



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 19 MAY 2008**

APPLICATION FOR PREMISES LICENCE

Applicant: Martin Hindmarsh

Ref.No. MBRO/PR0350

Premises: 3 Cairn Court, Forrest Grove Business Park, Middlesbrough TS2 1QE

Application received: 26 March 2008

Summary of proposed Licensable Activities:

Sale of Alcohol (Off Sales) 10.00pm – 6am Daily

The sale of alcohol is to be made by delivery only.

Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.

1. Notification to Responsible Authorities:

The following Responsible Authorities have all received notification of the application:

Chief Constable	Planning Manager
Chief Fire Officer	Trading Standards Manager
Area Child Protection Group	Environmental Health Manager (Public Safety and Public Nuisance)

2. Application advertised by the applicant: Herald & Post 2 April 2008

3. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder

- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

4. Background

The premises consist of an industrial unit in a non-residential area. The Applicant wishes to offer alcohol sales on a delivery only basis from these premises between the hours of 10pm and 6am.

The applicant first made an application to provide an alcohol delivery service on 18 September 2007 when he was the premises licence holder for Boys End News, 83 Kensington Road, Middlesbrough. At this time the premises had the benefit of a premises licence which allowed for the sale of alcohol (Off Sales) between the hours of 7am and 10pm daily. The application to vary the licence to allow for the sale of alcohol (Off Sales) for 24 hours a day was heard by the Licensing Committee on 29 November 2007. After hearing objections from Trading Standards Officers, Environmental Health (Noise) Officers, the local Community Council and numerous local residents Members decided to refuse the application to vary the licence.

On 17 January 2008 the applicant made a further application to operate an alcohol delivery service from premises at Unit 13 Victoria Street, Middlesbrough. On 4 March 2008, Members met to consider the application following concerns raised by Cleveland Police, Trading Standards and Gresham Community Council. After hearing representations from all parties and after considering numerous conditions proposed by Cleveland Police and Trading Standards, Members decided to grant the licence for an initial period of 6 months to allow for monitoring to ensure there would be maximum protection for residents. Numerous conditions to regulate the running of the business were also imposed on the licence.

On 14 March 2008, following information received in relation to the operation of the business, Police and Council Licensing Officers visited Unit 13 Victoria Street, Middlebrough to check compliance with the licence conditions. Upon arrival Officers discovered that the business was not being operated from the premises and that the delivery service was taking place from different premises. The applicant is currently being investigated for the offence of carrying on a licensable activity from premises otherwise than in accordance with an authorisation. Since this incident the applicant has surrendered the licence in respect of the premises at Unit 13 Victoria Street, Middlesbrough.

Since the latest application in respect of premises at 3 Cairn Court, Forrest Grove Business Park, Middlesbrough, Licensing Officers have discovered that the applicant, who is also a Personal Licence holder, has been convicted of a relevant offence under the Licensing Act 2003, namely Obtaining Property by Deception. He is currently being investigated for offences in relation to his failure to notify the court that he was the holder of a personal licence and failure to notify the Licensing Authority of a relevant conviction.

5. The Representations

On 15 April 2008 a representation was received from Mr Paul Honeyman, the owner of a nearby business, who objects to the application on the grounds of the prevention of crime and disorder and the protection of children from harm (see Appendix 2).

On 22 April 2008 a representation was received from the Principal Trading Standards Officer who objects to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance (see Appendix 3).

On 22 April 2008 a representation was received from Cleveland Police on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (see Appendix 4).

6. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Nuisance	Pages 10 to 15 (in particular para 38)
Crime and Disorder	Pages 17 and 18
Protection of Children from Harm	Pages 19 and 21
Public Safety	Pages 16 and 17

And any other sections of the Policy which Members consider to be relevant.

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Public Nuisance	Starting at para 2.32 Annex D (Pool of Conditions)
Crime and Disorder	Starting at para 2.1 Annex D (Pool of Conditions)
Protection of Children	Starting at para 2.41 Annex D (Pool of Conditions)
Public Safety	Starting at para 2.19 Annex D (Pool of Conditions)

And any other sections of the Policy which Members consider to be relevant.

8. Members' Options

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule and mandatory conditions if applicable.
2. Grant the application subject to the:-
 - addition of new conditions
3. To reject the whole or part of the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Interested Party) may appeal any decision of the Licensing Committee to the Magistrates Courts.

Contact Officer: Tim Hodgkinson
Principal Licensing Officer
Tel. 728720

Ed Chicken
Head of Community Protection
Date 19 May 2008

For admin use only:

Decision:

Reasons: