

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 13 January 2017**

APPLICATION FOR GRANT OF PREMISES LICENCE

Applicant: Harde Mhauden Kareem

Ref.No. MBRO/PRO500/089077

Premises: 39 Princes Road, Middlesbrough, TS1 4BG

Application received: 15 November 2016

Summary of Current Licensable Activities:

Sale of Alcohol off Premises – 8am to 10pm Monday to Saturday
9am 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: 17 November 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 general food store located in a busy residential area. The premises previously traded with the benefit of a Premises Licence that permitted the supply of alcohol from 17 April 2008 up until 15 May 2015 when it was revoked by the Licensing Sub-Committee following a review hearing. The current applicant, Mr Kareem, was the premise licence holder and designated premise supervisor at the time of the revocation. A copy of minute 14/20 that refers is attached at Appendix 2. Members are advised that this minute also contains references to the review hearing in respect of 9 Parliament Road, Middlesbrough, as it was agreed at that time by all parties concerned that they would be heard together.

Members are advised that these premises are located in Newport Ward which has been identified as a Cumulative Impact Area in relation to Off Licensed Premises within the Council's Statement of Licensing policy. A location plan is attached at Appendix 3.

5. The Representations

On 16 November 2016 a representation was received from Councillor Lewis, Councillor Uddin and Councillor Storey objecting to the application on the grounds that the premises are located in a Cumulative Impact Area. A copy of that representation is attached at Appendix 4.

On 9 December 2016 a representation was received from the Director of Public Health on the grounds that the premises are located in a Cumulative Impact Area and that the application does not demonstrate how the premises will not negatively impact on the licensing objectives, in particular, prevention of crime and disorder, prevention of public nuisance and protection of children from harm. A copy of this representation is attached at Appendix 5.

On 13 December 2016 a representation was received from Cleveland Police on the grounds that granting the application will undermine the prevention of crime and disorder objective. Further evidence in support of this representation will be provided prior to the date of the committee hearing. A copy of this representation is attached at Appendix 6.

On 13 December 2016 a representation was received from Trading Standards objecting to the application on the grounds that granting the application would undermine the licensing objectives prevention of crime and disorder and protection of children from harm, as the applicant was the person in day to day control of the previous business who had their premise licence revoked, and as the premises are situated in a Cumulative Impact Area. A copy of the representation is attached at Appendix 7.

6. The Licensing Policy

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

Prevention of Crime and Disorder	Page 20
Public Safety	Page 25
Prevention of Public Nuisance	Page 27
Protection of Children from Harm	Page 30
Cumulative Impact – off licence premises	Pages 42 and 43

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 para 2.1
Public Safety	Starting at 2.6
Prevention of Public Nuisance	Starting at para 2.14
Protection of Children from Harm	Starting at para 2.21
Determining Applications	Starting at para 9.1
Cumulative Impact	Starting at para 13.20

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 licence subject to conditions consistent with the operating schedule modified to such extent as are considered appropriate for the promotion of the licensing objectives and mandatory conditions if applicable. (Condition are deemed to be modified if any of them is altered, omitted or any new condition is added)
2. To refuse to specify a person in the licence as the premise supervisor
3. To reject the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority/other persons who have made a representation) may appeal any decision of the Licensing Committee to the Magistrates Courts.

Contact Officer: Mick Vaines
Acting Principal Licensing Officer
Tel. 728724

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Decision:
Reasons: