made by European Deli Ltd. Mr Karim Samir Hassan Jafar Aidross, the sole Director of the company is the proposed Designated Premises Supervisor.

The premises are situated within the Central Ward, which is covered by the Council's Cumulative Impact policy (CIP). Details of the CIP along with the reasons for its implementation are included in the Council's Statement of Licensing Policy, which is available to applicants on the website.

In relation to the CIP, the Licensing policy states:

10.1 "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in

one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement. Cumulative impact policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.

10.2 A Licensing Authority may consider a Cumulative Impact Policy where the number, type or density of premises selling alcohol or providing late night refreshment in a location is high or exceptional and serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. Problems can occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. Licensing authorities can also consider whether the late night refreshment premises or off licences in an area contribute to these problems, and may choose to include them in their cumulative impact policy.

10.3 In forming its Cumulative Impact Policy the Licensing Authority has considered:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- evidence obtained through local consultation

It has also considered trends in licensing applications since the review of the last Policy and the implementation of the new licensing regime in 2005.

10.4 Adopting a Cumulative Impact Policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

10.5 A Cumulative Impact Policy does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, which should refer to the reasons, information and evidence presented to the Licensing Authority when it developed its Statement of Licensing Policy, before a Licensing Authority may lawfully consider giving effect to its special policy. If there are no representations, the Licensing Authority will grant the application in terms which are consistent with their operating schedule.

With regard to off licence premises, the Licensing Policy states:

10.19 Since 2005, it has become apparent that the number of off licence premises in Middlesbrough has significantly increased. In 2005 there were 94 off licence premises and in November 2015 there were 141. It has become clear that some small retail premises, some with a very different primary retail offer, e.g. Post Offices, newsagents have extended into a wider remit to selling alcohol. Alcohol sold from off licences can be considerably cheaper than on licence sales. Survey work recently carried out in Middlesbrough found that alcohol is being sold as cheaply as 13p/unit. With the increase in off licence premises and cheap prices, alcohol in Middlesbrough has never been more accessible and affordable.

10.20 Work has been carried out to identify the location of off licence premises and links to crime, disorder, anti-social behaviour and alcohol-attributable admissions to James Cook University Hospital. The evidence shows that there is a relationship between the density of off licence premises, crime and disorder/antisocial behaviour and alcohol attributable hospital admissions.

The evidence shows that the wards of Central, Newport, Park, Longlands and Beechwood and North Ormesby have the highest level of crime and antisocial behaviour, the highest number of off licence premises and alcohol attributable hospital admissions. These wards account for:

- 43% of alcohol attributable admissions to James Cook University Hospital
- 61% of all crime and disorder
- 53% of antisocial behaviour
- 61% of off licence premises.

10.21 The Licensing Authority considers that the density of off licence premises in these wards is having a negative impact on crime and disorder. Whilst maintaining public health is not a licensing objective, many of the hospital admissions arise from alcohol related crime and disorder. The Licensing Authority consider that a Cumulative Impact Policy in relation to off licence premises should be applied to the wards of Central, Newport, Park, Longlands and Beechwood and North Ormesby.

10.22 The Cumulative Impact Policy has been applied to this designated area due to the number, type and density of the premises selling alcohol for consumption off the premises. The Licensing Authority is satisfied that there is good evidence that crime and disorder or nuisance occurring in this location is being caused by the customers of off licence premises, and that the cumulative impact of off licensed premises in this location is evident.

10.23 The Licensing Authority has agreed that the Cumulative Impact Policy should be applied to:

- new premises licences for the sale of alcohol off the premises
- material variations to existing off licence premises.

10.24 The Licensing Authority considers that all applications will be considered on an individual basis and applications for off licences, or material variations to existing off licence applications, which will not add to the cumulative impact will be granted.

On Tuesday 23 April 2019, a meeting was held with the applicant and director of European Deli Ltd, Mr Aidross. Representatives from the Police and the Council's Public Health, Trading Standards and Licensing services were present. The meeting was to discuss the merits of the application having regard to any supporting information provided by Mr Aidross and to enable the responsible authorities to consider whether, in their opinion, the granting of the application would not add to the existing cumulative impact of the availability of alcohol in the Central Ward.

A few days prior to the above meeting, I contacted Mr Aidross to advise him of the existence of the Cumulative Impact Policy (CIP) as it was apparent from his application that he may have not been aware of this, along with the implications of the policy with regard to his application and premises location.

During the meeting, Mr Aidross confirmed that he was the Director of European Deli Ltd and was the proposed Designated Premises Supervisor for the premises. Mr Aidross acknowledged that he had been unaware of the CIP and its implications when submitting his application. He also stated that whilst he could have obtained advice from the licensing office regarding the CIP along with any other requirements of the application process, he chose not to do so and sought advice from an external licensing training provider instead.

At the meeting, Mr Aidross provided information regarding his background, including that he is currently employed by the Immigration Advice Centre as a Senior Legal Advisor. He also stated that he recently passed a personal licence holders course and had been granted a Personal Licence by Middlesbrough Council. Mr Aidross also confirmed that he had very little knowledge and experience of working in off licensed premises. He had previously worked in shops and bars. His role within the bar was that of a glass collector.

Mr Aidross appeared to acknowledge the concerns raised by officers about the problems associated with the availability of alcohol in the area of his premises along with the reasons for the introduction of the CIP. When asked about the alcohol products that he would be proposing to sell from the premise he advised that he would not be selling products that had an alcohol content of 6.5% and above, including white ciders and high strength beers. He advised that he would be selling a number of European wines and spirits but was unable to provide any information on as this was still being researched. However, apart from such products, Mr Aidross stated that he would be intending to sell the types of alcohol products that are commonly sold at other retail outlets including Tesco Express and Sainbury's Local.

In conclusion, having assessed this application along with the information provided by Mr Aidross, I cannot be satisfied that the granting of the application will not add to the existing cumulative impact of the availability of alcohol in this area. Accordingly, I recommend that the application be refused.

**Name of RA Representative:** Steve Wearing, Principal Licensing Officer,  
Middlesbrough Council

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**Dated:** 3 May 2019