

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

Agenda Item 4

APPLICATION TO TRANSFER PREMISES LICENCE WITH IMMEDIATE EFFECT

Applicant: Arshad Ali, 9 Eastbourne Road, Middlesbrough **Ref.No.** OL/15/2

Premises: 57-59 Cumberland Road Linthorpe Middlesbrough

Application received: 18 March 2015

Current Premises Licence Holder: Arshad Ali, 9 Eastbourne Road, Middlesbrough

Proposed Premises Licence Holder: Mahmood Hassan, 7 Edwards Street,
Middlesbrough

Full details of the application to transfer the premises licence have been reproduced at Appendix 1. A copy of the current premises licence is reproduced at Appendix 2.

1. Notification to Responsible Authorities:

A copy of the application was submitted to Cleveland Police as required by the Licensing Act 2003.

2. Legislation

Where an application to transfer a Premises Licence with immediate effect is properly made in accordance with the requirements of Section 42 of the Licensing Act 2003, the application must be granted unless:

- a) The consent of the current licence holder has not been obtained/the applicant is exempt from obtaining that consent.
- b) The application has been opposed by police giving notice that granting the application would undermine the crime prevention objective.

3. Background

The premises consist of a ground floor convenience store located in a 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 justices 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representation was withdrawn following an agreement with the applicant in relation to the imposition of conditions upon the licence.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 2011.

4. Representation from Cleveland Police

On 26 March 2015 a representation was received from Cleveland Police which objected to the application to transfer the premises licence on the grounds of the prevention of crime and disorder. That representation is reproduced at Appendix 3.

5. Guidance to the Licensing Act 2003

Members are referred to the following sections of the Guidance:

Prevention of Crime and Disorder Page 6

Members should also consider any other relevant section of the guidance.

6. Middlesbrough Council's Licensing Policy

Members are referred to the following sections of the Policy:

Prevention of Crime and Disorder Pages 32-42

Members should also consider any other relevant section of the guidance.

7. Members Options

1. Members must refuse the application if they believe that granting it would undermine the crime prevention objective.
2. Members must grant the application if they do not believe that doing so would undermine the crime prevention objective

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
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For admin use only:

Decision:

Reason: