

MIDDLESBROUGH COUNCIL

AGENDA ITEM

COMMITTEE REPORT

LICENSING COMMITTEE

16 JULY 2012

REPORT OF THE ASSISTANT DIRECTOR OF COMMUNITY PROTECTION

APPLICATION FOR PREMISES LICENCE

Applicant: Finlays (North East) Ltd

Ref.No. PRO241

Premises: 2-3 Norfolk Place, Berwick Hills, Middlesbrough, TS3 7PB

Application received: 29 May 2012

Summary of proposed Licensable Activities:

Sale of Alcohol (off sales) between 6am and 10pm daily

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	Director of Public Health
Environmental Health Manager	
(Public Safety and Public Nuisance)	

2. Application advertised by the applicant: Evening Gazette 6 June 2012

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 a newsagents located in a block of retail outlets at Norfolk Place, Berwick Hills, adjacent to Crossfell Road. There are residential properties in close proximity to the premises. A location plan is attached at Appendix 2.

5. The Representations

On 14 June 2012 a representation was received from Cleveland Police objecting to the application on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. A copy of this representation is attached at Appendix 3.

6. The Licensing Policy

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

Prevention of Crime and Disorder	Pages 32 to 42
Public Safety	Pages 30 and 31
Prevention of Public Nuisance	Pages 23 to 29
Protection of Children from Harm	Pages 43 to 45

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.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at paragraph 2.17
Prevention of Public Nuisance	Starting at paragraph 2.33
Protection of Children from Harm	Starting at paragraph 2.41

And any other sections of the Guidance 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. Refuse to specify a person in the licence as the premises supervisor.
4. 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' Court.

Contact Officer: Sarah Morris
Senior Licensing Officer
Tel. 728716

Ed Chicken
Head of Community Protection
Date: 16 July 2012

For admin use only:

Decision:

Reasons: