

**MIDDLESBROUGH COUNCIL**

**AGENDA ITEM**

**COMMITTEE REPORT**

**LICENSING SUB COMMITTEE**

**13 DECEMBER 2012**

**REPORT OF THE ASSISTANT DIRECTOR OF COMMUNITY PROTECTION**

**APPLICATION FOR PREMISES LICENCE**

**Applicant:** Mohammed Kadir

**Ref.No.** PRO407

**Premises:** 7 Borough Road, Middlesbrough, TS1 4AA

**Application received:** 8 October 2012

**Summary of proposed Licensable Activities:**

Sale of Alcohol (Off Sales) 9am to 9pm Monday to Sunday

**Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.**

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**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:** Evening Gazette - 10 October 2012

**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 store selling a wide variety of grocery products including Polish goods. The premises are located on Borough Road, between Diamond Road and Pearl Street, in a mixed retail and residential area. A location plan is attached at Appendix 2.

The premises had the benefit of a Premises Licence between 18 August 2008 and 3 April 2012. On 8 February 2012 an application was received from Cleveland Police for a review of this premises licence on the grounds of the prevention of crime and disorder and the prevention of public nuisance. The reasons for this application were that in November 2009, May 2010, and October 2011 Her Majesty's Revenue and Customs had visited the premises and had found and seized imported alcohol. Intelligence had also been received that counterfeit cigarettes were being sold from the premises and that illegal immigrants were working at the premises. In addition, breaches of the conditions of the premises licence had been found following visits to the premises from Council and Police Licensing Officers. This application was due to be considered by Members on 4 April 2012, however this meeting was cancelled as the licence was surrendered by Mr Aram Hussein on 3 April 2012.

In his application, Mr Kadir has stated (Appendix 1, page 4) that he has recently acquired the lease for this store from the previous owner who is now no longer connected to the business in any way.

#### **5. The Representations**

On 16 October 2012 a representation was received from Middlehaven Community Council objecting to the application on the grounds of the prevention of crime and disorder and public safety. A copy of this representation is attached at Appendix 3.

On 25 October 2012 a representation was received from Cleveland Police objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. On 12 November 2012 Cleveland Police submitted evidence in support of this representation. A copy of this representation and supporting evidence is attached at Appendix 4.

#### **6. The Licensing Policy**

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

Prevention of Crime and Disorder	Pages 32 to 42
Prevention of Public Nuisance	Pages 23 to 29

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.

Crime and Disorder	Starting at paragraph 2.1
Public Nuisance	Starting at paragraph 2.18

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 application subject to conditions consistent with the operating schedule and mandatory conditions if applicable.
2. Grant the application subject to the addition of new conditions.
3. Refuse to specify a person in the licence as the premises supervisor
4. Reject the whole or part of the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer: John Hodgson  
Senior Licensing Officer  
Tel. 728719

Ed Chicken  
Head of Community Protection  
Date: 13 December 2012

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**For admin use only:**

Decision:

Reasons: