

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 22 APRIL 2015**

Agenda Item 3

APPLICATION FOR REVIEW OF PREMISES LICENCE

Applicant: Cleveland Police

Ref.No. OL/15/1

Premises: 57-59 Cumberland Road, Linthorpe, Middlesbrough TS5 6PN

Premises Licence Holder: Arshad Ali

Application received: 2 March 2015

Summary of Current Licensable Activities:

Sale of Alcohol Off Premises:

Monday to Saturday - 8am till 11pm

Sunday - 10am till 10.30pm

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

1. Background Information

The premises consist of a convenience store situated in a primarily residential area in close proximity to residential properties. The premises operated with the benefit of a premises licence following the introduction of the Licensing Act in 2005. Prior to the introduction of the Licensing Act the premises operated with the benefit of a justice's licence. That premises licence was then surrendered in February 2011. A fresh application for a premises licence was submitted by the current licence holder on 9 May 2011. Cleveland Police initially made a representation in relation to the application; however, that representation was withdrawn following an agreement with the applicant in relation to the imposition of conditions upon the licence. That licence was then granted on 17 June 2011.

2. Details of Application for Review of Premises Licence

On 2 March 2015 an application for review of the Premises Licence was received from Cleveland Police on the grounds of the prevention of crime and disorder and public safety. A copy of the application and accompanying documentation is attached at Appendix 2.

3. Notification to Responsible Authorities/Advertisement

Cleveland Police have confirmed that copies of the application were served on the Applicant and all Responsible Authorities on 2 March 2015. 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 which advise of the review application.

4. Representations from Responsible Authorities

On 19 March 2015 a representation was received from Sinead Upton, Principal Trading Standards Officer, which supports the application for a review of the premises licence on the grounds on the prevention of crime and disorder and the protection of children from harm. A copy of that representation is attached at Appendix 3.

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 the procedure for review of a premises licence by any Responsible Authority or other persons who consider there to be a problem at the premises which would impact 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 page 75
Prevention of Crime and Disorder	starting at page 6
Protection of Children from Harm	starting at page 10
Public Safety	starting at page 7

And any other sections of the guidance that Members consider to be relevant.

7. Middlesbrough Council's Licensing Policy

Members are referred to the following sections of the Policy

The Prevention of Crime and Disorder	starting at page 32
The Protection of Children from Harm	starting at page 43
Public Safety	starting at page 31

And any other section of the Policy that members consider to be relevant.

8. Members' Options

Members may consider the following options:

1. To modify the conditions on 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) may appeal any decision of the Licensing Committee to the Magistrates Court.

Contact Officer: John Hodgson
 Senior Licensing Officer
 Tel 01642 728719

For admin use only:

Decision:

Reason: