

**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 29 FEBRUARY 2016**

## **APPLICATION FOR PREMISES LICENCE**

**Applicant:** Annemarie Emakpor

**Ref.No.** OL/16/03

**Premises:** 16 Garrett Walk, Middlesbrough TS1 5NE

**Application received:** 23 December 2015

### **Summary of Proposed Variation of Licensable Activities:**

Supply of Alcohol – 9am to 8.00pm Monday to Friday, 8am to 8pm Saturday and 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 – 31 December 2015

### **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 ground floor retail unit located close to the town centre and in close proximity to residential properties, community premises and a primary school. A location plan is attached at Appendix 2. An application for a Premises Licence in relation to 16 Garrett Walk was previously considered by a Licensing Sub Committee on 4 April 2014. At that time Members considered representations made by local residents and a number of local community groups and chose to refuse the licence on the grounds that granting the licence would undermine the following licensing objectives: The Prevention of Crime and Disorder, The Prevention of Public Nuisance and the Protection of Children from Harm.

16 Garrett Walk is located within the Central Ward. This ward is currently subject to a cumulative impact policy as detailed in the Council's current Licensing Policy.

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

On 7 January 2016 a representation was received from Councillors Linda Lewis and Zafar Uddin, ward councillors for the Central Ward. The Councillors ward is adjacent to the Newport Ward where the premises are located. The Councillors object to the application on the grounds of the protection from children from harm, public safety and the prevention of public nuisance. That representation is attached at Appendix 3.

On 15 January 2016 a petition was submitted by the Applicant which supported the grant of the application. The petition does not detail any reasons as to why the licence should be granted. The petition is attached at Appendix 4.

On 19 January 2016 a representation was received from Councillor Alma Hellaoui, a local ward councillor, which objected to the application on the grounds of the protection of children from harm and the prevention of public nuisance. A copy of the representation is attached at Appendix 5.

On 20 January 2016 a representation was received from Councillors Tracy Harvey and Bob Brady, both local ward councillors, which objects to the application on the grounds of the protection of children from harm and the prevention of public nuisance. A copy of that representation is attached at Appendix 6.

On 20 January 2016 a representation was received from Cleveland Police which objects to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. A copy of that representation is attached at Appendix 7. Following consultation with the Applicant the Police subsequently withdrew that representation after the following additional conditions were added to the proposed operating schedule:

1. A digital CCTV system will be installed and maintained in good working order and be correctly time and date stamped. The system will incorporate sufficient built in hard drive capacity to suit the number of cameras installed whilst complying with data protection legislation. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs. There will be a minimum of 31 days recording. The system will record at all times that the premises are open to the public. The system will incorporate a means of transferring images from the hard drive to a format that can be played back on any desktop computer. The digital recorder will have the facility to be password protected to prevent unauthorised access, tampering or deletion of images. There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body such as Police or other responsible authority be able to produce the footage

within a reasonable time, e.g. 24 hrs routine or less if urgently required for investigation of serious crime.

2. An incident book must be maintained and kept on the premises at all times. It must be made available to police and any other responsible authority upon request.

3. A refusals book to be maintained and kept on the premises at all times and be made available to Police and other responsible authorities upon request.

Following consultation with a Public Health Officer from Middlesbrough Council the Applicant agreed to a number of additional conditions in relation to the operating schedule of the licence. Should a licence be granted then the following agreed conditions would be applied to the licence:

The premises will not stock, display or sell any lager, beer, cider or perry product with an ABV content above 6.5%.

The Premises Licence Holder/Designated Premises Supervisor will participate in any Responsible Retailing Scheme and any relevant training which the Local Authority provide.

The Premises Licence Holder/Designated Premises Supervisor will participate in any local Off Licence forums held by the Local Authority.

Any staff employed at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include information on preventing the sale of alcohol to somebody who is drunk or believed to be buying alcohol for a person who is drunk.

A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by a responsible authority.

All alcohol will be displayed/stored behind the counter.

## **6. The Licensing Policy**

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

Prevention of Crime and Disorder	Starting at Page 19
Public Safety	Starting at Page 24
Prevention of Public Nuisance	Starting at Page 26
Protection of Children From Harm	Starting at Page 29
Cumulative Impact Areas	Starting at Page 37

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.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at paragraph 2.6
Prevention of Public Nuisance	Starting at paragraph 2.14
Protection of Children From Harm	Starting at paragraph 2.21
Cumulative Impact Areas	Starting at paragraph 13.20

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

## **8. Members' Options**

Members may consider the following options:

Grant the application subject to conditions consistent with the operating schedule and mandatory conditions if applicable.

Grant the application subject to the addition of new conditions.

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

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

Decision:

Reasons: