

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 5 APRIL 2016**

APPLICATION FOR PREMISES LICENCE

Applicant: Lisa Wild

Ref.No. OL/16/05

Premises: 90 The Avenue, Nunthorpe Middlesbrough

Application received: 11 February 2016

Summary of Proposed Licensable Activities:

Supply of Alcohol off Premises 6.00am to 10pm Monday to Saturday, 10am to 10pm Sunday

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 – 13 February 2016

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 shop located in a parade of shops close to residential properties. On the opposite side of the Avenue to the premises is a green field/play area. The premises are currently not operating in any capacity.

5. The Representations

On 11 February 2016 a representation was received from Jon Rathmell, a local ward councillor which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at Appendix 2.

On 8 March 2016 a representation was received from Nunthorpe Community Council which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at Appendix 3.

On 9 March 2016 a representation was received from Nunthorpe Parish Council which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at Appendix 4.

On 9 March 2016 a representation was received from Cleveland Police which objected to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. Following receipt of this representation the Applicant agreed a number of further conditions to be placed upon the operating schedule and following this agreement on 16 March 2016 Cleveland Police withdrew their representation. The additional conditions as agreed with Cleveland Police are as follows:

- A digital CCTV system will be installed and maintained in good working order and be correctly time and date stamped. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where alcohol sales occur. There will be a minimum of 31 days recording. The system will incorporate a means of transferring images from the hard drive to a format that can be played back on a desktop computer. There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body such as Cleveland Police or other Responsible Authority, be able to produce footage within a reasonable time eg. 24 hours routine or less if urgently required for investigation of serious crime.
- The premises will not stock, display or sell any lager, beer or cider with an ABV content above 6.5%. the store will not sell single cans of alcohol.
- No Perry products to be stocked or sold at the premises.
- Only UK photo card style driving licence, valid non expired passport or PASS approved proof of age ID to be accepted as a form of identification at the premise.
- A Challenge 21 policy will be implemented with all staff insisting on evidence of age from any person appearing to be under the age of 21 years of age and who is attempting to buy alcohol. There shall be notices at all points of sale and at all entrances and exits informing customers and reminding staff that the premises are operating a Challenge 21 Policy.
- Staff will be fully trained and retrained on a six monthly basis and the training must include the laws relating to the sale of alcohol to under age persons, persons buying on behalf of under 18's(proxy sales) persons appearing under the influence of alcohol and also the operation of the associated Challenge 21 Policy.

- Training records must be signed by both the members of staff and the DPS/Store Manager/Business Owner will be retained for future reference and must be updated at least every six months. All training records must be made available to Police and/or a Responsible Authority upon request.
- A refusals book to be maintained and kept at the premises at all times and be made available to the Police and other Responsible Authorities upon request.
- An incident book must be maintained and kept on the premises at all times. It must be made available to Police and other Responsible Authorities upon request.

6. The Licensing Policy

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

Prevention of Crime and Disorder	Starting at Page 19
Prevention of Public Nuisance	Starting at Page 26

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
Prevention of Public Nuisance	Sat Paragraph 2.6

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

8. Members' Options

Members may consider the following options:

Grant the application subject to conditions consistent with the operating schedule and mandatory conditions if applicable.

Grant the application subject to the addition of new conditions.

Reject the whole or part of the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer:	John Hodgson Senior Licensing Officer Tel. 728719
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For admin use only:

Decision:

Reasons: