



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 14 APRIL 2008**

APPLICATION FOR REVIEW OF PREMISES LICENCE

Applicant: Middlesbrough Council Trading Standards

Ref.No.MBRO/PR0276

Premises: Robins General Dealers & Off Licence, Cinderwood, Cargo Fleet Lane,
Middlesbrough, TS3 9QD

Application received: 4 February 2008

Summary of current Licensable Activities:

Sale by retail of alcohol for consumption off the premises

Summary of current hours of Licensable Activities:

Sale of Alcohol	8am - 11.00pm	Monday to Saturday
	10am – 10.30pm	Sunday

1. Details of Application

On 4 February 2008 an application was received from the Principal Trading Standards Officer for a Review of the Premises Licence for Robins General Dealers & Off Licence on the grounds of the prevention of crime and disorder and the protection of children from harm. The Trading Standards Officer states that there are concerns that sales of alcohol to persons under 18 years of age are regularly being made by the business and that this can be supported by complaints by local residents and community groups.

In addition she points to a joint enforcement exercise carried out in August 2007 when the holder of the premises licence, who is also the Designated Premise Supervisor, allegedly made a sale of alcohol to a 15 year old female. As a result of this exercise legal proceedings have been instituted against the licence holder and the matter is due to be heard at Teesside Magistrates Court on 7 April 2008.

Full details of the application have been reproduced at Appendix 1.

2. Notification to Responsible Authorities/Advertisement:

The Trading Standards Officer has confirmed that copies of the application were served on all responsible authorities on 4 February 2008.

In addition, to fulfil the requirements of the Licensing Act 2003, Licensing Officers posted notices in the vicinity of the premises and in the Council Offices on 4 February 2008 advertising the review application. At the end of the 28 day consultation period a further 5 representations were received.

3. Further Representations

On 12 February 2008 a representation was received from Cleveland Police on the grounds of prevention of crime and disorder and the protection of children from harm (see Appendix 2).

On 25 February 2008 a representation was received from Mr & Mrs Carter-Bonsteel on behalf of themselves as residents and Charwood Residents Group on the grounds of public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm (see Appendix 3).

On 25 February 2008 a representation was received from Thorntree Community Council on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm (see Appendix 4).

On 25 February 2008 a representation was received from Mr A McQueen, on behalf of Fleet House Residents Group, on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm (see Appendix 5).

On 3 March 2008 a representation was received from the Senior Environmental Health Officer, on the grounds of public safety (see Appendix 6). The representation relates to the dangerous condition of electrical wiring at the premises which was identified during programmed Health & Safety inspections in October 2007 and 3 March 2008. However, following a further visit to the premises on 6 March 2008 the defect had been remedied.

4. 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.

The Licensing Act 2003 provides a procedure for review of a premises licence by any responsible authority or interested party who consider that there are problems at a premises which would impact on any of the licensing objectives.

5. Background Information

The premises consist of a general dealer/off licence situated in close proximity to residential premises. On 5 August 2005 an application was made by the premises licence holder to convert the existing Justices Licence into a Premises Licence under the Licensing Act 2003. The licence was granted on 10 August 2005.

6. Guidance to the Licensing Act 2003

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

Reviews Starting at para 11.1 (page 82)

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

6. Members' Options

Members may consider the following options:

1. To modify the conditions of the licence.
2. To exclude a licensable activity from the scope of the licence.
3. To remove the designated premises supervisor.
4. To suspend the licence for a period not exceeding 3 months.
5. To revoke the licence.
6. Alternatively Members may consider that it is not necessary to take any of the above steps and may issue an informal warning/and or recommend improvement within a certain time period.

Members are reminded that any aggrieved party (i.e. Applicant for the review, Holder of the Premises Licence any other person who made a relevant representation) 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 14 April 2008

For admin use only:

Decision:

Reasons: