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£190
665915
Middlesbrough
Council

APPENDIX I


Middlesbrough
moving forward

Application for a Premises Licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

~~I/We~~ DAVID PULMAN
(Insert name(s) of applicant)

apply for a premises licence under Section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with Section 12 of the Licensing Act 2003

Part 1 - Premises Details

| | | | |
|--|---------------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| 242-244 Linthorpe Road | | | |
| Post town | MIDDLESBROUGH | Postcode | TS1 3QP |
| Telephone number at premises (if any) | | | |
| Non-domestic rateable value of premises | £ 19,500 | | |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|---|------------------------------|-------------------------------|-----------------------------|---|--|
| Mr <input checked="" type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname PULMAN | | | First names DAVID, MARK | | |
| I am 18 years old or over | | | | <input checked="" type="checkbox"/> Please tick yes | |
| Current postal address if different from premises address | | 1 ATHERTON WAY YARM | | | |
| Post town | STOCKTON - ON - TEES | | Postcode | TS15 9TB | |
| Daytime contact telephone number | | | 07736156171 | | |
| E-mail address (optional) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|---|------------------------------|-------------------------------|-----------------------------|--|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| I am 18 years old or over | | | | <input type="checkbox"/> Please tick yes | |
| Current postal address if different from premises address | | | | | |
| Post town | | | Postcode | | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|---|
| Name |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

| | | |
|----|----|------|
| DD | MM | YYYY |
| ┆┆ | ┆┆ | ┆┆┆┆ |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| | | |
|----|----|------|
| DD | MM | YYYY |
| ┆┆ | ┆┆ | ┆┆┆┆ |

Please give a general description of the premises (please read guidance note 1)

RETAIL PREMISES. BEER AND DRINK IN CANS SOLD FROM THE FRIDGE ON THE FAR SIDE OF THE SHOP IN VIEW OF THE TILL. ALL SPIRITS SOLD FROM THE SHELVES BEHIND THE TILLS.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see Sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | | |
|---|-------------------------------------|
| Provision of regulated entertainment | Please tick any that apply |
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I) | <input type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

A

| | | | | | |
|---|--------------|---------------|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for performing plays (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

B

| | | | | | |
|---|--------------|---------------|---|----------|--------------------------|
| Films Standard days and timings (please read guidance note 6) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sun | | | | | |
| | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 6) | | | Please give further details (please read guidance note 3) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | |
| | | | |
| Tue | | | State any seasonal variations for indoor sporting events (please read guidance note 4) |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

D

| | | | | | |
|--|--------------------------|--------|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 6) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| Both | <input type="checkbox"/> | | | | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

E

| | | | | | | |
|--|-------|--------|---|--|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | |
| Mon | | | | | | |
| Tue | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | | |
| Wed | | | | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| Fri | | | | | | |
| Sat | | | | | | |
| Sun | | | | | | |

F

| | | | | | |
|--|--------------|---------------|---|----------|--------------------------|
| Recorded music Standard days and timings (please read guidance note 6) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | | | |
| | | | State any seasonal variations for the playing of recorded music (please read guidance note 4) | | |
| | | | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

G

| | | | | | |
|---|--------------|---------------|---|--|-----------------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | | Indoors <input type="checkbox"/> |
| | | | | | Outdoors <input type="checkbox"/> |
| | | | | | Both <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

H

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | Please give further details here (please read guidance note 3) | | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sun | | | | | |

| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 3) | | |
| | | | | | |
| Tue | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| | | | | | |
| Wed | | | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

J

| | | | | | |
|---|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption - please tick (please read guidance note 7) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input checked="" type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Mon | 08.00 | 22.00 | | | |
| Tue | 08.00 | 22.00 | | | |
| Wed | 08.00 | 22.00 | | | |
| Thur | 08.00 | 22.00 | | | |
| Fri | 08.00 | 22.00 | | | |
| Sat | 08.00 | 22.00 | | | |
| Sun | 08.00 | 22.00 | | | |
| | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

| | |
|--|--|
| Name | DAVID PULMAN |
| Address | 1 ATHERTON WAY YARM STOCKTON - ON - TEES |
| Postcode | TS15 9TB |
| Personal licence number (if known) | SBC113178 |
| Issuing licensing authority (if known) | STOCKTON |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

CHILDREN ARE ALLOWED ON THE PREMISES,
BUT THEY ARE COMING FOR FAMILY SHOPPING
WITH PARENTS.

L

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | 08.00 | 22.00 | |
| Tue | 08.00 | 22.00 | |
| Wed | 08.00 | 22.00 | |
| Thur | 08.00 | 22.00 | |
| Fri | 08.00 | 22.00 | |
| Sat | 08.00 | 22.00 | |
| Sun | 08.00 | 22.00 | |
| | | | <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u> |

M Describe the steps you intend to take to promote the four licensing objectives:

a) **General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

ALL DRINK FOR CONSUMPTION OFF THE PREMISES.
STRICT PROOF OF AGE – CHALLENGE 21.
NO ONE WHO APPEARS DRUNK WILL BE SERVED.
REGULAR STAFF TRAINING.

b) **The prevention of crime and disorder**

STRICT AGE POLICY. THINK 21 – CHALLENGE 21
REFUSAL Book. INCIDENT Book.
NO DRINKING ON THE PREMISES.
ALL SPIRITS ON SHELF BEHIND COUNTER.

c) **Public safety**

NO DRINK PROMOTIONS.
REGULAR STAFF TRAINING.
STRICT PROOF OF AGE ENFORCED.
ONLY DRIVING LICENSE, PASSPORT, ID CARD WILL
BE ACCEPTED AS PROOF OF AGE.

d) **The prevention of public nuisance**

NO DRINKING ON OR NEAR THE PREMISES.
NO ONE WHO APPEARS DRUNK WILL BE SERVED.
FULL CCTV IN SHOP, COVERING ALL AREAS.

e) **The protection of children from harm**

STRICT PROOF OF AGE
FULL CCTV
NO DRINK PROMOTIONS
MONITOR AND PREVENT PEOPLE BUYING DRINK
FOR UNDER AGE PEOPLE.
SEE SEPARATE SHEET.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|-----------------|
| Signature | <i>D Palmer</i> |
| Date | 17/10/2016 |
| Capacity | OWNER |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

| | | | |
|---|--|----------|--|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) | | | |
| Post town | | Postcode | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Shop known as Multi Culti

242-244 Linthorpe Road

Middlesbrough

TS1 3QP

Premises License Application – Additional information

- i) All alcohol sold is for consumption off the premises, there will never be any drinking on the premises.

The Proposal

- ii) I own 2 other Eastern European shops in the northeast in Consett and Darlington. I have had these shops for 8 years and there have been no incidents relating to alcohol in those 8 years.
- iii) All spirits sold will be on sale only on the shelves behind the tills, there is no public access.
- iv) The shop will have a refusal book identifying anyone who has been refused a sale in the past for whatever reason they will be entered in the book. Staff will monitor the book on a daily basis.
- v) The shop will also have an incident book which will record all types of incidents, no matter how minor. Again it will be monitored by staff daily.
- vi) No one who is or appears drunk will be allowed to buy alcohol, ever.
- vii) I will undertake an extensive staff training program and make sure all staff are fully aware of all laws and correct procedures. I will also make sure there is refresher training every 6 months.
- viii) I will employ a very strict age 21 policy, anyone who could maybe be under 21 will be asked for ID. Only a passport, photo driving license or photo ID card will be accepted. There will be challenge 21 posters in the shop in all appropriate areas. The shop also has a state of the art CCTV system which covers all areas of the shop.
- ix) My wife and I held an alcohol license for 3 years for European Foods, 7 Borough Road, Middlesbrough. During the license period there were no issues relating to the sale of alcohol.
- x) Myself as an individual am very aware of the current problems associated with licensed premises in the area and the granting of new licenses. I do feel though this is a special case because I know the area well and have other shops in the north east without incident.

10



LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 27 July 2015.

PRESENT: Councillor Taylor (Chair); Councillors Brady and Goodchild.

OFFICERS: J Dixon, T Hodgkinson and D Joy.

ALSO IN ATTENDANCE: On behalf of the applicant, Middlesbrough Council Trading Standards:-

J Hedgley – Trading Standards Manager.
S Upton – Principal Trading Standards Officer.
C McNamara – Senior Trading Standards Officer.
G Walters – Trading Standards Officer.
W Flowers – Principal Environmental Health Officer.

Sergeant P Higgins – Cleveland Police – supporting the applicant.

On behalf of the Licence Holder:-

A Mohammad – Licence Holder.
A Stranex – Licence Holder's legal representative (Counsel)
E Watson – Licence Holder's legal representative (Solicitor)

PRESENT AS OBSERVERS: Councillors Lawton and Lewis. (Press).

**** DECLARATIONS OF MEMBERS' INTERESTS**

There were no Declarations of Interest made by Members at this point in the meeting.

LICENSING ACT 2003: APPLICATION FOR REVIEW OF PREMISES LICENCE: MULTI CULTI, 242-244 LINTHORPE ROAD, MIDDLESBROUGH, TS1 3QP - REF. NO. OL/15/9

A report of the Assistant Director of Improving Public Health had been circulated outlining an application for review of the Premises Licence in relation to Multi Culti, 242-244 Linthorpe Road, Middlesbrough, TS1 3QP, Ref No. OL/15/9.

The premises currently operated during the following hours:-

Summary of current Licensable Activities and Hours

Sale of Alcohol (off sales) – 8.00am to 10.00pm daily.

Full details of the application to review were attached at Appendix 1 and a copy of the current premises licence and accompanying operating schedule was attached at Appendix 2 to the submitted report.

The Chair introduced those present and outlined the procedure to be followed at the meeting.

The applicant's representatives, Middlesbrough Council Trading Standards, Cleveland Police (making supporting representations) and the licence holder and his legal representatives were in attendance at the meeting and confirmed that copies of the report and Regulation 6 Notice had been received.

Details of the Application

The Principal Licensing Officer presented the report in relation to an application to review the premises licence in respect of Multi Culti, 242-244 Linthorpe Road, Middlesbrough. The

application was received on 1 June 2015 and was based on the grounds of the prevention of crime and disorder, public safety and protection of children from harm.

It was noted that the premises consisted of a ground floor convenience store located within a block of retail units on Linthorpe Road in Middlesbrough. A premises licence was first granted on 21 May 2012.

On 30 June 2015, a representation was received from Cleveland Police supporting the application on the grounds of the prevention of crime and disorder. A copy of this representation was attached at Appendix 3.

Applicant in Attendance

S Upton, Principal Trading Standards Officer, presented the case outlining the application for review of the premises and stated that Trading Standards had serious concerns about the running of the business and the licence holder's ability to uphold the licensing objectives, particularly in relation to crime and disorder.

The Committee was advised that, on 12 May 2015, Multi Culti 2014 Ltd was successfully prosecuted in relation to the supply of illicit and counterfeit tobacco by Middlesbrough Council's Trading Standards Service. The prosecution related to a visit made to the premises by Trading Standards Officers on 5 August 2014 in response to concerns regarding illicit tobacco being sold from the premises. A search of the premises, carried out as part of a multi-agency operation, resulted in the seizure of 11,000 illicit cigarettes and 500g of had rolling tobacco from a hidden compartment underneath the counter.

On 12 May 2015, Teesside Magistrates Court found Multi Culti (2014) Ltd guilty of 25 offences in relation to the illicit and counterfeit tobacco. The Company was fine £12,500 and ordered to pay £2,100 cost plus £50 victim surcharge.

Mr Mohammad was the Premises Licence Holder and the DPS of Multi Culti and was the sole director of Multi Culti (2014) Ltd. The Panel was advised that Trading Standards had concerns that the sale of illicit tobacco from the premises and the successful conviction at Teesside Magistrates Court demonstrated that Mr Mohammad was unable to uphold the licensing objectives in relation to the prevention of crime and disorder, public safety and the protection of children from harm.

Reference was made to the report published by HMRC in March 2015, entitled 'Tackling illicit tobacco – from leaf to light', which identified that the illicit tobacco trade was dominated by internationally organised criminal groups, often involved in other crimes. It was acknowledged that the illicit tobacco trade damaged legitimate businesses and undermined public health and facilitated the supply of tobacco to young people.

The Principal Trading Standards Officer stated that Trading Standards had applied for a review of the premises licence on the basis that Multi Culti (2014) Ltd and Mr Mohammad, as sole director, failed to operate the premises in such a manner to uphold the licensing objectives of the prevention of crime and disorder, maintaining public safety and protecting children for harm. Trading Standards had concerns regarding the day to day running of the business and concerns around individuals involved in the business on a daily basis. There was evidence that Mr Mohammad was not fully in charge of the business and was unable to answer all of the questions asked of him. There was also evidence of another individual, considered by Trading Standards not to be an appropriate person to be involved in the business, having a high level of involvement in the business. The individual's conduct had been questionable and he had lied in relation to his identity and the identity of other staff members when questioned by Trading Standards Officers.

The Premises Licence Holder's legal representative sought clarification in relation to the individual referred to and to the alleged connection between this individual and the sale of alcohol.

Sergeant Higgins, Cleveland Police, referred to the paperwork and statements previously served and clarified that the concerns expressed regarding another individual's involvement in the premises related to Mr Aram Hussein. Mr Hussein had previously had a premises licence revoked and a subsequent application in respect of another premises refused by the Licensing Sub Committee A in 2012.

The premises licence holder's legal representative stated that they had not seen evidence that the Licensing Sub Committee A had dealt with that matter.

The Council's legal representative stated that information in relation to Mr Hussein's background had not been served on the Premises Licence Holder and if the responsible authorities intended to rely on that information it should have been served on the Premises Licence Holder and the Committee.

The Premises Licence Holder's legal representative requested that he be permitted to take instruction from his client and they both withdrew from the meeting. Subsequently, the Premises Licence Holder and his legal representative returned to the meeting and the legal representative stated that his client had only moved into the area a short time prior to becoming involved in the subject business (Multi Culti) and that the references to Mr Hussein's previous businesses dated back some time, therefore, the information could not be confirmed or disputed as it was not within their knowledge.

The Council's legal representative asked Trading Standards to confirm whether the information regarding Mr Hussein's background was relevant to the application (as the evidence should have been served on all parties prior to the Hearing) and whether they were relying upon the information or whether their concerns were around his involvement in the business at the subject premises (Multi Culti). The Principal Trading Standards Officer confirmed that the evidence of Trading Standards was sufficient to support the application for review without the evidence regarding Mr Hussein's background. The Council's legal representative confirmed that the Hearing could proceed as planned if Trading Standards was not sufficiently relying upon evidence regarding Mr Hussein's background.

Statement of Senior Trading Standards Officer

The Principal Trading Standards Officer made reference to the statement of C McNamara, Senior Trading Standards Officer, dated 23 July 2015. The document had been circulated to all parties prior to the meeting. The Officer confirmed the content of her statement and the content of her previous statement, dated 13 July 2015.

The Principal Trading Standards Office led the Senior Trading Standards Officer through her statements and asked her to explain the series of events in her own words.

The Senior Trading Standards Officer explained that she had taken part in a multi-agency operation, including HMRC and the Police, on 5 August 2014 which had involved taking tobacco detection dogs to the premises in question where intelligence had been received regarding the sale of illicit tobacco. Upon entering the premises, the officer had introduced herself and a male working in the shop introduced himself as Aras Karim and that his date of birth was 18 December 1988. The male stated that he worked at the premises and made a call on his mobile to the owner.

The tobacco detection dog entered the premises with his handler and indicated that it had detected something at the front of the serving area, near the till. Colleagues inspected the area and removed a screw panel which concealed illicit tobacco and a large quantity of money.

During the visit, a male and female entered the premises. The male claimed he was the owner of the premises and was named Ali Mohammad. The female introduced herself as his wife. The Officer cautioned the Premises licence Holder, Mr Mohammad who explained that he had taken over the business on 20 May 2014 and was the Director of Multi Culti 2014 Ltd. He showed the relevant paperwork from Companies House to the officer and stated he knew nothing about the cigarettes concealed under the counter as he had only recently taken over the premises.

The Officer stated that the seized items were recorded in a seizure log and a copy was given to the Premises Licence Holder, however, he refused to sign it.

Whilst visiting the premises, a cash and carry card was found in respect of a premises called European Foods. This premise had once been situated on Borough Road and the name on the card was 'Aram Hussein'. Having previous knowledge of intelligence received concerning Multi Culti and European Foods, the officer stated she was suspicious about the true identity of the male who had introduced himself as Aras Karim. The Officer stated that she had also noticed a vehicle parked outside of the premises and believed the private registration plate to be associated with Aram Hussein. The Officer stated that it was recorded on the system that Mr Hussein had previously been involved with illicit tobacco and alcohol.

The Officer established that the male was Aram Hussein and not Aras Karim and requested that he hand over the keys to the vehicle parked outside. He refused to do so, stating that it was not his vehicle.

The Officer then asked the Premises Licence Holder, Mr Mohammad, where the hard drive for the CCTV system was located but he was unable to answer. He indicated to Mr Hussein who explained that the hard drive was not connected as it had been seized by the Police and returned but was not connected and had not worked for around six months.

When the Premises Licence Holder was asked about the large sum of money that had been found, he responded that he had planned to bank the money later that day as he had a business appointment at the bank. The Officer stated that whenever she asked a question of the Premises Licence Holder, he was unable to answer and Mr Hussein responded. In addition, the postman visited the premises and Mr Hussein signed for one of the items being delivered. The Officer expressed concern that Mr Mohammad appeared not to be familiar with the day to day running of the premises.

The Council's legal representative requested that the second statement from C McNamara, Senior Trading Standards Officer, be dealt with next. He stated that it had technically been served late, however, it had been circulated to all parties on 24 July 2015 and it was queried whether there was any issue with this. The Premises Licence Holder's legal representative responded that he was more concerned with the evidence that had not been served. The Council's legal representative stated that it was a matter for the Committee to determine how much relevance it placed on that. The Premises Licence Holder's legal representative confirmed that he was happy for the second statement to be considered.

The Senior Trading Standards Officer stated that she had visited the premises on 13 July 2015 with her colleague. She stated that she, again, noticed the vehicle that had been parked outside the premises at the previous visit, which she knew to belong to Aram Hussein. Upon entering the premises, Mr Hussein was standing behind the counter and was instructing a female shop assistant where to vacuum. The Officer handed an envelope containing paperwork to Mr Hussein and asked him to pass it on to Mr Mohammad. At this point Mr Hussein began to open the envelope and the Officer asked him not to as it was addressed to Mr Mohammad. Later that day the Officer posted documents to the licence holder at his home address.

Questions from Members/Premises Licence Holder

All parties were afforded the opportunity to ask questions of the Officer and the following issues were raised:-

- In response to a question from a Member, the Officer confirmed that the money discovered at the premises was in an envelope marked '£5,500'.
- The Premises Licence Holder's legal representative highlighted that when Trading Standards had spoken to the licence holder he had stated that he had only recently become involved in the business and it was queried whether this had been checked out. The Trading Standards Officer confirmed that she had viewed the appropriate paperwork from Companies House which was consistent with his statement.

Statement of Trading Standards Tobacco and Underage Sales Enforcement Officer

G Walters, Trading Standards Tobacco and Underage Sales Enforcement Officer, confirmed the contents of his statement dated 10 July 2015. The document had been circulated to all parties prior to the meeting.

The Trading Standards Officer explained that he had also taken part in the regional multi-agency operation on 5 August 2014 which had involved taking tobacco detection dogs to the premises in question where intelligence had been received regarding the sale of illicit tobacco. The detection dog indicated that there was tobacco hidden in the counter at the side of the till. Upon examination it became apparent that there was a hidden compartment which could be accessed via a screw. The Officer stated that he opened the panel using a screwdriver. The panel opened easily, revealing a quantity of tobacco. No further illicit tobacco products were found during the inspection.

A Trading Standards Enforcement Officer discovered a large sum of money in a bag next to the hidden compartment. The bag also contained receipts and a hardback book. There were also three diaries under the shop counter. Mr Hussein had stated that one of the diaries belonged to him. The Officer confirmed that having examined the tobacco, none of it complied with the Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002.

Full details of the tobacco items seized from the hidden compartment were provided in the Officer's statement. Upon further inspection of the premises, the Officer stated that he discovered a screwdriver behind a stereo on a shelf behind the counter in close proximity to the hidden compartment.

The Officer stated that on 10 December 2014 he conducted an interview with the Premises Licence Holder and the Senior Trading Standards Officer. The Premises Licence Holder stated during the interview that he had sacked Mr Hussein on the advice of D&B Licensing Consultants and claimed that he was not aware that there had been illicit tobacco on the premises, although he admitted he had been asked for it. The licence holder gave no indication as to who was responsible for the tobacco other than stating it may have been left there by the previous owner.

On 1 June 2015, the Officer, together with the Principal Trading Standards Officer, served notice of a licensing review of the premises. Upon entering the premises, two males were standing behind the counter – one being the premises licence holder and the other being Mr Hussein.

Questions from Members/Premises Licence Holder

All parties were afforded the opportunity to ask questions of the Officer and the following issues were raised:-

- The licence holder's legal representative sought clarification that the Officer's involvement in the inspection on 4 August was in relation to concerns regarding illicit tobacco. The Officer confirmed that this was the case.
- A Member queried whether there was any significance to the diaries that were recovered from the premises. It was confirmed that the diaries appeared to have been used as a banking book and that there was nothing of great significance contained within them.

Statement of Principal Environmental Health Officer

W Flowers, Principal Environmental Health Officer, confirmed the contents of his statement, dated 23 July 2015. The Officer stated that he had visited the premises on 23 July 2015 to assess compliance with a statutory notice served on the food business operator Multi Culti (2014) Ltd, under the provisions of the Food Information Regulations 2014.

The Officer stated that upon entering the premises, a male was behind the counter whom he recognised from previous visits to the premises when it had been under different ownership. The

Officer knew the male to be Mr Hussein and asked him to confirm his name. The male provided a different name and the Officer asked him if he was Aram Hussein to which he replied 'yes'.

Mr Hussein was the only person in the shop at the time, however, two staff members entered the premises around 10 minutes later and the premises licence holder also arrived.

Principal Trading Standards Officer

The Principal Trading Standards Officer stated that all of the evidence submitted by Trading Standards pointed to the business breaching the licensing objectives of the prevention of crime and disorder, protection of children from harm and public safety due to the criminal nature of the tobacco found at the premises. In addition, the premises licence holder knew very little about the day to day running of the business and was unable to answer questions that the DPS/licence holder would be expected to answer.

Trading Standards had concerns in relation to the conduct of staff at the premises that had given false information and false names. The licence holder had informed Trading Standards that Mr Hussein had been sacked, however, he still appeared to be working at the premises following the prosecution in May – he had been present behind the counter at the premises in June and July, as recently as last week and appeared to be the sole person in charge at that time.

There were concerns regarding the criminal activity at the premises which made it likely that the premises licence holder was not complying with the law.

Cleveland Police

Sergeant Higgins presented the case on behalf of Cleveland Police and stated the Police's involvement in the application for review was to support Trading Standards. Members had already heard evidence in relation to the seizure of illicit tobacco and cigarettes in August 2014.

Sergeant Higgins stated that he had also been involved with the premises this year in relation to super-strength alcohol that was being sold from the premises. There had been a problem with street drinkers in the area following discussion with the licence holder, he had made a change to the conditions on his licence to agree not to sell beer, perry or cider above 6.5%. However, the Police had serious concerns regarding the tobacco recovered from the premises.

Reference was made to Section 182, paragraph 11.27 of the Government Guidance which identified certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. One of those was the sale or storage of smuggled tobacco and alcohol and the premises licence holder was in charge of the premises when the tobacco was found and his Company was prosecuted. Cleveland Police did not believe that the licence holder was capable of upholding the prevention of crime and disorder objective and was engaging in crime.

Questions from the Premises Licence Holder

The premises licence holder was afforded the opportunity to ask questions of the applicants and the following issues were raised:-

- The licence holder's legal representative highlighted that the licence holder had taken over the business in May 2014 and asked Sergeant Higgins to confirm whether the licence holder had been co-operative and engaged positively with the Police in relation to the issue of alcohol and links to street drinking in the area. Sergeant Higgins confirmed that there had been a positive outcome in that the licence holder had agreed to stop the sale of super strength lagers and beers being sold from his premises. The licence holder voluntarily agreed to amend the conditions on his premises licence to state that he would not sell strong lager, beers, ciders or perry.

Licence Holder in Attendance

The licence holder's legal representative, presented the case in support of the licence holder and asked the licence holder to respond to a series of questions.

The licence holder confirmed that his involvement with the business started on 14 May 2014. He stated that he had been living in Manchester and had been made aware, through a friend, of a shop for sale. He had subsequently bought the premises in question and moved to Middlesbrough. The licence holder confirmed that the business was registered with Companies House. When asked about his previous experience, the licence holder stated that he had no previous experience in this type of business.

Reference was made to Mr Hussein and the licence holder was asked how he knew him. The licence holder responded that Mr Hussein had been the only person he had known in Middlesbrough. The licence holder stated that Mr Hussein had worked at the shop prior to him taking over and had known things about the shop.

The licence holder's legal representative referred to the illicit cigarettes and tobacco discovered at the premises by Trading Standards in August 2014 and asked whether the licence holder had stated, during interview, that he had sacked Mr Hussein. The licence holder confirmed that this was correct. It was queried whether Mr Hussein was involved with the shop at the moment. The licence holder stated that Mr Hussein was his friend and that his girlfriend worked at the shop.

It was queried why Mr Hussein had been present at the premises when Trading Standards had visited. The licence holder stated that Mr Hussein was simply his friend and that he had control of the business not Mr Hussein.

The licence holder was asked how much of the business he actually understood at the point when Trading Standards had visited the premises in August 2014. The licence holder stated that he had not understood much at that time and that Mr Hussein had been helping him but now understood 100%. In response to a further query regarding who had responsibility for the business, the licence holder stated that he and one other member of staff had responsibility for the business.

Questions from the Applicant

The applicants, Trading Standards and Cleveland Police, were afforded the opportunity to ask questions of the licence holder and the following issues were raised:-

- At this point in the meeting, the Principal Trading Standards Officer referred information that was contained within the licence holder's defence statement during his prosecution in May, and began to circulate the document to all parties. The Council's legal representative advised that the information should have been served on the licence holder prior to the hearing as well as all other interested parties. The licence holder's legal representative highlighted that the prosecution was against Mr Mohammed and the limited company but the element regarding Mr Mohammed was withdrawn. To assist, the legal representative stated that the licence holder was not disputing that Mr Hussein had been on the premises and that it was the Company that had pleaded guilty but advice had been provided in relation to the information already served.
- A Member of the Panel queried whether the fines and costs in relation to the prosecution had been paid. The licence holder's legal representative stated that a review of this was ongoing but as the Company accounts were not available for a 12 month period before the sentencing hearing, no fines had been paid yet. The Court had imposed a fine without the ability to refer to the trading accounts, therefore, the matter would be reviewed once the 12 months accounts were available. It had been agreed that £100 per month would be paid but the licence holder was still waiting to be issued with a payment card.

- The Principal Trading Standards Officer queried why, when Trading Standards had visited the premises following the prosecution, to serve the review papers, Mr Hussein had been working behind the counter. The licence holder stated that the papers had been handed to him and that Mr Hussein was behind the till. The Officer stated that when the Trading Standards Officer had visited the premises, Mr Hussein had been present at the premises and was telling someone in the shop where to vacuum. The licence holder stated he was not aware of this.
- It was highlighted that Mr Hussein had been the only person at the premises when it was visited on 23 July by the Principal Environmental Health Officer. The licence holder stated that he had arrived five minutes later and that Mr Hussein was not alone. The Principal Environmental Health Officer confirmed that Mr Hussein had been the only person present at the premises at that time. The Officer had asked him if he was the only person in the shop and he had stated that he was. The licence holder explained that there had been a delivery at the premises at 9.00am and that two members of staff would have been present at that time, and that it was possible that the other member of staff was in the toilet or storage area when the officer had visited.
- It was queried why Mr Hussein had been behind the counter when the licence holder had stated that he had been sacked. The licence holder confirmed that he no longer employed him.
- When asked why Mr Hussein had been working at the premises, the licence holder stated that he was his friend and sometimes came into the shop. He added that, personally, he had never witnessed any wrong-doing by Mr Hussein.
- The Principal Trading Standards Officer asked whether it was correct that the licence holder had taken over the business in May and had then become the Premises Licence Holder and Designated Premises Supervisor for the business, Multi Culti 2014 Ltd. The licence holder confirmed that this was correct. He agreed that, in that role, he was responsible for the running of the business and everything going on at the premises. The Officer stated that an important part of running the business was to ensure that he knew how to operate the CCTV system and to ensure it was working correctly. When the Senior Trading Standards Officer had visited the premises and asked the licence holder for access to the hard drive, he was unable to answer and Mr Hussein had explained that the hard drive was in a box. The licence holder stated at this point that the CCTV was working and that the box from the hard drive was still there.
- When asked if he understood the importance of maintaining the CCTV hard-drive, the licence holder stated that he did not remember being asked about the CCTV but stated that the Officer may have asked Mr Hussein about it. He stated that following the visit from Licensing Officers, he was informed that the hard-drive was not recording for 30 days and was only recording for 21 or 22 days. He subsequently had the system looked at and rectified and forwarded the relevant paperwork to the Police. The Senior Trading Standards Officer stated that this had not been explained to her on the day of her visit.
- The licence holder's legal representative asked the Police whether they were able to confirm this. Sergeant Higgins stated that they were notified that there was a problem with the CCTV system and the issue that was identified was that the system was not recording for 31 days but that this had been rectified, however, this did not explain why Trading Standards had not been informed of this on the day in question.
- The Principal Trading Standards Officer stated that the licence holder was in charge of the premises and that he and his staff were responsible for upholding the licensing objectives. The licence holder stated that he had 100% control of the business. He was asked why Mr Hussein kept appearing behind the counter of the shop and had provided false information and whether this concerned him. The licence holder replied that this was nothing to do with him and was not his responsibility. He stated that there had been a mistake with his Company and the Company had been fined, but the shop was now 100% under his control.

- Sergeant Higgins highlighted that the licence holder had advised that he had sacked Mr Hussein in December on the advice of D and B Licensing Consultants who had advised that Mr Hussein should not be involved in the business. The licence holder responded that he did not know who D and B Licensing were. Sergeant Higgins clarified that they had provided him with advice in relation to his business. The licence holder stated that he was not aware of them. Sergeant Higgins felt that the licence holder was being evasive and asked whether he had paid D and B Licensing for advice. The licence holder stated that he had not but that D and B Licensing provided his staff with training every six months.
- Sergeant Higgins asked the licence holder why he had been leaving Mr Hussein in charge of the premises. The licence holder stated that he was his friend and that he would mind the shop for him if he needed to pop out for a few minutes and that he saw no harm in doing this.
- Sergeant Higgins asked whether the licence holder was in charge of the shop and the business when the illicit cigarettes were recovered and he confirmed that he was.
- The Panel asked the licence holder to clarify whether this was the first time he had operated this type of business – selling alcohol, etc. The licence holder stated that he was previously in the car valeting business.

Additional Evidence

At this point in the meeting, copies of the evidence previously referred to by the Principal Trading Standards Officer, namely the defence statement provided in Court by the licence holder, were made available to the Sub Committee. The Council's legal representative advised Members to consider whether they felt that the evidence was relevant to the Hearing and whether they should take it into account.

The Chair subsequently announced that the Committee considered the document to be relevant and accepted it as evidence.

The licence holder's legal representative agreed to deal with the submission and advised that this was Mr Mohammed's defence case statement in the prosecution against the two parties, however, it was subsequently withdrawn. The licence holder's legal representative stated that there had been a good deal of emphasis on Mr Hussein's character but felt that this had not been properly evidenced and felt that the statement should not be relied upon as it was withdrawn. The legal representative expressed concern that the document was being accepted as evidence when it was not properly supported.

The Principal Trading Standards Officer stated that it was her contention that the document was submitted when the prosecution was brought and in relation to the business offences and Mr Mohammed was responsible for running that business and was blaming Mr Hussein he was still involved with the premises.

Summing Up

Applicant – Trading Standards

The Principal Trading Standards Officer summed up by stating that Multi Culit 2014 Ltd was prosecuted on 4 May 2015 for a total of 25 offences including illicit tobacco. The Committee had heard, and seen photographs, of the illicit tobacco being hidden at the premises. Illicit tobacco was linked to organised crime and the HMRC report 2015 'Tackling Illicit Tobacco: From Leaf to Light' highlighted the links illicit tobacco had to organised criminals, the damage that illicit trade had on legitimate business, how it undermined public health and facilitated the supply of tobacco to young people. The criminality involved, including the use of the proceeds to fund other crimes, had a devastating effect on individuals and communities.

The licence holder had accepted that he was the premises licence holder and designated premises supervisor and was responsible for the premises but had not known what was going on on the day of the visit from Trading Standards and had given varying accounts of that day at the

Hearing. The conduct of staff at the premises, providing false names and information as recently as last week, was also of concern.

Despite the licence holder advising that he had no longer employed Mr Hussein, he had been seen to be working in the shop when visited on several occasions by Trading Standards, Police and Licensing officers. The licence owner had blamed Mr Hussein in his own defence submission. The licence holder had been warned against employing Mr Hussein by his licensing consultants. The business had breached the consumer protection and trademarks Act and Trading Standards had great concerns that the business was not being run properly and that the licensing objectives were not being upheld and that the licence holder was not an appropriate responsible person to be involved in alcohol licensing and that the licence should be revoked.

Cleveland Police

On behalf of Cleveland Police, Sergeant Higgins summed up by stating that paragraph 11.27 of the guidance identified certain criminal activity that might arise in connection with licensed premises which should be treated seriously. This included the sale or storage of smuggled tobacco and alcohol. 11.28 of the guidance stated that licensing authorities, the Police and other law enforcement agencies would use the review procedures effectively to deter such activities and crime. Sergeant Higgins, therefore, felt that revocation of the licence should be seriously considered.

Licence Holder

The licence holder's legal representative summed up by stating that the Committee had been asked to look at a snapshot of the business on 4 August 2014. This had been accepted by the Company in Court. The legal representative submitted that the Committee should not look at that day alone but to look at the time that had elapsed since that date. The licence holder had helped the Police in a positive way in relation to street drinking in the area and there had been no further issues with the licence holder.

The licence holder's legal representative considered that the licence holder should be rewarded for building up a successful business which was properly regulated through Companies House.

The licence holder's legal representative urged caution when considering the references to links between illegal tobacco and organised crime as this implied that the licence holder was involved in organised crime and this was not the case. Trading Standards had suggested that a lack of compliance in one area led to lack of compliance in other areas. The legal representative did not consider it necessary to revoke the licence in the circumstances of this particular case and felt that the Committee was being asked to do so based on one event. The evidence since then was that the licence holder was complying with regulations and had voluntarily amended the conditions on his licence in April 2015 to assist Police. The legal representative highlighted the alternative sanctions the Committee might wish to consider before considering revocation.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal Services and the Members Office, withdrew whilst the Committee determined the application.

Subsequently all the parties returned and the Chair announced the Committee's decision.

DECISION

ORDERED that the Premises Licence in respect of Multi Culti, 244 Linthorpe Road, Middlesbrough, Ref No: MBRO/PRO256/075543, be revoked, for the following reasons:-

1. Mr Mohammad had been the Premises Licence Holder of Multi Culti since May 2014, however, the Committee noted the details of the conviction against Multi Culti (2014) Ltd in May 2015 in respect of illicit and counterfeit cigarettes found on the premises in August 2014. A search of the premises found 11,000 cigarettes/500g hand rolling tobacco that were illicit/counterfeit. Mr Mohammad was the sole director of Multi Culti (2014) Ltd.

2. The Committee also noted the involvement of Mr Hussein in the day to day running of the business at the time of the offences.
3. Mr Mohammad stated that he had sacked Mr Hussein in 2014 and, from the evidence presented at Committee, it appeared that this had been on the advice of his licensing consultant. However, the Committee had heard evidence that, on a number of occasions up to July 2015, Mr Hussein had been present on the premises and appeared to be working or in control of the premises.
4. Mr Mohammad had stated that Mr Hussein was his friend and sometimes visited the premises, however, taking that into consideration, the Committee felt that Mr Mohammad could have taken steps to ensure that Mr Hussein had no contact or involvement with the premises. The Committee also considered Mr Mohammad's evidence regarding his relationship with Mr Hussein and Mr Mohammad's control of the premises not to be credible and that he had responded evasively to questions.
5. It was noted that Mr Hussein had provided a false name on a number of occasions, when present on the premises, and the Committee considered the likely reason for this was to hide his involvement in the business.
6. The Committee considered that if Mr Mohammad was serious about meeting the licensing objective of preventing crime and disorder he would have broken all business contact with Mr Hussein and taken all reasonable steps to prevent Mr Hussein entering the premises.
7. The Committee noted the period of time where there had been no reported concerns about the premises and that Mr Mohammad had responded positively to Police concerns about anti-social behaviour arising as a result of the sale of alcohol above 6.5% alcohol content. Mr Mohammad had voluntarily agreed to a variation of conditions to address this concern.
8. The Committee considered that the 2015 conviction of Mr Mohammad's company was so serious that when considered with the fact that Mr Hussein was involved with the business at the time of the offences, and his continued presence on the premises, there was a serious risk that the licensing objective of preventing crime and disorder would not be met.
9. The Committee considered paragraphs 11.24 to 11.28 of the statutory guidance. Paragraph 11.27 identified that the sale/storage of illicit tobacco should be treated particularly seriously. Paragraph 11.28 stated that the review procedure should be used to deter such criminal activity and that revocation, even in the first instance, should be considered.
10. The Committee considered whether options short of revocation would meet the licensing objectives. The Committee considered that taking no steps or issuing a formal warning was an inadequate response to the application and that modifying the conditions or removing the DPS would not be effective in the circumstances of the case. Members also considered that the temporary exclusion of a licensable activity or suspension was not an adequate response given the serious nature of the offences and continued presence of Mr Hussein in the premises.
11. The Committee concluded that, having regard for the above, it was appropriate and proportionate in the circumstances to revoke the premises licence.

In reaching the above decision Members had considered the following:-

1. The case was considered on its own merits taking into account the four licensing objectives of The Licensing Act 2003.
2. The Licensing Act 2003 (and Amended Government Guidance issued under Section 182 of the Act).
3. Middlesbrough Council's Licensing Policy.

4. The representation presented by the applicant, Middlesbrough Council Trading Standards, in writing and verbally at the meeting.
5. The supporting representation presented by Cleveland Police, in writing and verbally at the meeting.
6. The case presented by the licence holder and his legal representative.

The Chair advised all parties of the Right of Appeal to the Magistrates Court within 21 days of the decision.

Licensing dept

20th October 2016

Re 242 – 244 Linthorpe rd.(formerly Multi Culti)

Dear sirs,

Myself and Councillor Uddin strongly object to the above licensing application to sell alcohol from 8 am - 10pm every day.

Central ward is part of a greater cumulative impact area. Middlesbrough council have deemed this and four other wards over subscribed with off license establishments.

There are extremely high levels of ASB, poor health, high mortality, high unemployment and low education attainment.

.None of which makes for good reading.

Yours faithfully



Councillor Linda Lewis
Labour Councillor for Central ward



Mr T Hodgkinson
Principal Licensing Officer
Community Protection Service Licensing Office
Ground Floor Vancouver House
Gurney Street
MIDDLESBROUGH
TS1 1QP

Direct Line: (01642) 728231

Fax: (01642) 728960

Our Ref: 455410/SUP/LE6

Your Ref:

When telephoning please ask for:

Sinead Upton

14 November 2016

Dear Mr Hodgkinson,

Application for Premises Licence
Re: Multi Culti, , 242-244 Linthorpe Road, Middlesbrough

As the statutory consultee for Trading Standards I have been consulted on the above application.

I would like to make a representation against the granting of this application, as it is the view of Trading Standards that if this licence is granted the licensing objectives of "Prevention of Crime and disorder" and "Protection of Children from Harm" will be undermined. 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 run from this address which was prosecuted and had its licence revoked following the seizure of illicit tobacco. There are also concerns about the management control and selling practices in this business. In addition this premises is in a Cumulative Impact area where there are concerns about alcohol related crime and disorder, anti social behaviour and health issues. There is concern that this premises will add to the existing problems in the area of which the new applicant does not seem to be aware.

I have attached a copy of all relevant correspondence with the applicant for your information.

Yours sincerely,



Sinead Upton
Principal Trading Standards Officer



Representations On A Current Application For A Grant/Variation of a Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

Before completing this form please read the guidance notes at the end of the form

Please note that a full copy of your representation (including your personal details) will be sent to the Applicant and will be a public document at any hearing of this matter. Reports to the Licensing Committee and accompanying documentation will be published on the Council's website.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I (Insert name)

SINEAD UPTON

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description
242-244 Linthorpe Road,

Post Town
Middlesbrough

Post Code TS1 3QP

Name of premises licence holder or club holding club premises certificate (if known)
No licence at that premises at the moment.
Applicant David Pulman

Number of premises licence or club premise certificate (if known)

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

Please Tick

- | | | |
|----|---|--------------------------|
| 1) | Individual (please complete (a) below) | <input type="checkbox"/> |
| | Representative of Residents Association (please complete (b) below) | <input type="checkbox"/> |
| | Ward Councillor (please complete (b) below) | <input type="checkbox"/> |
| | Parish Council (please complete (b) below) | <input type="checkbox"/> |
| | MP (please complete (b) below) | <input type="checkbox"/> |
| | Trade Association (please complete (b) below) | <input type="checkbox"/> |
| | Other (please specify and complete (b) below) _____ | <input type="checkbox"/> |

Please supply details of those you represent e.g. residents of The Grove

- 2) Responsible Authority (please complete (c) below)

X

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over

Yes Please Tick

| | | | |
|-----------------|----------------------|-----------|----------------------|
| Current Address | <input type="text"/> | | |
| Post-Town | <input type="text"/> | Post Code | <input type="text"/> |

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

| | |
|------------------|----------------------|
| Name and Address | <input type="text"/> |
|------------------|----------------------|

| | |
|---------------------------|----------------------|
| Telephone Number (If any) | <input type="text"/> |
| E-Mail address (optional) | <input type="text"/> |

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

| | |
|------------------|---|
| Name and Address | <p>Sinead Upton Principal Trading Standards Officer Environmental Health and Trading Standards section Improving Public Health Middlesbrough Council PO Box 502 Vancouver House Gurney Street</p> |
|------------------|---|

Middlesbrough

TS1 9FW

Telephone Number (If any)

01642 728231

E-Mail address (optional)

sinead_upton@middlesbrough.gov.uk

PART 3 - REPRESENTATION

This representation relates to the following licensing objective(s)

Please Tick

- | | | |
|----|--------------------------------------|--------------------------|
| 1. | the prevention of crime and disorder | X |
| 2. | public safety | <input type="checkbox"/> |
| 3. | the prevention of public nuisance | <input type="checkbox"/> |
| 4. | the protection of children from harm | X |

Please state the ground(s) for representation. (Please read guidance note 5)

The premise is situated in a cumulative impact zone. It is located in a densely populated residential area with a high proportion of licensed premises, deemed to be at saturation point. The area suffers from crime and anti social behaviour and poor health, much of it alcohol related.

The applicant has not demonstrated that they will meet the licensing objectives particularly in relation to Crime and disorder and Protection of Children from harm. In a meeting held with the applicant David Pulman on 1st November 2016, at which Sgt Paul Higgins from Cleveland Police licensing, and Fiona Helyer, Public Health Officer, were also in attendance he confirmed that he would be running the business and provided the following information:-

- Mr Pulman and his wife had many years licensing experience. They currently owned 2 other licensed premises, one at 67 Middle Street, Consett and one at 2 Stonegate, Darlington. They had previously owned premises in Harrogate and Newcastle and had ran European Foods, 7 Borough Road, Middlesbrough 7 years ago.
- He had got a temporary lease for the premises for 2 years with a break clause. He had an understanding with the owner. He could not however provide a name for the landlord at that meeting and therefore agreed to provide the information about the landlord to Sgt Higgins at a later date.
- He said that no one else had a stake in the business
- He said that planned to be at the business more often at the beginning – upto 3 times a week. He planned to employ 4 staff, 2 from the existing multi culti business, Monica and Natalia, and 2 others.
- He planned to carry out all staff training himself. He said that the training would include refusal and incidents books, not serving to drunks and challenge 25. He did not however provide any training documentation.
- He would to stock foreign beers/lager with alcohol strength of between 5 and 6.5%. He stated that he would not be selling any superstrength beers, lagers or ciders above

6.5% alcoholic strength. Neither would he sell alcopops, lambrini or white lightning.

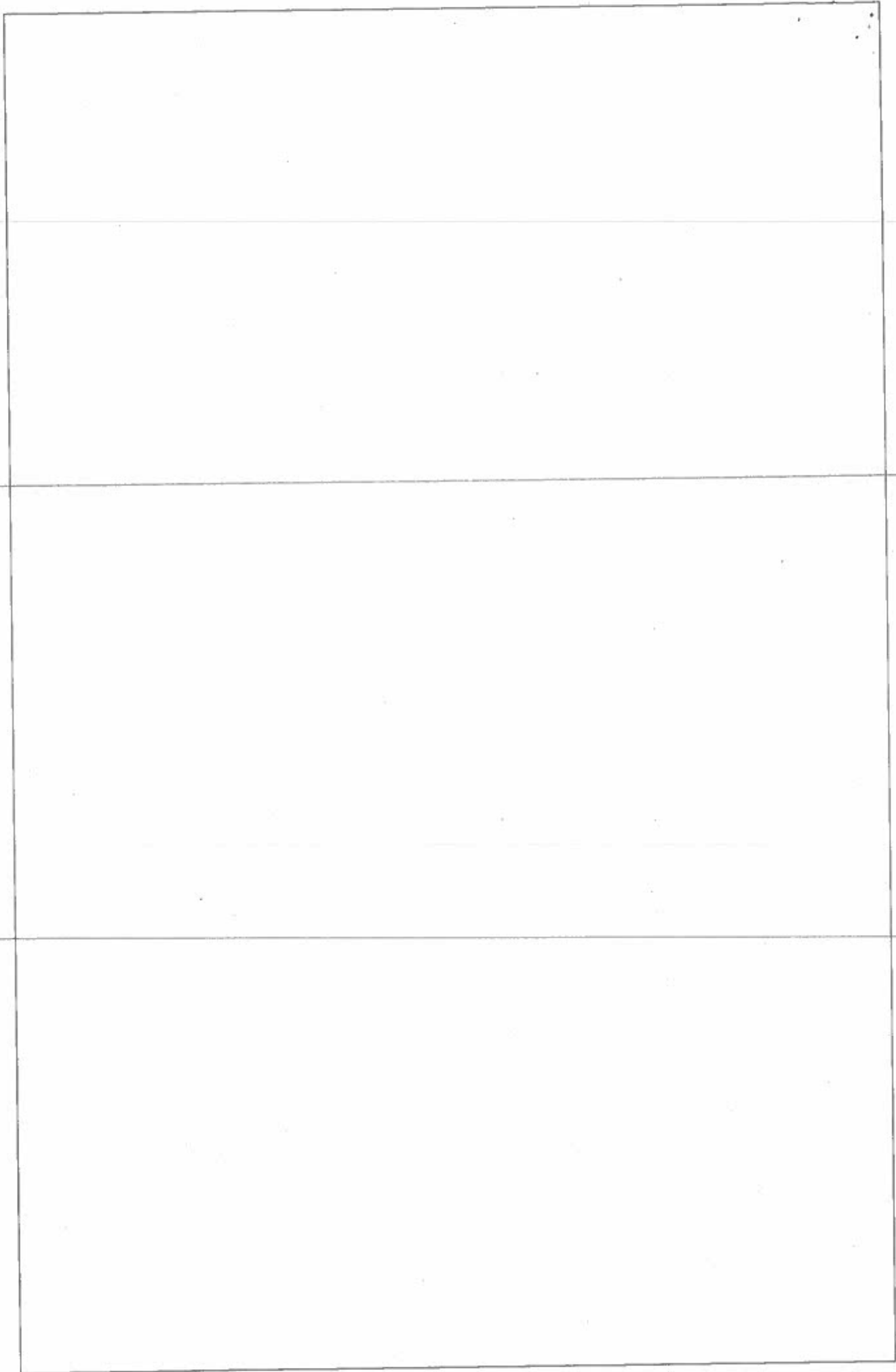
- Some of the Russian beer would be in 500ml bottles.
- He confirmed that he would be selling single cans and that these would be priced at £1.10.
- He confirmed that the business would adopt the challenge 25 scheme.
- Alcohol would account for 15% of the stock of the store and 10% of the display area. Spirits would be stored behind the counter and the remaining alcohol would be displayed in a fridge at the side of the store.
- He confirmed that the cctv system would cover the till area.

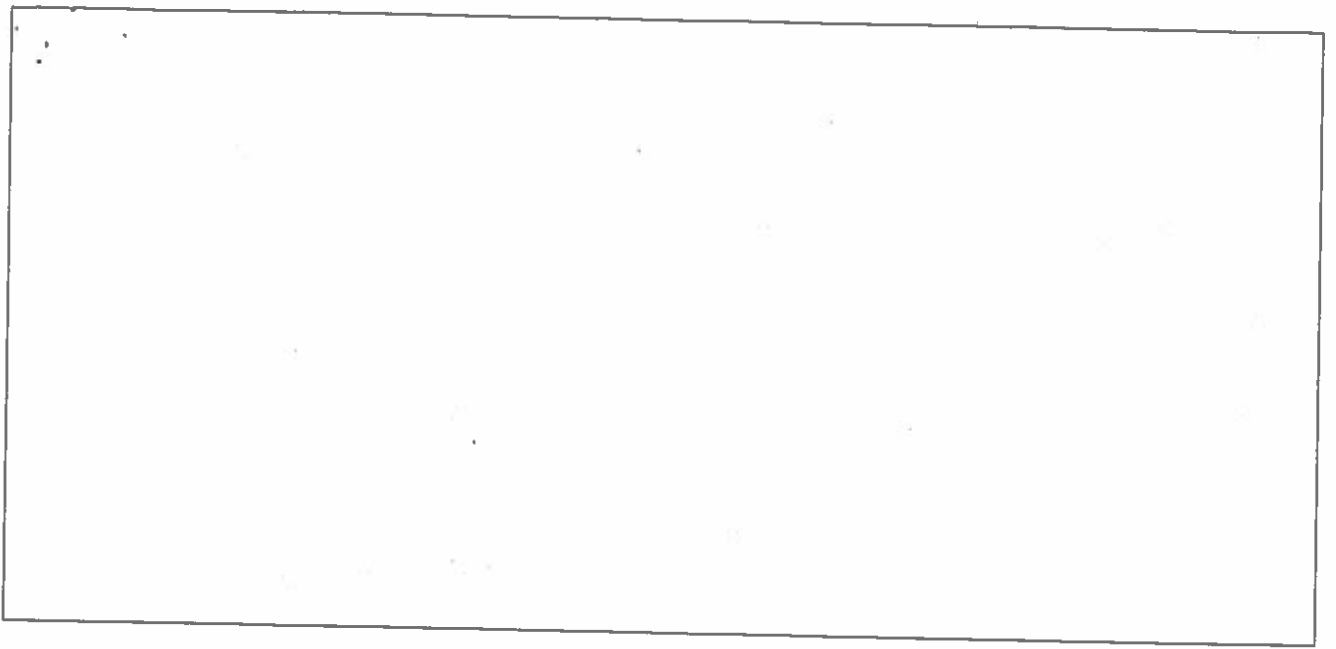
Whilst Mr Pulman showed awareness of some general issues with crime and alcohol he did not demonstrate any knowledge of the specific problems in the area the shop was based. He was also not initially aware that the shop was in a cumulative impact area and could not give any information regarding how he would ensure that his business would not add to the existing problems in the area.

There are concerns that the applicant will not be able to provide sufficient management control to this business given his other business interests. He has stated that initially he will be there upto 3 times a week. Of main concern however are the links with people involved in the previous business Multi Culti that operated from this premises. He has stated his intention of employing 2 members of staff who worked in the business at a time the business was involved with the supply of illicit tobacco. 11000 illicit cigarettes & 550 hand rolling tobacco, some of which were counterfeit, were seized from Multi Culti on 5th August 2014 and the business prosecuted for 25 offences in relation to this on 12th May 2015 and their premises licence revoked. During the prosecution and license hearings Mr Aram Hussein was deemed by the previous business owners Multi Culti (2014) Ltd to be involved in the supply of the illicit tobacco. It appears that the current landlord of the premises 242-244 Linthorpe Road, Middlesbrough is Mr Hussein. I understand that no lease exists in the name of Mr Pulman and neither have any arrangements been made to sublet the premises.

There is also concern about the low price that the applicant intends to sell alcohol. Cheap alcoholic products would prove attractive to both young people and dependant drinkers. Such selling practices raise concern about responsible retailing from this premises. It shows a disregard for the licensing objectives and the policy which applies to the cumulative impact area. Given that this area is a cumulative impact area which already suffers from high alcohol related crime and disorder and health problems, this premises has not demonstrated how it will not impact negatively on the licensing objectives.

It is the view of Trading Standards that if this premise is granted the licensing objectives of "Prevention of Crime and Disorder" and "protection of Children from Harm" will be undermined and the problems with the Cumulative Impact area exacerbated.





Please provide as much information as possible to support the representation. (Please read guidance note 5)

Underage drinking is a major source of anti social behaviour within Middlesbrough. A risk taking behaviour roadshow of Middlesbrough School children aged 13-14 years in 2014-15 identified that 36% had drunk alcohol and 20% had got drunk on alcohol more than once a month. In addition 64% believed that most people their age got drunk at least once a week. Currently, Middlesbrough has the highest rate within the Northeast region of alcohol related hospital admissions for 2015/2016 at 2,439 per 100,000, which is 23.9% higher than the regional average and 48.8% higher than the national average. Alcohol related data and intelligence has been gathered for Central ward which shows that during 2014/2015 Central ward had the highest number of alcohol attributable admissions to James Cook University Hospital.

Have you made any representation relating to these premises before?

YES/


If Yes, please state the date of that representation

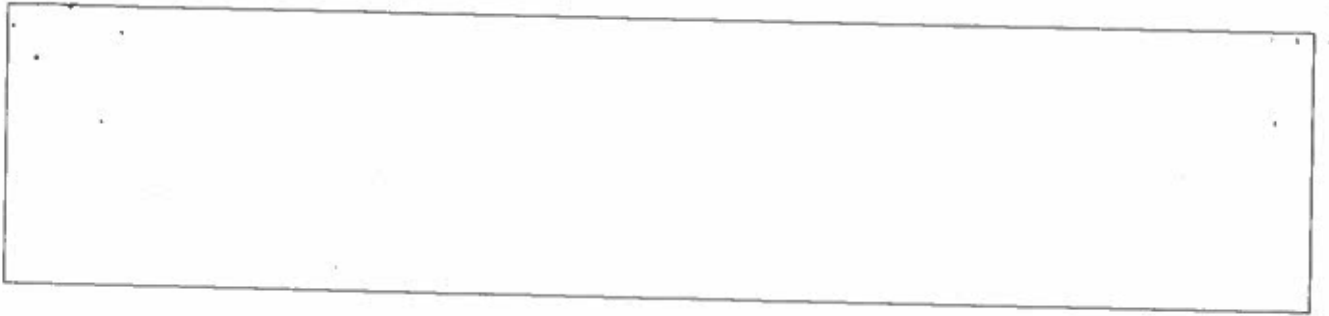
| Day | | Month | | Year | | | |
|-----|---|-------|---|------|---|---|---|
| 0 | 1 | 0 | 6 | 2 | 0 | 1 | 5 |

If you have made representation before relating to this premise please state what they were and when you made them.

Submitted Review of premises license following prosecution of Multi Culti (2014) ltd in court on 12th May 2015 for the supply of illicit and counterfeit tobacco. Supporting witness statements provided and evidence provided at licensing hearing 27th July 2015.

PART 4 – SIGNATURES

| | | | |
|-----------|---|------|--------------------------------|
| Signature |  | Date | 14 th November 2016 |
| Capacity | Principal Trading Standards Officer | | |



Louise Romaine

APPENDIX G

From: Fiona Helyer
Sent: 14 November 2016 10:08
To: Tim Hodgkinson; Louise Romaine
Cc: Judith Hedgley
Subject: Public Health Representation - 242 - 244 Linthorpe Road
Attachments: Representation Letter to applicant.docx; Supporting Evidence.doc; Final Mins 270715 Multi Culti.doc

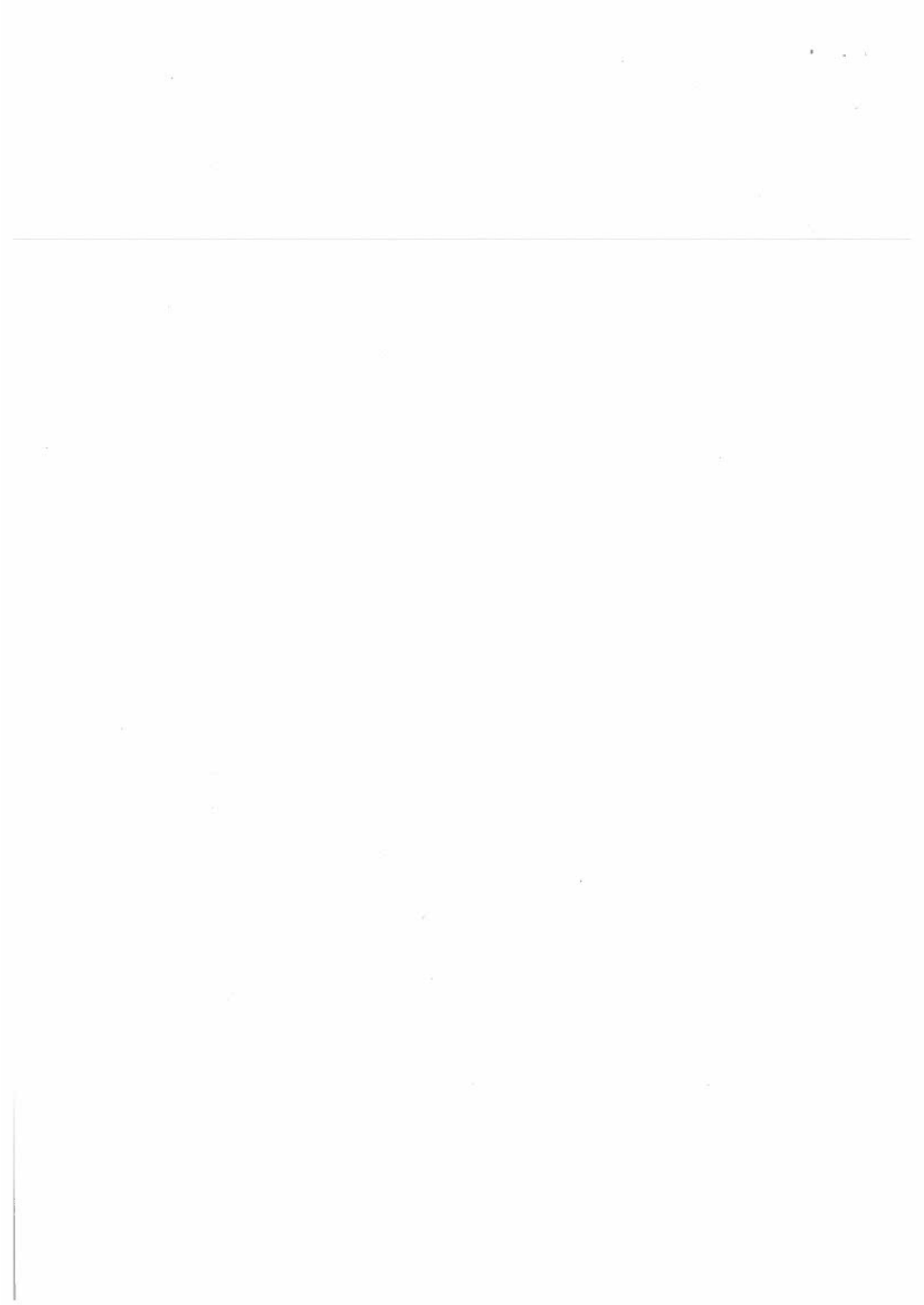
Hi Tim, Louise

Please find attached the letter of representation and supporting evidence made on behalf of the Director of Public Health relating to the Premises licence application for 242-244 Linthorpe Road, Middlesbrough.

A copy of both have been sent to the applicant Mr David Pulman

Regards
Fiona

Fiona Helyer
Public Health Officer
Alcohol & Licensing
Middlesbrough Council
Improving Public Health
Environmental Health & Trading Standards
PO Box 502, Vancouver House
Gurney Street, Middlesbrough
TS1 9FW
Tel. (01642) 728717
www.middlesbrough.gov.uk



Mr David Pulman
1 Atherton Way
Yarm
Stockton-on-Tees
TS1 3QP

PO Box 502
5th Floor
Vancouver House
Gurney Street
Middlesbrough

Tel: 01642 728717
Fax: 01642 728935
14 November 2016

Dear Mr Pulman,

**Premises Licence – 242-244 Road Middlesbrough.
Licensing Act 2003**

I am writing to you in relation to the above application which you have recently made to Middlesbrough Council Licensing Authority. I act on behalf of the Director of Public Health as the Responsible Authority for Health and I have been consulted on the above application.

As you are aware a meeting was held on Tuesday 1 November 2016 with you and representatives from Cleveland Police, Trading Standards and Public Health. The meeting was held to discuss your application due to concerns that it did not demonstrate how the proposed premises will not negatively impact on the licensing objectives.

During the meeting you advised that;

- You have experience of working in off licensed premises as you and your wife own two off license premises in Durham and Darlington.
- You have previously owned a business in Middlesbrough and continue to supply other stores with Polish groceries including Multi Culti, 242- 244 Linthorpe Road.
- Mr Mohammed is the current owner of 242 -244 Linthorpe Road, Middlesbrough and that it is your intention to secure a minimum two year lease.
- You are aware of the problems surrounding this premise which led to the revocation of the premises licence by Middlesbrough Council's Licensing Committee.
- It is your intention to employ two members of existing staff (Monica and Natalia).
- It is your intention initially to work at the store for 3 times a week. The rest of your time will be spent in your Darlington store.
- You intend selling a number of polish brands of beers/lagers (under 6.5%) and that you are looking to introduce Russian brands of beers that have an alcohol content of 6% which will be sold in single cans/bottles.

During the meeting you were unable to demonstrate your knowledge of the area surrounding this premises and the current alcohol related crime and disorder, anti-social behaviour and health problems.

There are a number of concerns regarding the ownership of the business. Enquiries have been made with the property owners in relation to the current landlord and they have confirmed that this is a male named Mr Aram Hussein, not Mr Mohammed as you had suggested. The property owners have also confirmed that they are not aware of any sub-lettings for this premise which they would have to receive notification for.

You were advised that in January 2016 Middlesbrough Council had approved a Cumulative Impact Policy for Central ward and four other town centre wards, due to the high density of off licence premises in this area and the negative impact on the licensing objectives.

This premise is located within the Cumulative Impact Policy area and it is our opinion that the granting of this premises off licence will have a negative impact on the licensing objectives in an area which already has a high density of off licensed premises and suffers from high levels of alcohol related Crime and Disorder, Anti- Social behaviour and Public Health issues.

Therefore, I am advising you that a representation has been submitted to Middlesbrough Council's Licensing Authority on behalf of the Director of Public Health, as the Responsible Authority for Health in relation to the above application. This representation is made on the grounds that the application does not demonstrate how the premises will not negatively impact on the licensing objectives, in particular, crime and disorder, public nuisance and the protection of children from harm.

Evidence to support this representation will be submitted prior to any licensing hearing.

Yours faithfully

Fiona Helyer
Public Health Officer
Responsible Authority for Health.

Evidence presented by Middlesbrough Council, responsible authority for health, against the application for a premises licence in respect of premises situated at 242-244 Linthorpe Road under the Licensing Act 2003

The Director of Public Health, as the Responsible Authority for health, is making a representation to this application on the grounds of Crime and Disorder, Public Safety and Protection of Children from Harm.

The application made is for the grant of a new premises licence from 0800 – 2200 hours seven days a week for the supply of alcohol. The application is made by Mr David Mark Pulman who is the proposed Premises Licence holder and Designated premises Supervisor.

In June 2015, Middlesbrough Council's Trading Standards applied to review the premises licence in respect of premises situated at 242-244 Linthorpe Road. During a review hearing, members of Middlesbrough Council's Licensing Committee heard evidence from Middlesbrough Council's Trading Standards and Cleveland Police which related to sales of illicit tobacco from the premises and alcohol related crime and disorder and anti-social behaviour. There had also been concerns regarding the ownership and running of the business.

After hearing all of the evidence from all parties concerned, members of the Licencing Committee made the decision to revoke the licence, (see attached documentation FMH/1).

It is our opinion that the granting of a new premises licence in respect of these premises would undermine the Crime and Disorder, Public Safety, and Protection of Children from Harm licensing objectives.

Nationally and out of the 326 Local Authority areas, Middlesbrough is ranked number 1 for alcohol related mortality. Middlesbrough is also ranked within the top 10 for the highest hospital admissions which relate to the following alcohol related disorders -: cardio vascular disease, mental and behavioural disorders, self-poisoning and exposure and unintentional injuries. Such alcohol related illnesses/disorders have a huge impact on the National Health Service.

Currently, Middlesbrough has the highest rate within the North East region of alcohol related hospital admissions for 2015/2016 at 2,439 per 100,000, which is 23.9% higher than the regional average and 48.8% higher than the national average. Alcohol related data and intelligence has been gathered for Central ward which shows that during 2014/2015 Central ward had the highest number of alcohol attributable admissions to James Cook University Hospital.

This premises is situated within the Central ward but also within close proximity to the boundary of Newport ward, Linthorpe Road being the only dividing road between this premise and Newport ward. Both wards are within the top 5 out of 20 wards in Middlesbrough for being the most deprived. There is high unemployment, low education attainments, a high predominance of privately rented properties, some of the poorest in Middlesbrough and a high prevalence of ill health.

There is a high density of premises within both wards – approximately 28 in Central ward and a further 20 in Newport ward. Approximately 60% of off licensed premises are situated within 5 ward areas of Middlesbrough: Central, Newport, Park, Longlands and Beechwood and North Ormesby. During 2014/2015 a high proportion of the alcohol related crimes, wholly attributable hospital admissions and crime and disorder incidents were recorded from these ward areas.

Alcohol arrest data shows that both Central and Newport wards are both hotspot areas for alcohol related crime and disorder and that a high number of these cases has involved people drinking in the home. There has been a high number of problems with street drinking and begging issues within both wards which has involved individuals congregating in community areas including nearby children's play areas.

This, together with the high density of off licence premises prompted the need for a Cumulative Impact Policy to be included in Middlesbrough Council's Licensing Policy 2016-2021. This Policy ensures that further off licence premises applications do not add to existing crime and disorder issues within these wards. It will also assist in the promotion of all licensing objectives and responsible and effective retailing.

On Tuesday 1 November 2016 a meeting was held with the applicant, Mr Pulman. Representatives from Public Health, Cleveland Police and Trading Standards were present. The meeting was to discuss this application due to the application failing to demonstrate how the proposed premises will not negatively impact on the licensing objectives.

During the meeting Mr Pulman confirmed that he was the proposed Premises Licence Holder and Designated Premises Licence Holder for the premises. He also provided the following information:

- He had experience of working in off licensed premises as he currently owns two off license premises in Durham and Darlington along with his wife.
- He had previously owned a business in Middlesbrough (7 Borough Road, European Food Store) and continues to supply other stores with Polish groceries including Multi Culti, 242- 244 Linthorpe Road.
- He advised that a male named Mr Mohammed is the current landlord of 242 -244 Linthorpe Road, Middlesbrough and that it is his intention to secure a two year lease for this premises.

- He is aware of the problems surrounding this premises which led to the revocation of the premises licence by Middlesbrough Council's Licensing Committee.
- It is his intention to employ two members of existing staff (Monica and Natalia).
- It is his intention initially to work at the store for 3 days a week. The rest of his time will be spent in his Darlington store.

During the meeting it became apparent that Mr Pulman had very little knowledge of the local area and the alcohol related problems surrounding it and although he advised that he was aware of Middlesbrough Council's Cumulative Impact Policy he was unable to demonstrate his knowledge.

When asked about the alcohol products that he would be selling from the premise he advised that he would not be selling products that had an alcohol content of 6.5% and above, including white ciders and high strength beers however he had failed to submit this within his application. He advised that he would be selling a number of polish beers/lagers and that he was looking to introduce Russian brands of beers that have an alcohol content of 6% and that are sold in single cans/bottles.

After the meeting and as a result of concerns regarding the ownership of the premises, checks were made with the property owners to confirm the name of the lease holder for the premises. This was confirmed as being Mr Aram Hussein. Mr Hussein had previously had a premises licence revoked in Middlesbrough (European Foods, 7 Borough Road) and a subsequent application in respect of another premises refused by Middlesbrough Council's Licensing Committee in 2012 (242-244 Linthorpe Road, Multi Culti). It was suspected that Mr Hussein was also involved with the running of the business when illicit tobacco was found inside the premises.

There are a number of concerns regarding the business links between both Mr Pulman and Mr Hussein and the future ownership and running of the business. It is also of concern that there are no apparent changes to staffing within the premises.

Licensed premises must ensure alcohol is sold responsibly. It is very clear from the evidence that was presented at the hearing in June 2015 that this premise was being operated in such a way that undermined the licensing objectives of the prevention of crime and disorder, public safety and protection of children from harm. For this reason the Licensing Committee decided to revoke the licence. There are still concerns that if a premise licence is granted it will be operated in such a manner that would once again undermine the licensing objectives. Mr Pulman has failed to include some of the previous conditions relating to the sale of high risk products and there does not appear to be any new conditions added to the proposed operating schedule which would further promote the licensing objectives.

This premise is located within the Cumulative Impact Policy area and it is our opinion that the granting of this premises off licence will have a negative impact on the licensing objectives in an area which already has a high density of off licensed premises and suffers from high levels of alcohol related Crime and Disorder, Anti- Social behaviour and Public Health issues.



Edward Kunonga
Director of Public Health
Middlesbrough Council

Dated: 14 November 2016

Representations On A Current Application For A Grant/Variation of a Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

Before Completing This Form Please Read The Guidance Notes At The End Of The Form

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I (insert name)

Fmma Price

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description

242/244 Linthorpe Road

Post Town

Middlesbrough

Post Code

TS1 3QP

Name of premises licence holder or club holding club premises certificate (if known)

Mr. David Pulman

Number of premises licence or club premise certificate (if known)

N/A

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

Please
Tick ✓

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this representation relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

| | | | |
|-----------------|----------------------|-----------|----------------------|
| Current Address | <input type="text"/> | | |
| Post Town | <input type="text"/> | Post Code | <input type="text"/> |

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

| | |
|------------------|----------------------|
| Name and Address | <input type="text"/> |
|------------------|----------------------|

| | |
|---------------------------|----------------------|
| Telephone Number (If any) | <input type="text"/> |
| E-Mail address (optional) | <input type="text"/> |

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

| | |
|------------------|--|
| Name and Address | CHIEF CONSTABLE OF CLEVELAND POLICE C/O POLICE SERGEANT 944 HIGGINS MIDDLESBROUGH DISTRICT H/Q BRIDGE STREET WEST MIDDLESBROUGH TS2 1AB |
|------------------|--|

| | |
|---------------------------|----------------------|
| Telephone Number (If any) | 01642 302360 |
| E-Mail address (optional) | <input type="text"/> |

This representation relates to the following licensing objective(s)

- | | Please
Tick ✓ |
|---|-------------------------------------|
| 1. The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2. Public safety | <input type="checkbox"/> |
| 3. The prevention of public nuisance | <input type="checkbox"/> |
| 4. The protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for representation. (please read guidance note 1)

An application has been made by Mr. David Pulman to grant a premises licence for 242-244 Linthorpe Road, Middlesbrough. The application is for the off premises sale of alcohol Monday – Sunday between the hours of 08:00 – 22:00hrs.

The Premises have previously possessed a Premises Licence; however this was revoked following a Review of the Licence which sat before the Middlesbrough Council Licensing Sub-committee on 27th July 2015. The Review of the Premises Licence was due to the sale of illicit tobacco from the premises. The Premises was also been concerned in the sale of high strength alcohol to street drinkers before an intervention by the Police. These incidents occurred whilst the premises was linked to a male called Mr Aram Hussaini, although he was not the premises licence holder or Designated premises Supervisor.

Mr. Hussaini had previously applied for a Premises Licence for 242 Linthorpe Road in February 2012, however due to incidents at another premise he previously owned where that Premises Licence was revoked; representations were made by Cleveland Police against the application and it was subsequently refused at the committee hearing. A new application was made by a different applicant in May 2012 who was not believed to be linked to Aram Hussaini and was subsequently granted. During the investigation into the counterfeit tobacco it became clear that Mr Hussaini was involved in the running of the Off Licence

Enquiries into the current application have found that Mr. Hussaini remains as the lease holder of the address and given the previous history of the store the Police have concerns that he will still be involved in the business

It is the belief of Cleveland Police that although Mr. Pulman is the applicant for the Premises Licence, the Previous management will still have control over the business. Mr. Pulman has a number of other business interests out of the locality and it is believed that he will not be in day to day control of the site, which has previously been proven that this store requires.

The Premises are situated in an area which has been deemed by Middlesbrough Council to be saturated and therefore a special policy is in place. The area suffers issues surrounding alcohol related crime and anti-social behaviour and it is the opinion of Cleveland Police that the onus is upon the applicant to prove that they will not add to the Cumulative Impact of the area.

Please provide as much information as possible to support the representation. (Please read guidance note 2)
Should the application not be withdrawn then further evidence will be provided.

Please
Tick

Have you made any representation relating to these premises before?

X

If Yes, please state the date of that representation

| Day | | Month | | Year | | | |
|-----|---|-------|---|------|---|---|---|
| 2 | 7 | 0 | 7 | 2 | 0 | 1 | 5 |

If you have made representation before relating to these premises please state what they were and when you made them.

As detailed above

How We Collect And Use Information

By completing this document you give Middlesbrough Council the authority to collect and retain information about you for the purpose of the application. In order to process the application we may need to check this information with other enforcement agencies, local authorities or government departments.

We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share this information with other enforcement agencies including those organisations which handle public funds. Middlesbrough Council will not disclose information about you unless the law permits.

Middlesbrough Council is the Data Controller for the purposes of the Data Protection Act. If you want to know more about the information the Authority holds about you or the way the Authority uses that information please contact the Information Security Officer, PO Box 17, Melrose House, 1 Melrose Street, Middlesbrough, TS1 2YW.

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representative's solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

| | | | |
|-----------|---------------------|------|------------|
| Signature | PC 1841 Emma Price | Date | 14/11/2016 |
| Capacity | Licensing Constable | | |

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)

Middlesbrough Police HQ,
Bridge Street West,

Post Town

Middlesbrough

Post Code

TS2 1AB

Telephone Number (if any)

01642 302360

E-mail Address (optional)

emma.price@cleveland.pnn.police.uk

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.
6. Information on the Licensing Act 2003 is available at www.middlesbrough.gov.uk and you are advised to read any relevant guidance leaflets before completing this form.

Handwritten marks in the top right corner.

