



**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 24 OCTOBER 2008**

## **APPLICATION FOR REVIEW OF PREMISES LICENCE**

**Applicant:** Cleveland Police

**Ref.No.**MBRO/PR0272

**Premises:** Boro Wines, 22 Borough Road, Middlesbrough, TS1 5DW

**Premises Licence Holder:** Gursewak Singh

**Application received:** 29 August 2008

**Summary of current Licensable Activities:**

Sale 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

A copy of the premises licence is attached at Appendix 1.

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### **1. Details of Application**

On 29 August 2008 an application was received from Cleveland Police for a Review of the Premises Licence for Boro Wines, 22 Borough Road, Middlesbrough on the grounds of the protection of children from harm. Cleveland Police state that in a 3 month period there have been 3 under age sales made at the premises, 2 of which were made by Gursewak Singh the Premises Licence holder and Designated Premises Supervisor of the premises.

Full details of the application and supporting documentation are attached at Appendix 2.

### **2. Notification to Responsible Authorities/Advertisement:**

Cleveland Police have confirmed that copies of the application for review were served on all responsible authorities on 27 August 2008.

In addition, to fulfil the requirements of the Licensing Act 2003, Licensing Officers posted a notice at the premises and in the Council Offices on 29 August 2008 advertising the review application. At the end of the 28 day consultation period a further 3 representations were received.

### **3. Further Representations**

On 19 September 2008 a representation was received from Councillors McPartland and Khan, Ward Councillors on behalf of St.Aidan's Residents Association on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm (see Appendix 3). Further information in support of this representation has been supplied by Linda Lewis, Chair of St.Aidan's Residents Association on 29 September 2008 (see Appendix 4).

On 23 September 2008 a representation was received from Sinead Upton, Principal Trading Standards Officer on the grounds of the protection of children from harm (see Appendix 5).

### **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 an off licence situated in close proximity to residential premises. On 5 August 2005 an application was made by the then premises licence holder to convert the existing Justices Licence into a premises licence under the Licensing Act 2003. The licence was granted on 12 August 2005.

On 18 August 2006 the premises licence was transferred to Gursewak Singh the current licence holder.

### **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.

### **7. 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 24 October 2008

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**For admin use only:**

Decision:

Reasons: