

Evidence presented by Middlesbrough Council, responsible authority for health, against the application for a premises licence in respect of premises situated at 39 Princes Road under the Licensing Act 2003

The Director of Public Health, as the Responsible Authority for health, is making a representation to this application on the grounds of Crime and Disorder, Public Safety and Protection of Children from Harm.

The area in which these premises are situated suffers from high levels of alcohol related Crime and Disorder, Anti-Social Behaviour and there are high numbers of wholly attributable alcohol related hospital admissions to James Cook Hospital.

The application made is for the grant of a new premises licence from 0800 – 2200 hours Monday – Saturday and 0900 – 2200 hours on Sundays for the supply of alcohol. The application is made by Mr Harde Kareem who is the proposed Premises Licence holder and Designated premises Supervisor.

In May 2015 Middlesbrough Council's Trading Standards applied to review the premises licence in respect of premises situated at 39 Princes Road. The premises licence holder and designated premises supervisor at the time was Mr Harde Kareem. During a review hearing, members of Middlesbrough Council's Licensing Committee heard evidence from Middlesbrough Council's Trading Standards, Public Health and Cleveland Police which related to the discovery of large quantities of smuggled and counterfeit cigarettes. The committee also heard evidence of alcohol related crime and disorder and anti-social behaviour.

After hearing the evidence from all parties concerned, members of the Licencing Committee made the decision to revoke the licence.

In February 2016 Teesside Magistrates upheld the decision to revoke the licence. Since this decision was made, in May 2016 Trading Standards dropped proceedings against Mr Kareem in relation to illicit and counterfeit tobacco found in a vehicle owned by his business following an admission by his business associate. Mr Kareem was acquitted at Teesside Crown Court of offences brought against him by HMRC which related to the possession of illicit tobacco found in a car that he was driving in December 2014.

There are still a number of concerns regarding the area in which this premises is situated. It is our opinion that the granting of a new premises licence in respect of these premises would undermine the Crime and Disorder, Public Safety, and Protection of Children from Harm licensing objectives.

This premises is situated within the Newport ward which is one of the most deprived areas within Middlesbrough. It is also within close proximity to the boundary of Central

ward, Linthorpe Road being the only dividing road between both wards. There is high unemployment, low education attainments, a high predominance of privately rented properties, some of the poorest in Middlesbrough and a high prevalence of ill health.

There is a high density of licensed premises within both wards – approximately 20 in Newport ward and a further 28 in Central ward. Approximately 60% of off licensed premises are situated within 5 ward areas of Middlesbrough: Central, Newport, Park, Longlands and Beechwood and North Ormesby. During 2014/2015 a high proportion of the alcohol related crimes, wholly attributable hospital admissions and crime and disorder incidents were recorded from these ward areas.

Alcohol arrest data shows that both Newport and Central wards are both hotspot areas for alcohol related crime and disorder and that a high number of these cases have involved people drinking in the home. There has been a high number of problems with street drinking and begging issues within both wards which has involved individuals congregating in community areas including nearby children's play areas.

This, together with the high density of off licence premises prompted the need for a Cumulative Impact Policy to be included in Middlesbrough Council's Licensing Policy 2016-2021. This Policy ensures that further off licence premises applications do not add to existing crime and disorder issues within these wards. It will also assist in the promotion of all licensing objectives and responsible and effective retailing.

Nationally and out of the 326 Local Authority areas, Middlesbrough is ranked number 1 for alcohol related mortality. Middlesbrough is also ranked within the top 10 for the highest hospital admissions which relate to the following alcohol related disorders -: cardio vascular disease, mental and behavioural disorders, self-poisoning and exposure and unintentional injuries. Such alcohol related illnesses/disorders have a huge impact on the National Health Service.

Currently, Middlesbrough has the highest rate within the North East region of alcohol related hospital admissions for 2015/2016 at 2,439 per 100,000, which is 23.9% higher than the regional average and 48.8% higher than the national average. Alcohol related data and intelligence has been gathered for Newport ward which shows that during 2015/2016 Newport ward has the highest number of alcohol attributable admissions to James Cook University Hospital.

On Thursday 1 December 2016 a meeting was held with the applicant, Mr Kareem. Representatives from Public Health, Cleveland Police and Trading Standards were present. The meeting was to discuss the application in more detail as the application submitted failed to demonstrate how the proposed premises will not negatively impact on the licensing objectives if granted. There was also a number of concerns regarding the previous history of the premises and the owner.

During the meeting Mr Kareem confirmed that he was the proposed Premises Licence Holder and Designated Premises Licence Holder for the premises and that he and his wife would be in day to day control of the premises. He also provided the following information:

- It is his intention to organise a Personal Licence course for an existing member of staff.
- D&B Licensing Consultants will deliver licensing training to all members of staff every 3 months which will include sales of alcohol to underage persons, sales to persons that appear drunk and the procedures for refusing such sales.
- He advised that an additional 4 cameras had been installed which covers the full checkout area and can be monitored from Mr Kareem's mobile telephone.
- He advised that 10% of the store would be for the display of alcohol and that there would be no beers or lagers sold from the premises with an ABV content above 6.5%. He also advised that there would be no Perry or Cider stocked or sold from the premises.

A number of other conditions were put forward which included mandatory conditions relating to a proof of age scheme, irresponsible drinks promotions and below cost sales.

During the meeting Mr Kareem advised that prior to the revocation of his premises licence he had held a licence for 9 years, during which he had never had any underage sales. He also advised that he had been cleared of all allegations made against him relating to the possession of illicit and counterfeit tobacco. When questioned around the evidence submitted to Middlesbrough's Licensing Committee regarding the sale of alcohol to persons that were drunk, Mr Kareem maintained that no such sales were made from his premises.

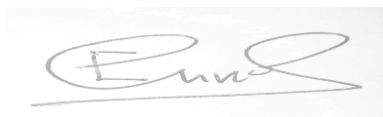
There are a number of concerns regarding the business and responsible retailing. The management structure remains the same and there are no apparent changes to staffing within the premises.

During the meeting Mr Kareem advised that he was not aware of Middlesbrough Council's Cumulative Impact Policy which was implemented in January 2016. He accepted that there are a number of alcohol related issues within the area which his premises are situated including street drinking however felt that his premises would not impact further on these issues.

Licensed premises must ensure alcohol is sold responsibly. It is very clear from the evidence that was presented at the hearing in May 2015 that this premise was being operated in such a way that undermined the licensing objectives of the prevention of crime and disorder, public safety and protection of children from harm. For this reason the Licensing Committee decided to revoke the licence. This decision was also upheld by Teesside Magistrates Court. There are still concerns that if a premise licence is granted it will be operated in such a manner that would once again undermine the licensing objectives.

This premise is located within the Cumulative Impact Policy area and it is our opinion that the granting of this premises off licence will have a negative impact on the licensing objectives in an area which already has a high density of off licensed premises and

suffers from high levels of alcohol related Crime and Disorder, Anti- Social behaviour and Public Health issues.

A handwritten signature in black ink, appearing to read 'Edward Kunonga', is enclosed in a light grey rectangular box. The signature is fluid and cursive, with a prominent initial 'E' and a long, sweeping underline.

Edward Kunonga
Director of Public Health
Middlesbrough Council

Dated: 23 December 2016