

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 23 AUGUST 2016**

APPLICATION FOR PREMISES LICENCE

Applicant: Mr Muralitharan Kanagiasabapathi **Ref.No.**OL/16/10

Premises: Flyover Convenience Store, 199 Borough Road, Middlesbrough, TS4 2BN

Application received: 8 April 2016

Summary of proposed Licensable Activities:

Sale of Alcohol (Off Sales)	6.00am – 11.00pm	Daily
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Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.

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 12 April 2016

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

Members are reminded that this application was deferred from the meeting arranged for the 14 June 2016 at the request of the applicant.

These premises operated previously as a convenience store and had the benefit of a premise licence which authorised the sale of alcohol off the premises 08.00 to 23.00 daily until the licence was revoked by the Licensing Sub-Committee on 23 December 2015 following consideration of a review application by Cleveland Police. A copy of the Sub-Committees decision is attached at Appendix 2 for Members information.

At that time the Designated Premises Supervisor (DPS) was Mr Muralitharan Kanagiasabapathi who is the current applicant for the grant of the new premise licence and he has also nominated himself as the proposed DPS for these premises.

Members are also advised that these premises are located in Central Ward which has been identified as a Cumulative Impact Area in relation to Off Licensed Premises within the Council's Statement of Licensing policy. A location plan is attached at Appendix 3.

5. The Representations

On 21 April 2016, a representation was received from Councillor Linda Lewis and Councillor Zafar Uddin objecting to the application on the grounds that granting the application would undermine the four licensing objectives. A copy of that representation is attached at Appendix 4.

On 28 April 2016, a representation was received from Cleveland Police on the grounds of the prevention of crime and disorder, and the protection of children from harm. An additional statement of evidence supporting this representation was received on 7 June 2016. (see Appendix 5).

On 29 April 2016, a representation was received from the Director of Public Health on the grounds of the prevention of crime and disorder, the prevention of public nuisance, and the protection of children from harm (see Appendix 6).

On 6 May 2016, a representation was received from Trading Standards on the grounds of the prevention of crime and disorder and the protection of children from harm (see Appendix 7).

6. The Licensing Policy

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

Prevention of Crime and Disorder	Page 20
Public Safety	Page 25
Prevention of Public Nuisance	Page 27
Protection of Children from Harm	Page 30
Cumulative Impact – off licence premises	Pages 42 and 43

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 para 2.1
Public Safety	Starting at 2.6
Prevention of Public Nuisance	Starting at para 2.14
Protection of Children from Harm	Starting at para 2.21
Cumulative Impact	Starting at para 13.20

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

8. Members' Options

Members may consider the following options:

1. Grant the licence subject to conditions consistent with the operating schedule modified to such extent as are considered appropriate for the promotion of the licensing objectives and mandatory conditions if applicable. (Condition are deemed to be modified if any of them is altered, omitted or any new condition is added)
3. To reject the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority/other persons who have made a representation) may appeal any decision of the Licensing Committee to the Magistrates Courts.

Contact Officer: Mick Vaines
Acting Principal Licensing Officer
Tel. 728724

For admin use only:

Decision:

Reasons: