



**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 9 FEBRUARY 2011**

**APPLICATION FOR REVIEW OF PREMISES LICENCE**

**Applicant:** Cleveland Police

**Ref.No.**MBRO/PR0015

**Premises:** M B & D Longstaff, 130 Borough Road, Middlesbrough

**Premises Licence Holder:** Mr David Longstaff

**Application received:** 17 December 2010

**Summary of current Licensable Activities:**

Sale of alcohol off premises

**Summary of current hours of Licensable Activities:**

Monday to Saturday	8.00am – 11.00pm
Sundays:	10.00am to 10.30pm
Good Friday	8.00am – 10.30pm
Christmas Day	12noon – 3.00pm and 7.00pm – 10.30pm

A copy of the current Premises Licence is attached at Appendix 1.

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**1. Background Information**

The premises consist of a convenience store/off licence situated in Borough Road, Middlesbrough in close proximity to residential premises. Prior to the introduction of the Licensing Act 2003 the premises had the benefit of a Justices Off Licence.

**2. Details of Application for Review of Premises Licence**

On 17 December 2010 an application for review of the Premises Licence was received from Cleveland Police on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. A copy of the application for review and accompanying statements provided by Cleveland Police are attached at Appendix 2

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

Cleveland Police have confirmed that copies of the application were served on all Responsible Authorities on 16 December 2010.

In addition, to fulfil the requirements of the Licensing Act 2003, Licensing Officers have posted notices in the vicinity of the premises and in the Council Offices advertising the review application. At the end of the 28 day consultation period there were two further representations.

### **4. Further Representations**

On 19 January 2011 a representation was received from Middlehaven Community Council. This representation supported the application for a review of the Premises Licence on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. A copy of the representation is attached at Appendix 3 of the report.

On 20 January 2011 a representation was received from Sinead Upton, Principal Trading Standards Officer. This representation also supported the application for a review of the Premises Licence on the grounds of the prevention of crime and disorder and the protection of children from harm. A copy of the representation is attached at Appendix 4 of the report.

### **5. 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.

### **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 98)
Prevention of Crime and Disorder	Starting at para 2.1 Annex D (Pool of Conditions)
Public Safety	Starting at para 2.19 Annex D (Pool of Conditions)
Prevention of Public Nuisance	Starting at para 2.32 Annex D (Pool of Conditions)
Protection of Children from Harm	Starting at para 2.41 Annex D (Pool of Conditions)

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

## 7. Middlesbrough Council Licensing Policy

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

Prevention of Crime and Disorder	Pages 32 to 42
Public Safety	Pages 30 to 31
Prevention of Public Nuisance	Pages 23 to 29
Protection of Children from Harm	Pages 43 to 46

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

## 8. 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 9 February 2011

### **For admin use only:**

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Decision:  
Reasons: