

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE C
FOR 9th DECEMBER 2016**

APPLICATION FOR PREMISES LICENCE

Applicant: Mr David Pulman **Ref.No.** MBRO/PR0494/088970

Premises: 242–244 Linthorpe Road, Middlesbrough, TS1 3QP

Application received: 18 October 2016

Summary of proposed Licensable Activities:

Sale of Alcohol (Off Sales) 08.00am – 22.00 Daily

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: 19 October 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

These premises currently operate as a small convenience store offering a range of goods and the applicant has applied for a licence to be able to sell alcohol for consumption off the premises which would enable them to operate as an off licence as well.

Members are 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 2.

Members are also advised that these premises had the benefit of a premise licence authorising the sale of alcohol off the premises, during the same permitted hours as proposed, up until 27 July 2015, when the licence was revoked by Licensing Sub Committee C following consideration of a review application by the Trading Standards Officer. A copy of the minutes of that meeting are attached at Appendix 3 for Member's information, as concerns have been expressed in representations from Responsible Authorities to this application regarding possible links to people who were involved in the previous business.

5. The Representations

On 20 October 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 as the premises are located in a Cumulative Impact Area. (A copy of that representation is attached at Appendix 4).

On 14 November 2016, a representation was received from Trading Standards objecting to the application on the grounds that granting the application would undermine the licensing objectives prevention of crime and disorder and protection of children from harm, as the premises are situated in a Cumulative Impact Area and the applicant does not seem to be aware of the problems in this area. In addition there are concerns about the lease arrangements for the business and people who will be involved in this business who had links to the previous business and who had their premise licence revoked. (A copy is attached at Appendix 5).

On 14 November 2016, a representation was received from the Director of Public Health on the grounds that the premises are situated in a Cumulative Impact Area and the applicant has not demonstrated how the premises will not negatively impact on the licensing objectives, in particular, prevention of crime and disorder, prevention of public nuisance and the protection of children from harm. There are also a number of concerns regarding the ownership of the business. (A copy of this representation is attached at Appendix 6).

On 15 November 2016, a representation was received from Cleveland Police on the grounds that granting the application will undermine the prevention of crime and disorder objective. (A copy of this representation is attached at 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
Determining Applications	Starting at para 9.1
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)
2. To refuse to specify a person in the licence as the premise supervisor
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: