

E1

Appendix 1

[Insert name and address of relevant licensing authority a

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 HARDE MHAUDEN KAREEM

(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		MIDDLESBROUGH COUNCIL	
39 PRINCESS ROAD		15 NOV 2016	
		LICENSING	
Post town	MIDDLESBROUGH	Postcode	TS1 4BG
Telephone number at premises (if any)	01642 252591		
Non-domestic rateable value of premises	£5,400		

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)

M <input checked="" type="checkbox"/>		Mrs <input type="checkbox"/>		Miss <input type="checkbox"/>		Ms <input type="checkbox"/>		Other Title (for example, Rev)	
Surname KAREEM					First names HARDE MHAUDEN				
I am 18 years old or over					<input checked="" type="checkbox"/> Please tick yes				
Current postal address if different from premises address			16 THE CRESCENT LINTHORPE VILLAGE						
Post town		MIDDLESBROUGH			Postcode		S65 6SQ		
Daytime contact telephone number				0752222297					
E-mail address (optional)		harde-kareem@hotmail.com							

SECOND INDIVIDUAL APPLICANT (if applicable)

M <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)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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)		
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			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
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"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<u>Please give further details here</u> (please read guidance note 3)			
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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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)		
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	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
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					

I

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Fri					
Sat			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)		
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	8am	10pm				
Tue	8am	10pm				
Wed	8am	10pm				
Thur	8am	10pm				
Fri	8am	10pm				
Sat	8am	10pm				
Sun	9am	10pm				
			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	HARJE MHAUDEN KAREEM
Address	16 THE CRESCENT LINTHOPPE VILLAGE MIDDLESBROUGH
Postcode	TS5 65Q
Personal licence number (if known)	MBRO/PL0666/060057
Issuing licensing authority (if known)	MIDDLESBROUGH COUNCIL

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).

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	8am	10pm	<p>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)</p>
Tue	8am	10pm	
Wed	8am	10pm	
Thur	8am	10pm	
Fri	8am	10pm	
Sat	8am	10pm	
Sun	8am	10pm	

M Describe the steps you intend to take to promote the four licensing objectives: **PLEASE SEE ATTACHED**

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

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>[Handwritten Signature]</i>
Date	14.11.16
Capacity	DESIGNATED PREMISES SUPERVISOR/SHOP 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.

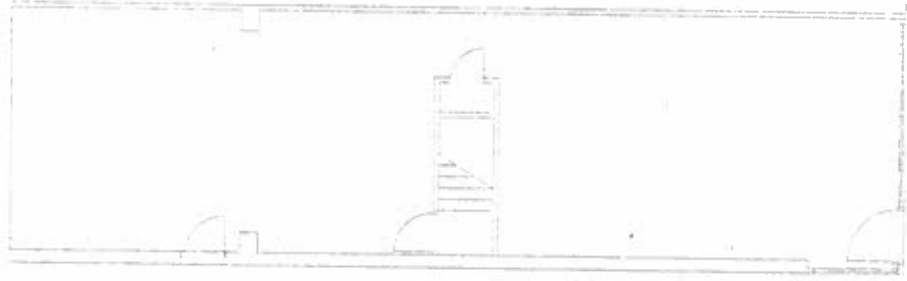
Signature	
Date	
Capacity	

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)			

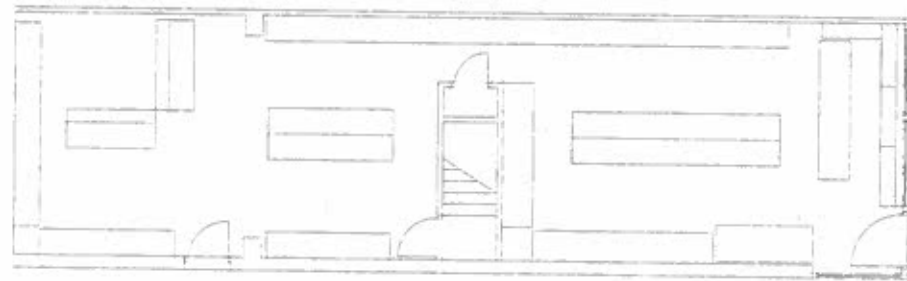
Notes for Guidance

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.

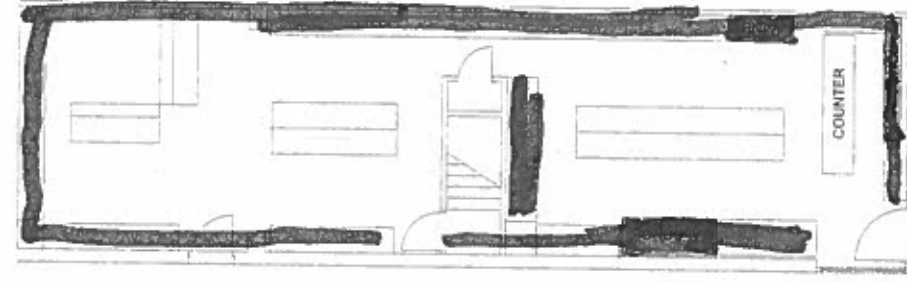
Scale: 1/8" = 1'-0"



FLOOR PLAN

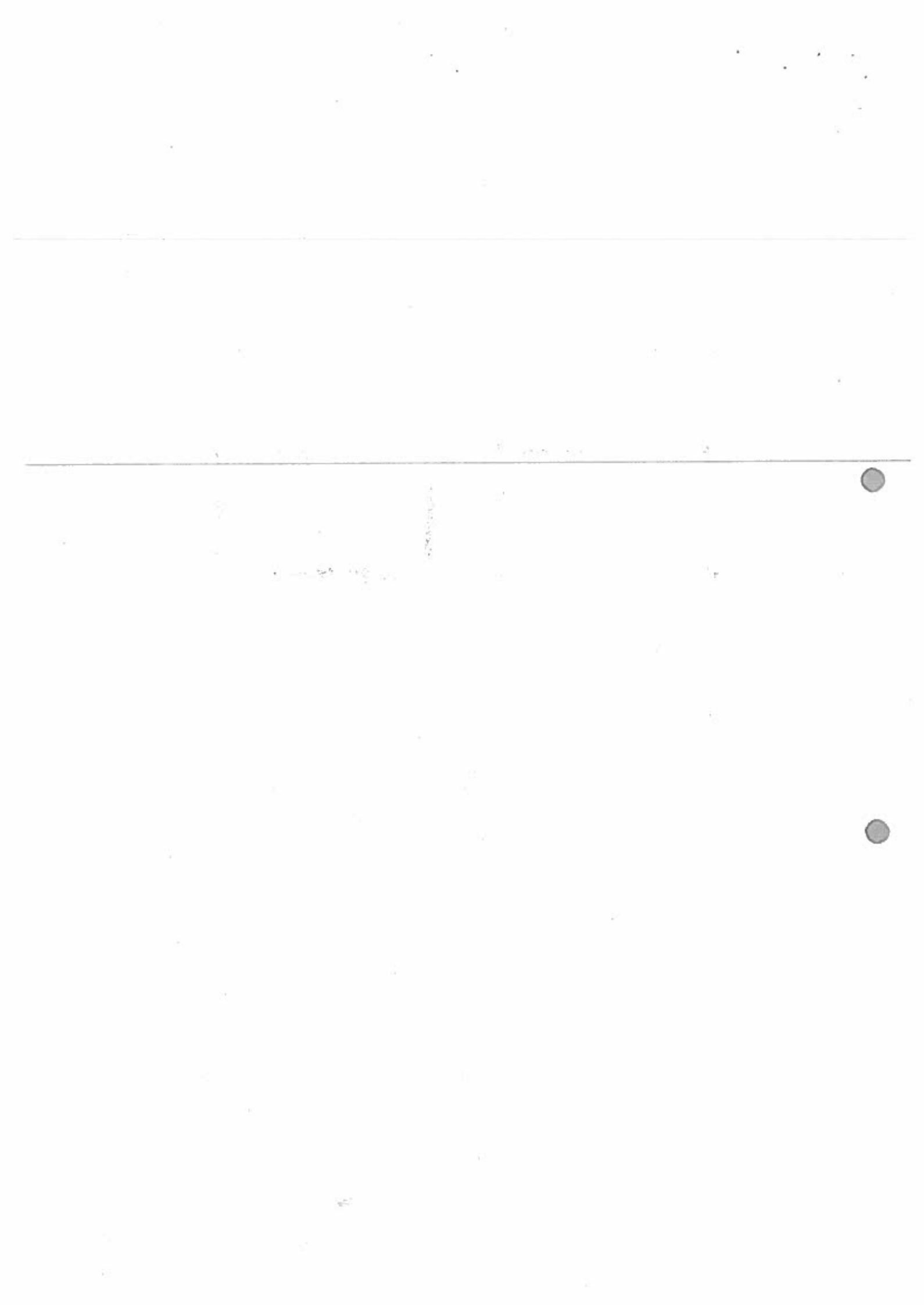


EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN

Drawn by	Checked by	Reviewed by	Approved by	Project No.	Scale	Sheet
39 Princess Road						
PLANS						
						Sheet
						5/1



TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

A) GENERAL

Strong management controls and

effective training of all staff so that they are aware of the premises licence

An awareness of the requirements to meet the four licensing objectives with particular attention to:

no selling of alcohol to underage people

no drunk and disorderly behavior on the premises area

no violent and anti-social behaviour

Designated premises supervisor to be in day-to-day control of the premises

to provide good training for staff on the Licensing Act (Training Record)

Proactive engagement with local police/community officers

B) THE PREVENTION OF CRIME AND DISORDER

CCTV System installed with recording facility to monitor the entire shop floor as well as entrances and exits

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Not selling of alcohol to drunk or intoxicated customers.

Restriction of the stock or sale of beers or lagers above 6.5% ABV

Refusal to allow alcohol to be drunk on the premises

No sale of perry and cider on premises

Roller metal exterior window shutter will be fixed to ensure that shop front is safe and secure at all time

A log book or recording system shall be kept upon the premises in which shall be entered all alcohol sale refusals that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation

Open containers not to be taken from the premises

Delay crime prevention notices;

Book recording all incidents at premises;

No irresponsible promotions that may lead to the excessive consumption of alcohol

C) PUBLIC SAFETY

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks

Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

Adequate lighting outside the premises so as to highlight the premises and allow visible entrance and exit.

D) THE PREVENTION OF PUBLIC NUISANCE

Noise reduction measures to address the public nuisance objective. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Customers will be asked not to stand around loudly talking in the street immediately outside the premises.

Customers will not be admitted to premises above opening hours.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste bins for use by customers will be provided in the local vicinity

Adequate waste collection facilities

measures to minimise and control noise from staff, contractors and suppliers and their activities

measures to minimise and control noise from vehicles providing services to the premises (for example, refuse collection, drink and food deliveries)

Prominent, clear and legible notices are to be displayed on all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly

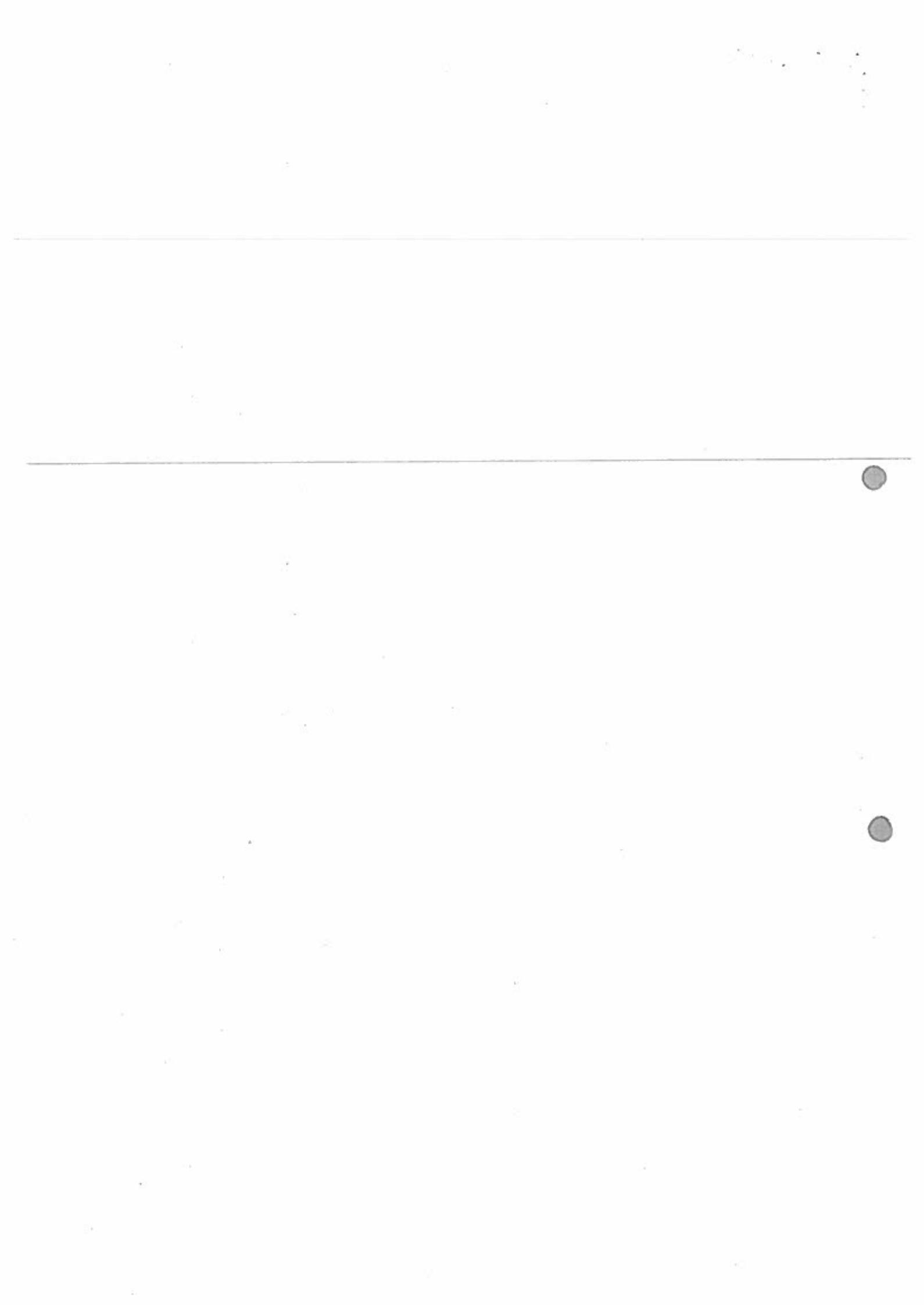
E) THE PROTECTION OF CHILDREN FROM HARM

Application of "Challenge 25" sign and strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID if they wish to buy alcohol.

Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available the retail unit.

Log Book will be kept upon the premises all the time detailing underage refusals



Appendix 2.

Home (<http://middlesbrough-dev.cms.firmstep.com/>)

Agendas, Minutes and Meetings (kab71.pl)

Licensing Sub-Committee C (kab71.pl?cmte=LSC) Minutes Wednesday 27 May 2015



Licensing Sub-Committee C Minutes

Licensing Sub-Committee C Minutes

Date: Wednesday 27 May 2015

Time: 10:00 a.m.

Place: Mandela Room, Town Hall, Middlesbrough

[+] Rate this page

Attendance Details

Present: Councillor B E Taylor (Chair): Councillor P Purvis, Councillor J A Walker

Officers: B Carr, F Helyer, J Hedgley, T Hodgkinson and S Upton

Declarations of interest: There were no Declarations of Interest made at this point of the meeting.

Item Number	Item/Resolution
PUBLIC	

Item Number	Item/Resolution
14/20	<p data-bbox="320 271 1318 344">APPLICATION FOR REVIEW OF PREMISES LICENCE - 39 PRINCES ROAD, REF: OL/15/6</p> <p data-bbox="320 389 1155 425">Report (104K/bytes) (/aksmiddlesbrough/images/att1005732.doc)</p> <p data-bbox="320 456 1362 530">All parties agreed to the Review applications in respect of 9 Parliament Road and 39 Princes Road being considered first.</p> <p data-bbox="320 595 1401 750">Reports of the Principal Licensing Officer, Improving Public Health, had been circulated outlining an application for a Review of a Premises Licence in relation to 9 Parliament Road, Middlesbrough, TS1 4JU, Ref No. OL/15/4 and 39 Princes Road, Middlesbrough, TS1 4BG, Ref No. OL/15/6 respectively.</p> <p data-bbox="320 792 1385 866">Full details of the applications and accompanying operating schedules were attached at Appendix 1 to the submitted reports.</p> <p data-bbox="320 954 1406 1030"><u>Summary of Licensable Activities and Hours for Licensable Activities - 9 Parliament Road, Middlesbrough</u></p> <p data-bbox="320 1075 975 1111">Sale of Alcohol Off Premises - 7.30am - 11pm - Daily</p> <p data-bbox="320 1176 1377 1252"><u>Summary of Licensable Activities and Hours for Licensable Activities - 39 Princes Road, Middlesbrough</u></p> <p data-bbox="320 1339 692 1375">Sale of Alcohol Off Premises:</p> <p data-bbox="320 1397 751 1433">8am - 10pm - Monday to Saturday</p> <p data-bbox="320 1456 592 1491">9am - 10pm - Sunday</p> <p data-bbox="320 1556 1382 1630">A copy of a plan showing the location of other licensed premises within the Gresham area was circulated to Members of the Committee.</p> <p data-bbox="320 1718 1409 1832">The legal representative for Trading Standards and Public Health circulated a copy of a skeleton argument and chronology of events on behalf of Middlesbrough Trading Standards and Middlesbrough Public Health.</p>

[+] Rate this page

Item Number	Item/Resolution
	<p>The Chair introduced those present and outlined the procedure to be followed at the meeting. The Principal Licensing Officer presented the report in relation to the applications for a Review of the Premises Licence in respect of 9 Parliament Road, Middlesbrough, TS1 4JU, Ref No. OL/15/4 and 39 Princes Road, Middlesbrough, TS1 4BG, Ref No. OL/15/6, received on 1 April 2015, as outlined above.</p> <p>Copies of the applications had been served on all the interested parties on 1 April 2015. A notice giving details of the applications was displayed close to the premises on 2 April 2015.</p> <p>In respect of 9 Parliament Road, the premises consisted of a convenience store located amongst other retail premises in a busy residential area and had traded with the benefit of a Premises Licence since 18 July 2007.</p> <p>In respect of 39 Princes Road, the premises consisted of a convenience store located in a busy residential area and had traded with the benefit of a Premises Licence since 17 April 2008.</p> <p>The Director of Public Health had submitted representations supporting the application to review the two premises licences on 15 April 2015 on the grounds of the prevention of crime and disorder and public safety. A copy of the application in respect of the two premises was attached at Appendix 4 to the reports.</p> <p>Further evidence in support of the application to review both premises licences received from Trading Standards had been circulated to the Committee and interested parties on 18 May 2015</p> <p>On 29th April 2015, representations were received from Cleveland Police in respect of both premises, supporting the application for a review of the premises licence on the grounds of the prevention of crime and disorder and the prevention of public nuisance. Further evidence received from the Police in support of the application to review both premises licences was circulated to the Committee and interested parties on 15 May 2015.</p> <p>The Licence Holders' legal representative confirmed that the reports were correct.</p> <p>The Chair invited the legal representative for Trading Standards and Public Health to make his representations.</p>

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Item Number	Item/Resolution
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Legal Representative - Trading Standards and Public Health

The legal representative advised that the chronology circulated earlier at the meeting was a neutral narrative which set out to detail the sequence of events. The two basic tenets of the application to review the Premises Licences were the incidents which occurred on 2 December 2014 and 26 February 2015. Both incidents involved the handling of illicit cigarettes (81,600 cigarettes on 2 December 2014 and 2,700 and 11,780 cigarettes on 26 February 2015), and included the following breaches of statute and regulation:-

- The Tobacco Products (Manufacture, Presentation and Sale Safety) Regulations 2002;
- The Consumer Protection Act 1987; and
- The Trademarks Act 1994

The Committee was advised that there had been a multi-agency operation involving Trading Standards Scam Busters North East Enforcement Team, Environmental Health, HM Customs and Excise and Immigration Officers.

The legal representative for Trading Standards and Public Health queried the use of an Interpreter at the Licensing Sub Committee. It was clarified by the Licence Holders' legal representative that although her clients could understand English there was certain terminology that they may require to be explained.

The legal representative stated that the evidence of Sinead Upton appeared to be accepted by the licensees and he invited Members to read the statement provided by Ms Upton as he did not propose to call her as a witness. He invited Ms F Helyer to confirm the information contained within her statement.

Ms Helyer responded to questions from the legal representative for Trading Standards and Public Health and clarified the information contained within her statement.

The Licence Holders' legal representative queried whether Ms Helyer was certain that the applicant's witness (Ms Pietras) had indicated that she felt intimidated and had stated that it was easier to sell alcohol to intoxicated people as she had been assaulted in the past by a customer. The Sub Committee was advised that "intimidated" was not a word that the witness would usually use and the witness would say that she had not used these words. Ms Helyer advised that the witness had said she felt intimidated as she lived in the area and was fearful of going to court.

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Item Number	Item/Resolution
	<p>In response to a query whether Ms Helyer had made a record of the conversation, Ms Helyer indicated that she had not, but she remembered the conversation very well. The Licence Holders' legal representative queried whether Ms Helyer had wished to pursue the alleged sale of alcohol to intoxicated people as an offence. Ms Helyer advised that she had raised the issue with Sgt Higgins from the Police Licensing Unit and had brought it to the attention of the licensee.</p> <p>The Licence Holders' legal adviser queried whether Ms Helyer had a copy of the Street Audit to enable her to look at the reference to Karpackie beer. Ms Helyer advised that she was not happy to share the Street Audit information with everyone as it was part of an ongoing investigation. The Licence Holders' legal representative advised that the assertion was that her client was selling 9% volume beer and her client should be able to see the information in order to contest the assertion.</p> <p>The Sub Committee was advised that at the time of the Audit there were three premises including the two premises that were the subject of the Review, selling the high strength beer. The third premises had agreed not to sell any beer above 6.5%. The legal representative for Trading Standards and Public Health accepted that it was not possible to demonstrate that the Karpackie beer had been sold from the two premises.</p> <p>The Sub Committee was advised that the main issue why the review had been brought was as a result of the sale of illicit cigarettes.</p> <p>The Licence Holders' legal representative queried the part of the statement where Ms Helyer had stated that 3 males had approached the fridge and selected Karpackie beer for the price of £1.20 per can. The legal representative asked where the price of £1.20 had come from. Ms Helyer advised that it was the price that was displayed at the time of her visit to the shop. The Licence Holders' legal representative requested Ms Helyer to look at an invoice which demonstrated that the cost per can was £2.20. The Trading Standards legal representative queried whether the document should be considered as it had not been circulated prior to the Committee. The Licence Holders' legal representative stated that the document was not contentious.</p> <p>A discussion ensued where the price of the various cans of beer and the strength of the beer was disputed between Ms Helyer and the Licence Holders' legal representative. The Licence Holders' legal representative stated that she had photographic evidence of the items in question. Ms Helyer advised that when she had delivered the statements to the Licence Holder, he had advised that he had taken all the superstrength beers off the shelves.</p>

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	<p>The Chair asked Ms Helyer what action the Licence Holder had taken when the 3 males were in the store. Ms Helyer stated that he had not challenged the 3 males.</p> <p>The legal representative advised that his next witness, Julie Pearce was unable to attend the meeting due to a bereavement. He requested that the evidence of the Director of Public Health be accepted and that full weight be given to the evidence as it did not relate to any specific incidents.</p> <p>The Council's legal advisor to the Committee requested the legal representative for Trading Standards and Public Health to clarify which evidence he wished to be agreed. The Committee was advised that the evidence of the Director of Public Health, Sinead Upton, G Teeley, Emma Price, Wayne Flowers, Christopher Hilton, PC Pickering and Jodie Allwood should be agreed. The evidence of Julie Pearce should be taken as hearsay evidence.</p> <p>The Licence Holders' legal representative stated that the evidence of the Director of Public Health was not agreed. She had understood that Judith Hedgley would be attending on behalf of the Director of Public Health. The Licence Holders had sent questions to the Director of Public Health but they had not yet received a response. The legal representative for Trading Standards and Public Health stated that he did not intend to call Judith Hedgley because he had seen a copy of the evidence and there were no allegations in relation to a breach of the licensing objectives. The Licence Holders' legal representative stated that she objected to the evidence of the Director of Public Health.</p> <p>The Chair invited the Police to present their case.</p> <p>Mr Langley stated that he wished to point out that four minutes into this hearing he had been served three statements and ancillary documents and he had not had the opportunity to look at them. He stated that the two Police officers could not provide factual evidence of what was said and at what time but they could provide evidence of incidents that had occurred.</p> <p>The Police legal representative invited PC Price to confirm how long she had been a Police Officer and how long she had been involved in a licensing role. PC Price advised she had been a Police Officer for 11 years and had been involved in licensing for four</p>

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	<p>and a half years. As part of her role she visited licensed premises to ensure that they were being operated correctly and that the Premises licence holder adhered to the licensing conditions.</p> <p>The legal representative referred to page 2, Paragraph 3 of PC Price's statement regarding a report from Mr Kareem on 23 May 2014, that an intoxicated male had threatened staff at the premises. PC Price confirmed that in her view this was anti-social behaviour involving alcohol.</p> <p>Reference was made to an incident that occurred on 20 February 2015 involving a male and a female where a shop window had been smashed. PC Price confirmed that this incident involved anti-social behaviour, alcohol abuse and criminal damage. Reference was also made to an incident involving a fight between intoxicated people where the case was ongoing. A case involving an intoxicated male and female being abusive to staff had resulted in a male being arrested for being drunk and disorderly and in possession of drugs.</p> <p>The Police had also provided evidence of a further 4 or 5 incidents; all alcohol related. There were also 6 examples of alcohol related incidents and 15 examples of alcohol related anti-social behaviour in the vicinity of the premises. PC Price indicated that in her view, the sale of super-strength beer contributed to the problems in the area.</p> <p>The Licence Holders' legal representative queried whether there was a condition on the Licence Holders' licences which prohibited the sale of super-strength beers. The Committee was advised that there was no evidence that attributed any of the incidents referred to earlier to her clients premises. The legal representative stated that there were five off-licences on Parliament Road, one directly opposite Polski Sklep and two near Princes Road.</p> <p>The Licence Holders' legal representative pointed out that although the premises had a licence until 11pm, they actually closed at 10pm. Sainsburys and Tesco were open until 11pm.</p> <p>Reference was made to EJP 1,2 and 3 of PC Price's evidence and the Licence Holders' legal representative pointed out that the Licence Holder was entitled to call the Police for assistance if there were problems at the premises. The incident referred to in EJP4 was nothing to do with either of the two premises. Ms Helyer pointed out that all the incidents had been included in the evidence to demonstrate the problems with alcohol related anti-social behaviour in the area.</p>

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	<p>The Police legal representative invited PC Hilton to confirm how long he had been a Police Officer and how long he had been involved in a licensing role. PC Hilton advised he had been a Police Officer for 8 and a half years and had been involved in the Gresham area for six years.</p> <p>The Police legal representative asked PC Hilton what kinds of incidents he usually dealt with in the area. PC Hilton advised that he spent 90% of his working day dealing with the aftermath of alcohol related anti-social behaviour incidents. The legal representative asked PC Hilton if it was correct that the vast majority of incidents could be attributed to high percentage alcohol. PC Hilton confirmed that Kestrel/Polish super-strength beer attributed to the vast majority of anti-social behaviour incidents. Cans were found scattered in the children's play area.</p> <p>PC Hilton confirmed that at least 10 times over a six year period he had witnessed people leaving the Polski Sklep premises, swearing and shouting and acting in an intimidating way. The play equipment was not getting used by the children in the area because of undesirable people hanging around the play area drinking and swearing. The Police had in the past obtained Dispersal Orders in order to move these people along. The Police legal representative asked PC Hilton that in his view, if the premises were no longer able to sell alcohol would the quality of life for residents in the area be improved. PC Hilton confirmed that in his view it would be improved by 100%.</p> <p>The Licence Holders' legal representative queried whether the ten incidents mentioned by PC Hilton only related to the Polski Sklep premises and PC Hilton confirmed that this was the case. The legal representative queried whether PC Hilton had witnessed any people coming out of other stores causing anti-social behaviour and PC Hilton confirmed that he had and he had reported it to the Police Licensing Team. The Licence Holders' legal representative queried whether PC Hilton had considered calling for a Review of those Premises' Licences. The Police legal representative objected at this juncture and advised that it was not within the remit of PC Hilton to call for a review of a Premises Licence, it would be the Licensing Section who would make that decision.</p> <p>The Chair referred to the play area at Ayresome Gardens and the fact that children were being deprived of the facility because of alcohol related anti-social behaviour. PC Hilton advised that he had seen people drinking and causing anti-social behaviour and public order offences because of high percentage volume alcohol. He advised that the effect of the alcohol could be recognised within a few hours of a person consuming it.</p>

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	<p>The legal representative for Trading Standards and Public Health queried whether there was any way in which PC Hilton could see that the situation could be improved. PC Hilton advised that if alcohol strength was lowered it would assist or if people causing the problems could be offered alcohol related counselling services.</p> <p>A Member pointed out that in his statement, PC Hilton had stated that Dispersal Orders had been used in the past and she queried whether the notices had been effective. PC Hilton advised that it would be dependent on the number of incidents in a particular area whether a Dispersal Order was sought and an Inspector would usually make a decision with regard to the exclusion zones. In the past Dispersal Orders had been granted all over the Gresham area.</p> <p>The Licence Holders' legal representative queried whether in PC Hilton's view that if the Licence Holders' two licences were to be revoked, the people causing the problems would move to another area. PC Hilton agreed that this could be likely. The Licence Holders' legal representative queried whether Dispersal Orders were effective. PC Hilton advised that they were only effective in the short term, but they were not a long term solution.</p> <p>The legal representative for Trading Standards and Public Health stated that he had noted that there was no sale of perry allowed from the two premises and he queried whether PC Hilton had witnessed people coming out of the premises with high percentage volume alcohol. PC Hilton confirmed that he had witnessed the above but he had not witnessed anyone leaving the premises with perry.</p> <p>The Police representative advised that the Police Officers had provided statements in respect of incidents that had occurred at 39 Princes Road and it was important that information in relation to both premises was considered. The Licence Holders' legal representative advised that she had no objections to the statements in respect of 39 Princes Road and she confirmed that she had no questions to ask.</p> <p>The Council's legal advisor to the Committee stated that the Members were capable of reading the statements and he queried whether there was something that the Police legal representative wanted to clarify or amplify.</p> <p>The Police legal representative requested the Committee to look at all of the incidents which he would address in closing.</p> <p>The Chair invited the Licence Holders' legal representative to present her case.</p>

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	<p>The Licence Holders' legal representative asked Mr Kareem to confirm his full name and occupation and to state how long he had held a Premises Licence. Mr Kareem confirmed the above and advised that he had held a licence for 8 years. Mr Kareem was asked to provide details about the incident that occurred on 2 December 2014. Mr Kareem advised that his friend who was accompanied by his girlfriend and another friend had turned up at the premises and asked to borrow his car as they had lent somebody else their car who was assisting somebody to move and the car had not been returned. Mr Kareem had recommended that they visit Redcar and he had agreed to loan them his car.</p> <p>The friend's car was returned 45 minutes later and the key was left with Mr Kareem. Mr Kareem advised that his freezer fan was making a noise so he called his friend and girlfriend because he wanted his car back. His friend had offered for Mr Kareem to use his car in the meantime.</p> <p>Mr Kareem advised that when he went to use the car, he did not check what was in it. He drove to Portrack Lane and was stopped by a Policeman on a motorbike. The Policeman had advised that the tinted windows of the car at the front of the vehicle were too dark as they were over 45%. Mr Kareem had advised that the car was not his, it was his friends. The Policeman had confirmed that there was no insurance on the car he was driving. Mr Kareem confirmed that he had 3rd party insurance to drive the vehicle.</p> <p>In response to a query whether he knew that the vehicle was not insured, Mr Kareem said he did not. Mr Kareem had telephoned his friend to advise that the vehicle did not have valid insurance but his friend had insisted that it did. The Policeman had subsequently spoken to Mr Kareem's friend on the phone and advised him to drive to Portrack Lane. His friend and his girlfriend attended at Portrack Lane in a taxi.</p> <p>The Policeman had subsequently found boxes with cartons of cigarettes in the car. He had asked Mr Kareem what they were and Mr Kareem had confirmed that he did not know what they were. His friend had also denied knowing that the cigarettes were in the car. The Policeman had asked Trading Standards to come and look in the car and they had asked if the cigarettes had belonged to Mr Kareem and he had advised that they did not. Some time later Mr Kareem was asked by Trading Standards to attend an interview with regard to the cigarettes. Mr Kareem's friend was also invited to attend Trading Standards for an interview.</p>

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	<p>The Licence Holders' legal representative queried whether the Licence Holder had been charged with anything or if he had been arrested and Mr Kareem confirmed that he had not. The legal representative for Trading Standards and Public Health referred to the two incidents that had occurred on 26 September and 2 December.</p> <p>The Council's legal advisor to the Committee pointed out that the agreement was that the Committee would deal with both reviews simultaneously.</p> <p>The Licence Holders' legal representative asked Mr Abbasi to confirm if he had ever been approached by the Police, Trading Standards or the Licensing Committee. Mr Abbasi advised that he had in the past been the Licence Holder for both Polski Sklep and 39 Princes Road and he had never had any issues with any of the responsible authorities. He confirmed that he had been trained by D & B Licensing Consultants.</p> <p>The Licence Holders' legal representative queried whether Mr Abbasi recalled the incident involving the witness where it was alleged that the sale of a number of cans of Polish lager to a group of approximately 4 males who appeared to be drunk had taken place. Mr Abbasi advised that a lady had come into the shop and she smelled of alcohol and she had been asked to leave. Four men had then entered the premises and they were talking loudly and were joking around.</p> <p>The legal representative asked Mr Abbasi if he considered the four males to be drunk. The Licence Holder confirmed that he did not think the men were drunk, they just spoke loudly. Mr Abbasi confirmed that he had spoken to PC Helyer who had asked why the four men had been served. Mr Abbasi had advised that the men were not drunk, they always spoke loudly. He advised that the previous lady that had entered the premises had appeared to be drunk and he had asked her to leave. The legal representative asked if Mr Abbasi was saying that the lady (the witness) who worked in his shop did not feel intimidated and he confirmed that she was not.</p> <p>The legal representative asked Mr Abbasi whether there would be any requirement to sell counterfeit cigarettes and Mr Abbasi confirmed that there would not be any reason. Mr Abbasi was asked why there was an application to transfer the Premises Licence to his wife. Mr Abbasi confirmed that he wanted to transfer the licence for two reasons; their small child would be attending full time school in September and his wife wanted to assist in the shop and his mother had recently had back surgery so the applicant wanted to visit his mother in Iran.</p>

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	<p>The legal representative for Trading Standards and Public Health asked Mr Kareem if he accepted that there was a close relationship between him and Mr Abbasi . Mr Kareem confirmed that he was the DPS in Polski Sklep but he was the Premises Licence Holder for 39 Princes Road. Mr Kareem confirmed that he and Mr Abbasi were not related.</p> <p>Mr Kareem was asked if he and Mr Abbasi bought separately for both shops. Mr Kareem confirmed that it was cheaper if the two premises bought items together as they were able to receive a better discount. Mr Kareem was asked how long he had been in this country. Mr Kareem confirmed that he had lived in the country for 15 years.</p> <p>The legal representative for Trading Standards and Public Health stated to Mr Kareem that he had heard submissions put by his barrister that it would be uneconomical to sell alcohol very cheaply in his shop. It had been put that the Police witness had been mistaken. The barrister had stated that the reason why the alcohol was sold cheaply was because there was a discount.</p> <p>Mr Kareem stated that he had said that there was an offer and that was why the alcohol was cheap. He said that 62p had been the recommended price and he had sold it for 75p. The legal representative for Trading Standards and Public Health asked Mr Kareem if he was saying that the Police witness was mistaken and that the information that she had written was incorrect. Mr Kareem confirmed that in his view the witness was mistaken. The offer was for Skol and it was cherry flavour and Mr Kareem confirmed that he disagreed with the evidence of the Police witness.</p> <p>The legal representative for Trading Standards and Public Health asked Mr Kareem if he recalled an incident in the Princes Food Store that occurred on 9 October 2014 at 2.35pm. Mr Kareem confirmed that he did recall the incident and two of his employees were there at the time. Mr Kareem confirmed that the lady was intoxicated but the four males were not. A discussion took place between Mr Kareem and the legal representative for Trading Standards and Public Health over whether the males were intoxicated - Mr Kareem stated that in his view they were not.</p> <p>Mr Kareem was asked if he was present when his employee spoke to Ms Helyer. Mr Kareem was asked if he was aware of the previous assault on his employee. Mr Kareem stated that he was aware of the incident but it was nothing to do with the four males.</p>

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	<p>The legal representative for Trading Standards and Public Health stated that Mr Kareem's employee had said that she had been assaulted before so it was easier to sell to people who were intoxicated. Mr Kareem stated that his staff would never sell alcohol to people who were drunk or under-age. Mr Kareem stated that if his employee had stated that it was easier to sell alcohol to people who were intoxicated because she felt intimidated, he would probably have sacked her.</p> <p>The legal representative for Trading Standards and Public Health referred to the two incidents which occurred on 2 December 2014 and 26 February 2015. Both incidents involved the handling of illicit cigarettes. He asked Mr Kareem who was in the vehicle at the time of the incident on 2 December. Mr Kareem confirmed that he was in the vehicle. The legal representative for Trading Standards and Public Health stated that in his view Mr Kareem was lying when he said he did not know that the cigarettes were in the vehicle. Mr Kareem maintained that he did not have any knowledge of the cigarettes being in the vehicle.</p> <p>The legal representative for Trading Standards and Public Health referred to the incident that had occurred on 26 February 2015 involving a vehicle parked near Polski Sklep. Mr Kareem was advised that 11,780 cigarettes were found in his vehicle and he was asked if he knew that the cigarettes were in the vehicle. Mr Kareem maintained he did not know that the cigarettes were there.</p> <p>The legal representative for Trading Standards and Public Health stated that there was an ongoing investigation in respect of the 81,600 cigarettes found on 2 December 2014. The vehicle in which the cigarettes were found was registered to Princes Food Stores. Mr Kareem was asked how the cigarettes that were in his store, come to be there in the first place. Mr Kareem advised the legal representative for Trading Standards and Public Health that he should ask Mr Abbasi as they both shared the same van.</p> <p>The legal representative for Trading Standards and Public Health was advised by Mr Kareem that the cigarettes were found when he was alone in the shop. The legal representative stated that Mr Kareem was the Premises Licence holder for 39 Princes Road and the vehicle was registered to that premises. He asked if Mr Kareem managed Polski Sklep. Mr Kareem advised that he worked at Polksi Sklep to assist Mr Abbasi. Mr Kareem stated that he did not know about the cigarettes in the van, he said that he did not have the key to the van, Mr Abbasi had the key.</p> <p>The legal representative for Trading Standards and Public Health stated that he had no further questions,</p>

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	<p>The Chair queried whether the Police legal representative wanted to ask any questions. The Police representative stated that he was unable to ask any questions because of sub judice as there was an ongoing investigation into these matters.</p> <p>A Member referred to the pictures of multi pack beers. She queried whether Mr Kareem split the packs up for sale. Mr Kareem stated that he did split the multi packs. The Member queried whether this was lawful. The Licence Holders' legal representative stated that her client was perfectly entitled to split the packs.</p> <p>The legal representative for Trading Standards and Public Health pointed to the black sacks at the rear of the Committee room and advised Members that they contained 11k to 12k cigarettes. He stated that over 6 to 7 times that amount were found in the vehicle and he asked the Licence Holder if he was asking the Committee to accept that he did not know what was in the bags. Mr Kareem stated the sacks were not clear sacks and the person who he borrowed the vehicle off was moving house.</p> <p>The legal representative for Trading Standards and Public Health asked Mr Kareem how well he knew the person he had borrowed the vehicle off. Mr Kareem stated that he knew the person very well 15 years ago and when he borrowed the car, the bags were already in the vehicle. Mr Kareem was asked if he had spoken to the person that he borrowed the car off since the incident. Mr Kareem advised that he had called the person when he was invited to attend a voluntary interview. He had asked the person to go with him to the Trading Standards Office and the person had agreed to do that.</p> <p>The Council's legal advisor to the Committee stated that the statement from PC Pickering had been agreed. PC Pickering had stated that he had carried out a search of the rear of the vehicle and on the seat. He stated that he could see a hold-all in the back of the car containing boxes of cigarettes which were clearly visible. Mr Kareem stated that he had not looked in the rear of the car. He had only been in the car for three minutes.</p> <p>Mr Kareem was advised that a statement from Sinead Upton stated that Mr Abbasi was found carrying a black bag out of Polski Sklep containing 2,700 cigarettes and a further 11,000 were found in the back of the van. He was asked if he was happy to carry on with his friendship with Mr Abbasi. Mr Kareem stated that he believed Mr Abbasi's version of events 100%.</p>

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	<p>Mr Abbasi was asked to confirm his full name and occupation. He confirmed that he had held a licence for three years. Mr Abbasi was asked to give an account of the events that had occurred on 26 February. Mr Abbasi stated on the night of 25 February he was going to his friend, Mr Sultan's shop on Borough Road, for food. Mr Sultan had asked to borrow the van to attend an auction the following day.</p> <p>Mr Abbasi stated that he had told Mr Sultan that he needed the van back by 11.00am the following day as he needed to go to the cash and carry. When Mr Sultan had returned the van he had left the key and a black bag. Mr Abbasi was asked if he had checked the van and he confirmed that he had not checked the vehicle. The bag that was left was a black bin liner and Mr Abbasi stated that he could not remember if the bag was closed. The bag had been placed behind the counter. Mr Abbasi was asked what he had thought when the bag had been left and he said that he didn't know. When asked if he thought the contents of the bag were cigarettes, he said that he did not.</p> <p>Mr Abbasi was asked when the bag had come to his attention. Mr Abbasi said he did not know; he had a delivery. Mr Abbasi was asked if he thought the bag was part of the delivery he had received and whether he had forgotten that his friend had left the bag.</p> <p>Mr Abbasi advised that he had checked the bag later and realised that the bag contained cigarettes and he did not want anything like this left in his shop. Mr Abbasi confirmed that he was very concerned about the contents of the bag and he tried to return the bag to the van. He noticed PC Pickering when the Policeman had greeted him. Mr Abbasi was asked if he was concerned at this point and he said that he was not worried as he expected Mr Sultan to return.</p> <p>Mr Abbasi stated that as he went to take the bag to the van he was approached by Trading Standards who had asked what was in the bag. Mr Abbasi stated that he was scared so he had said that there was shopping in the bag. He later confirmed that it was cigarettes. He was asked that when he went to put the bag in the van if he had noticed the other boxes in the van. He denied seeing the other boxes. Mr Abbasi was asked at what point he returned to the shop. He stated that he returned to the shop after placing the bag in the van.</p> <p>In response to whether there was CCTV at the shop Mr Abbasi confirmed that it had been confiscated by Trading Standards. In response to a query with regard to whether the CCTV would show Mr Sultan entering the shop, Mr Abbasi confirmed it would.</p>

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	<p data-bbox="320 271 1401 383">It was confirmed that there was an ongoing investigation in respect of these issues. Mr Abbasi was asked to confirm if he knew whether the cigarettes were in the van. He confirmed that he did not as he had not checked the van.</p> <p data-bbox="320 465 1385 577">The Chair asked Mr Abbasi if he sold perry products. Mr Abbasi confirmed that he had sold perry by mistake but he no longer sold it. In response to a query Mr Abbasi confirmed that he believed that the perry was 7.6% volume.</p> <p data-bbox="320 667 1385 779">The Licence Holders' legal representative asked Mr Abbasi if the perry he had sold by mistake actually had the word perry on the bottle. Mr Abbasi confirmed that the bottle did not contain the word perry and it was an honest mistake.</p> <p data-bbox="320 869 1406 1014">A Member stated that she was confused about the bag that had been left at the shop and whether the bag was tied up and why Mr Abbasi had decided to move the bag. Mr Abbasi stated that he had opened the bag up and checked the contents in the shop. He confirmed that he had not retied the bag.</p> <p data-bbox="320 1104 1377 1216">Mr Abbasi was asked if when he was asked by the Police Officer what was in the bag and he had replied shopping, if he had suspected that the cigarettes were illegal. Mr Abbasi confirmed that he did think the cigarettes might be illegal.</p> <p data-bbox="320 1305 1390 1417">The Council's legal advisor to the Committee asked Mr Abbasi if he had asked Mr Sultan why he had left the cigarettes at the shop and in the van. Mr Abbasi stated that Mr Sultan had said he didnt know.</p> <p data-bbox="320 1507 1401 1697">The Licence Holders' legal representative advised that she had tried to serve a copy of Mr Sultan's statement to the other interested parties but the legal representative for Trading Standards and Public Health had refused to accept it. The legal representative for Trading Standards and Public Health stated that the documentation should have been served before the start of the hearing.</p> <p data-bbox="320 1787 1406 1933">The Council's legal advisor to the Committee stated that the Committee had just heard from a witness providing evidence in respect of Mr Sultan's role in the situation and he advised that the Licence Holders' legal representative should serve the evidence immediately.</p>

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The Licence Holders' legal representative stated that she had been criticised earlier by the other interested parties with regard to her response about their evidence being served late.

At this point the Committee had a break in proceedings.

The Committee re-commenced and the Licence Holders' legal representative advised that she would not be serving the other parties with Mr Sultan's evidence as they would not be relying on his statement. Members were invited to read the statement of Mr Lester from D & B Licensing Consultants which summarised their role and information with regard to the training the company provided.

The Licence Holders' legal representative asked Ms Pietras to confirm her name and place of work and confirm that the information contained in her statement was true. The Licence Holders' legal representative stated that Ms Pietras denied stating that she had felt intimidated and fearful for her safety.

Ms Pietras stated that she did not serve drunken customers and that she advised them that could not get served and she requested that they leave the shop. In response to a query Ms Pietras confirmed that she had lived in this country for seven years and had worked in the shop for five years.

In relation to the incident on 2 October 2014, Ms Pietras stated that she had asked a lady who appeared to be drunk to leave the shop and she had subsequently left the shop. She stated that the four men were not drunk and she did not serve them as there was another staff member on duty. She stated that she had advised Ms Helyer that it was easier for her to tell the drunken lady to leave the shop.

The legal representative for Trading Standards and Public Health advised that Ms Helyer was an official and she was taking notes on the day of the visit and he stated that Ms Helyer was right and Ms Pietras was wrong. Ms Pietras stated that she had said it was easier to ask the woman to leave if she was drunk. She stated that the shop had a refusals book and that she knew how to enter it in the book. In response to a query with regard to whether she had completed the refusals book on that occasion, Ms Pietras stated that she believed that she had.

SUMMING UP

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	<p data-bbox="319 264 534 297"><u>Licence Holders</u></p> <p data-bbox="319 380 1404 537">The Licence Holders' legal representative advised that the case would cause confusion. The Committee had heard from a number of witnesses but they should bear in mind the real issue, that the two Licence Holders had held licences for a number of years.</p> <p data-bbox="319 616 1388 896">Two of the incidents involved one of the Licence Holders. The Review was requested and Mr Kareem was approached on 2 December and he put forward an explanation. The owner of the vehicle in question had immediately attended the Police Station and was able to verify Mr Kareem's statement. Mr Kareem was invited to attend the Police Station voluntarily and he put forward the same account. Mr Kareem had provided a statement to the Police and since then he had not been approached and there had been no subsequent arrest or charges.</p> <p data-bbox="319 974 1380 1220">In respect of Mr Abbasi, it happened a short time later. He had not been asked to put forward an explanation. At this stage all the Committee needed to consider was whether being in possession of cigarettes would suggest that the licences should be revoked. The Committee was advised that there was nothing to stop the responsible authorities from bringing a review if charges were made. The two men were innocent until proved guilty.</p> <p data-bbox="319 1299 1404 1534">The Licence Holders' legal representative stated that she accepted that there would be a difference in opinion. The Committee had heard evidence from Ms Helyer and Miss Pietras. Ms Upton had provided a factual account of what had happened on that day. The Licence Holders had not denied that the cigarettes were there. Mr Abassi had provided CCTV footage to prove that the black bin liner was brought into the shop by another individual.</p> <p data-bbox="319 1612 1412 1736">The legal representative stated that she understood why the Police had concerns but it was unreasonable to assume all alcohol related anti-social behaviour was caused by these two shops and they actually did not say that this was the case.</p> <p data-bbox="319 1814 1412 2016">The Committee was advised that they needed to think whether these two premises were causing these problems . Mr Kareem had contacted the Police when there had been disturbances and it was difficult to see how this could be held against him. Some of the incidents, particularly the ones that occurred at 6.24 and 11pm occurred when the premises were not even open.</p>

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The incidents contained within the Police evidence should not automatically be attributed to these two premises. The evidence from the Police did not directly attribute them to the premises. Neither of the Licence Holders had been charged, convicted or arrested for any offences. If the Committee were to revoke the two licences, the Licence Holders would have lost their businesses for nothing. It would be unfair. There had been a single incident in respect of the sale of perry and the Licence Holder had offered an explanation and admitted that it was a mistake and removed the product from his premises. Members were advised that given the evidence that they had heard, the Licence Holders should be given the benefit of the doubt and be allowed to retain their licences.

Police

The Police legal representative advised that he had been fortunate to be able to read all of the documentation including the three late statements, the evidence of Mr Lester and the ancillary documentation.

The Committee had heard from PC Price and PC Hilton. PC Price had visited the premises and PC Hilton has been the local beat officer for six years. The officers statements were accepted. PC Hilton had observed perpetrators of crime purchase high strength beer from the premises and go on to commit anti-social behaviour. The Police had needed to apply for Dispersal Orders. He invited the Committee to look at the facts observed by the Police Officer in his duties. Ms Helyer had also observed high strength alcohol for sale at the premises.

The legal representative referred to the incidents including where an unconscious female needed medical attention. The stabbing incident and the incident where someone had set themselves on fire. This was as a result of alcohol abuse.

DB Lester Consultants had confirmed that they provided training to Premises Licence holders and the effects that alcohol could have on a person. It could lead to anti-social behaviour. The training included what the licensing objectives were, the moral and legal obligations and what the safe limits of alcohol were. Selling high strength alcohol undermined the licensing objectives. The Police were having to resort to Dispersal Orders to move people on in order to prevent public nuisance.

In terms of the prevention of harm to children, people drinking high strength beer were preventing children from playing in children's play areas.

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Item Number	Item/Resolution
	<p data-bbox="319 257 798 291"><u>Trading Standards and Public Health</u></p> <p data-bbox="319 369 1396 481">The legal representative for Trading Standards and Public Health referred to the copy of the skeleton argument and chronology of events on behalf of Middlesbrough Trading Standards and Middlesbrough Public Health which had been circulated earlier.</p> <p data-bbox="319 571 1396 728">The Committee was advised that it had been accepted by the two Licence Holders that they worked together on two premises and that they shared a van. The close connection between the two Licence Holders was important and it was important that the two applications were heard together.</p> <p data-bbox="319 806 1396 996">Neither of the Licence Holders had been convicted or arrested. Mr Abbasi had held the Premises Licence for Princes Food Store until 2014. There had been limited questioning allowed in respect of these cases because of ongoing investigations. The Committee was advised that whilst the two Licence Holders had not been convicted of anything the burden of proof in respect of licensing cases was different.</p> <p data-bbox="319 1086 1412 1444">There had been a large number of statements submitted and the Committee was invited to read them all. The Committee was asked to put weight on those who carried out the licensing role as part of their jobs. There was an issue of credibility in respect of the evidence that the Committee had heard. In the view of the legal representative for Trading Standards and Public Health finding 81,000 cigarettes in a vehicle belonging to the applicants was unfortunate, the 11,000 cigarettes that were found could be classed as careless but the bag containing the cigarettes that was in the store was culpable. The pattern was that the cigarettes were found either at the properties or in the vehicles of the Licence Holders.</p> <p data-bbox="319 1523 1404 1848">The Licence Holders had claimed that it was their friend who was responsible. The CCTV would show that the bag was on the premises and one of the Licence Holders had initially stated that there was shopping in the bag before confirming that the contents were cigarettes. The legal representative outlined the relevant legislation that was applicable to the case. He referred to the work involved as part of the multi-disciplinary operation on 26 February 2015. He stated that an interim measure in respect of the Premises Licences was not acceptable and that the licences should be revoked.</p> <p data-bbox="319 1926 1412 2083">Many of the facts of the case had not been disputed by the Licence Holders. The notes taken by Ms Helyer who was an authoritative witness stated that the shop assistant who had been assaulted at the premises previously, had said that it was easier to serve someone than refuse them.</p>

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Item Number	Item/Resolution
	<p>The Committee was advised that the legal representative was not saying that all the incidents contained in the evidence were as a result of these two premises, however the sale of the perry along with the issue of the cigarettes, even if they were mistakes, they were culpable ones.</p> <p>There was no evidence to say that children had been directly harmed by the sale of the cigarettes. Only three premises in the area sold high strength beers. It was not sufficient to impose conditions on the licences. The fact that the perry had been sold at the premises and the fact that drunken people had been served at the premises meant that the Licence Holders were not fit and proper people to hold a licence.</p> <p>It was confirmed that there were no further questions and all interested parties other than the officers of Legal Services and Members Office, withdrew whilst the Committee determined the application.</p> <p>Subsequently all the parties returned and the Chair announced the Committee's decision.</p> <p>In reaching the decision Members considered the following:-</p> <ol style="list-style-type: none"> 1. The Licensing Act 2003 and amended Government Guidance issued under Section 182 of the Act. 2. Middlesbrough Council's Licensing Policy. 3. The case presented by the Applicants. 4. The representations received from the Police. 5. The representations received by Trading Standards and Public Health <p>DECISION</p> <p>The Committee decided that the Premises Licences in respect of 9 Parliament Road, Middlesbrough TS1 4JU (Ref. No: OL/15/4 and 39 Princes Road, Middlesbrough TS1 4BG (Ref. No: OL/15/6 be revoked for the following reasons:</p>

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Item Number	Item/Resolution
	<p>1. These were two applications for review, both brought by Trading Standards on 1 April 2015.</p> <p>2. One related to Princess Food Store, 39 Princes Road, Middlesbrough, where the licence holder and designated premises supervisor is Harde Mhauden Kareem. The licence permits the sale of alcohol for consumption off the premises between 8 am to 10 pm Monday to Saturday, and 9 am to 10 pm Sunday.</p> <p>3. The other related to Polski Sklep, 9 Parliament Road, Middlesbrough. Here the licence holder and designated premises supervisor is Mr Saman Abbasi. His licence permits the sale of alcohol for consumption off the premises between 7.30 am to 11 pm 7 days a week.</p> <p>4. The premises are linked in that there is a close business connection between Mr Kareem and Mr Abbasi. The two shops purchase stock together to achieve economies of scale. Mr Kareem runs his own shop but he is also an employee of Mr Abbasi. Mr Abbasi was an employee of Mr Kareem until he bought his own shop. There was evidence that Mr Abbasi uses Mr Kareem's van. There was evidence that Mr Kareem was present during inspections of Polski Sklep. Mr Kareem and Mr Abbasi had the same legal representation at the hearing before the committee. The premises are close to each other and are both in the former Gresham ward of the town.</p> <p>5. As both review applications were founded on similar facts in relation to closely connected premises, it was agreed, with the consent of the advocates, that the applications would be heard together. In addition to Trading Standards bringing the review, representations were also received from Cleveland Police and the Director of Public Health.</p> <p>6. Having heard all the evidence in the case the Committee retired to consider its decision.</p> <p>7. The starting point for the Committee was the Licensing Act 2003, s.52(3) of which requires the Committee, having regard to the application and any relevant representations, to take such of the specified steps (if any) as it considers appropriate for the promotion of the licensing objectives.</p> <p>8. The Committee then had regard to the guidance issued by the Secretary of State pursuant to s.182 of the Licensing Act 2003, and in particular section 11 of that guidance which deals with reviews.</p>

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	<p>9. The Committee also had regard to Middlesbrough Council's licensing policy. It listened carefully to the case presented by Trading Standards, the Director of Public Health and the Police, as well as to the representations made by the premises licence holders and their representatives.</p> <p>10. The review applications were considered on their own merits.</p> <p>11. The Committee decided, having regard to the application and the representations, that the appropriate step to promote the licensing objectives was to revoke the premises licences in respect of both Princess Food Store and Polski Slep.</p> <p>12. Firstly, the Committee took extremely seriously the discovery on 2 occasions of very large quantities of smuggled and sometimes counterfeit cigarettes in vehicles in the custody of first Mr Kareem and second, Mr Abbasi.</p> <p>13. On the first occasion, 2 December 2014, over 81,000 cigarettes were found in a vehicle being driven by Mr Kareem. None of the cigarettes contained the required pictorial or written safety warnings. Every indication is that the cigarettes were illicit.</p> <p>14. Investigations are ongoing in relation to this matter, but the committee does not consider that this prevents it from considering it now, and it has in mind paragraph 11.25 of the s.182 Guidance which provides:</p> <p>Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.</p> <p>15. Mr Kareem gave his explanation about being found in possession of so many cigarettes for the first time at the hearing. He could have served an earlier statement, but he did not. He said that the vehicle was not his, it was a friend's, and he was driving it because some arrangement had been made whereby his friend would drive his van. He said he did not know, until he was stopped by police, that the vehicle contained 81,600 cigarettes. However, the committee notes that the statement of PC Andrew Pickering (which was agreed) states that "in the middle of the rear vehicle was a large</p>

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	<p>holdall. I could see into the holdall without having to open it. I could see that it was full of sealed cigarettes".</p> <p>16. The second occasion on which cigarettes were found was on the very day, 26 February 2015, that a multi agency operation being conducted at both premises to investigate the possibility of illicit tobacco sales. At best, the timing would be a very unfortunate coincidence. However, the Committee does not consider that it is a coincidence that further cigarettes were found on a further occasion.</p> <p>17. Mr Abbasi was witnessed leaving Polski Sklep with a shopping basket containing a black bag which was placed in a vehicle parked nearby (which turned out to be a vehicle in his custody but registered to Mr Kareem). He was asked by a uniformed police officer what was in the basket. His answer was "Just shopping". As he confirmed at the hearing, this answer was not true, and Mr Abbasi (as he accepted in the hearing) knew it was not true. The basket contained 2,700 cigarettes. A further 11,780 cigarettes were in the vehicle. So a total of 14,480 in total. The cigarettes were brought to the hearing and covered the surface of a large table in several large sacks. None of them displayed the statutory health warnings required to be displayed on packets of cigarettes sold in this country. Some of them (the brand "Mayfair") are confirmed to be counterfeit, which as well as being in breach of the Trademarks Act 1994, is more worryingly an invitation to persons who purchase and smoke those cigarettes to consume a produce where there is no guarantees of what it might contain.</p> <p>18. Again investigations are ongoing in relation to this matter. Again, the Committee has had regard to the Guidance, and considers that it is able to consider the matter now.</p> <p>19. Mr Abbasi's explanation for having these cigarettes in his custody was given, for the first time, at the hearing. He could have served an earlier statement, but he did not. Essentially he asserted that he lent his (or more accurately Mr Kareem's) van to a third party, a friend of his called Mohammed Sultan. Mr Sultan said that he wanted to use the van to attend an auction. Mr Abbasi said this would be fine but it had to be back by a certain time so he could go to a cash and carry. The van was returned slightly late and Mr Sultan put a black bin bag behind the shop counter. Mr Abbasi subsequently checked the bag, realised it contained cigarettes, which he said were nothing to do with him, and decided to remove it from the premises and place it in the van. Coincidentally, he says, this was at the same time as the multi-agency operation.</p> <p>20. The Committee did not hear from Mr Sultan. Whilst there was a suggestion during the course of the hearing that the Committee may be provided with a statement from him, in the event, no statement was lodged. The Committee failed to understand why, if</p>

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	<p>Mr Abbasi's explanation was to be believed, Mr Sultan would have left some of the cigarettes in a black bin liner in the shop.</p> <p>21. The explanations given for each incident, taken separately, were of themselves unconvincing. Taken together, they were unbelievable. Where two premises connected in the way these two premises are connected are found on two separate occasions with nearly 100,000 illicit cigarettes, and the second occasion just happens to be the day a multi-agency operation is conducted, then a complete and convincing explanation is called for. This is particularly so when a licence-holder lies to an uniformed police officer. The explanations were neither complete, nor convincing. They stretched credulity well beyond breaking point.</p> <p>22. The Committee had regard to paragraph 11.27 of the s.182 Guidance, which provides that there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. That includes the use of licensed premises "for the sale or storage of smuggled tobacco and alcohol".</p> <p>23. The Committee considers that the storage of tobacco at Polski Sklep and in vehicles in the custody of the premises licence holders / designated premises supervisors of both Polski Sklep and Princess Food Store evidences (at the very least) the storage and transportation of smuggled (and sometimes counterfeit) tobacco in connection with the two licensed premises.</p> <p>24. Paragraph 11.28 of the Guidance goes on to provide:</p> <p>It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered.</p> <p>25. In the Committee's view, the use of Polski Sklep and vehicles associated with it and Princess Food Stores for the storage and transportation of smuggled tobacco is sufficient of itself to revoke the licences. The Committee has had regard to paragraph 11.23 of the s.182 Guidance and appreciates that revocation of the licences will have a detrimental financial impact on the premise licence holders, but it considers that no less than revocation is appropriate and proportionate to the promotion of the licensing objectives. Licensed premises should not be used to further crime and those who use licensed premises for that purpose can have no guarantee that their licences will remain in place.</p>

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Item Number	Item/Resolution
	<p>26. The Police representation did draw further matters to the Committee's attention.</p> <p>27. The Committee preferred the evidence of Fiona Helyer, Public Health Officer, where it differs with the evidence called by the licence holders. She recounted how on 2 October 2014 she had witnessed in Polski Sklep (where Mr Kareem was then present, saying his "brother" was the licence holder and designated premises supervisor) the sale a single can of high strength alcohol to one of a group of 3 male customers who appeared to be under the influence of alcohol. That individual opened the can and started drinking from it as he was leaving the shop. She further recounted how a week later, on 9 October 2014 she witnessed in Princess Food Store (where Mr Kareem was again present) the sale of a number of cans of Polish lager to a group of approximately 4 males who appeared to be drunk. The males were very loud and aggressive in their demeanour, their speech was slurred, and there was a very strong smell of intoxicating liquor. They divided the cans amongst them before they left the shop. The Committee accepts that Ms. Helyer was told by the female sales assistant, Ms. Jagoda Waliszek-Pietras, that it was easier to sell alcohol rather than refuse a sale as she felt intimidated by the group in question and feared for her safety.</p> <p>28. Sale of alcohol to any person who is drunk is an offence under s.141 of the Licensing Act 2003 and plainly does not promote the licensing objectives.</p> <p>29. The Committee also came to the view that there is compelling evidence of problems in the area of the two premises with persons drinking high strength beers in the street and public areas - in particular, in Ayresome Gardens, where there are play and sports facilities laid out for children to enjoy. The distressing, antisocial effect of this is detailed in the witness statements, which the Committee accepts. There have also been serious crimes committed in the vicinity of the premises by persons under the influence of alcohol. The Police have had occasion to deal with the street-drinking situation by the issuing of dispersal notices. Whilst the Committee accepts that there are other "off-licences" in the area, the Committee is concerned by Ms. Helyer's evidence (which it accepts) of the sale in Polski Slep of high strength beers in single cans at low prices. An individual can of super strength lager was sold for 75p - 17p a unit. The Committee does not consider that this is responsible retailing. An attempt to investigate the prices of alcohol sold at Princess Food Store was thwarted by the failure of that store to display prices. The Committee further accepted the evidence of PC Hilton as to the use antisocial drinkers make of Polski Slep and Princess Food Store.</p> <p>30. The Committee was also concerned that on 28 January 2015, Mr Abbasi had been discovered with perry products on sale at Polski Sklep despite there being a condition prohibiting this. This condition is designed to restrict the availability of cheap, high strength alcohol and Mr Abbasi had not on this occasion adhered to. His explanation was that the stocking of such products was a mistake on his part; however, the Committee expects licensing conditions to be adhered to.</p>

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Item Number	Item/Resolution
	<p>31. In the Committee's view, these further matters confirm the Committee's view arising out of the incidents with the cigarettes that the appropriate step to take in relation to the review of both these licences is revocation.</p> <p>32. There were applications in relation to Princess Food Store for a transfer and a variation to change the designated premises supervisor. In the event, the Committee having indicated its decision to revoke the licences and having given an oral summary of its reasons, those applications were withdrawn. In the circumstances, the Committee makes no ruling on them.</p> <p>The applicants were advised that would be notified in writing, of the Committee's decision and advised of their right of appeal to the Magistrates Court within 21 days.</p>
<u>14/21</u>	<p>APPLICATION TO TRANSFER PREMISES LICENCE - 39 PRINCES ROAD; REF: OL/15/7</p> <p>Report (101K/bytes) (/aksmiddlesbrough/images/att1005734.doc)</p> <p>Appendices (4M/bytes) (/aksmiddlesbrough/images/att1005735.pdf)</p> <p>The applicant's Legal Representative requested that the application to Transfer the Premises Licence in respect of 39 Princes Road be withdrawn.</p> <p>The Sub Committee noted that the above application had been withdrawn.</p>
<u>14/22</u>	<p>APPLICATION TO VARY PREMISES LICENCE BY CHANGE OF DESIGNATED PREMISES SUPEVISOR - REF: OL/15/5</p> <p>Report (102K/bytes) (/aksmiddlesbrough/images/att1005736.doc)</p> <p>Appendices (3M/bytes) (/aksmiddlesbrough/images/att1005737.pdf)</p> <p>The applicant's Legal Representative requested that the application to Vary the Premises Licence by Change of Designated Premises Supervisor in respect of 39 Princes Road be withdrawn.</p> <p>The Sub Committee noted that the above application had been withdrawn.</p>

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Item Number	Item/Resolution
14/23	<p>APPLICATION TO REVIEW PREMISES LICENCE - 9 PARLIAMENT ROAD - REF: OL/15/4</p> <p>Report (103K/bytes) (/aksmiddlesbrough/images/att1005738.doc)</p> <p>Appendices (3M/bytes) (/aksmiddlesbrough/images/att1005739.pdf)</p> <p>See Agenda Item 3</p>

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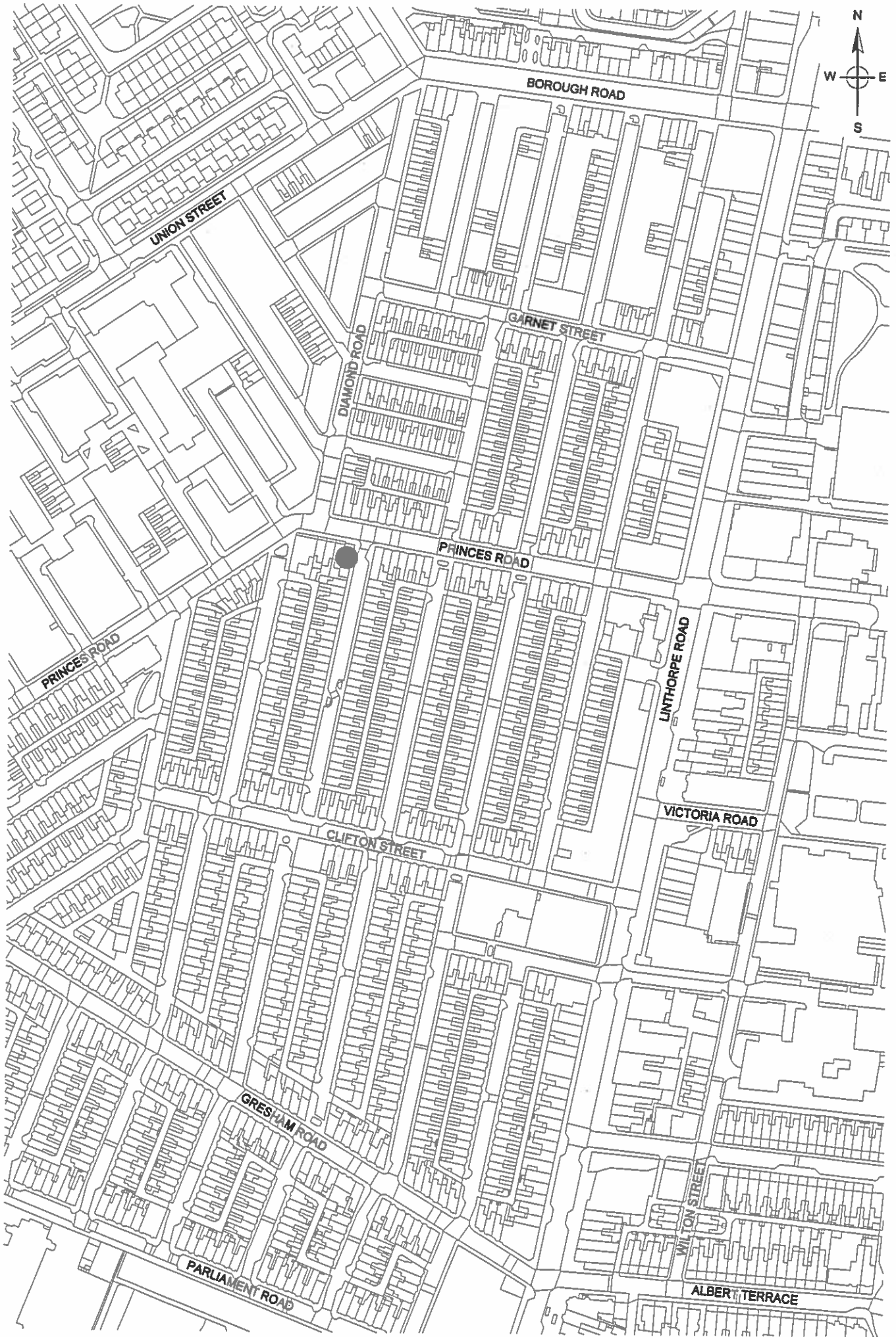
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Appendix 3





Councillor Linda Lewis

77 St. Aidan's Drive | Middlesbrough | TS1 5TS

Tel: (01642) 646652 e-mail: linda_lewis@middlesbrough.gov.uk

Licensing department

DATE 16 November 2016

Re: 39 Princes rd Middlesbrough.

Dear Sirs,

Cllr Uddin, Cllr Storey and myself , as neighbouring councillors strongly object to the above licensing application to sell alcohol off the premises from 8 am –10 pm, 7 days a week .

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

There are extremely high levels of ASB, poor health, high mortality, high unemployment and low education attainments. All attributed to alcohol.

Yours faithfully

Councillor Linda Lewis :
LABOUR COUNCILLOR FOR CENTRAL WARD

MIDDLESBROUGH COUNCIL
16 NOV 2016
LICENSING

Mr Harde Kareem
16 The Crescent
Linthorpe
Middlesbrough
TS5 6SQ

PO Box 502
5th Floor
Vancouver House
Gurney Street
Middlesbrough

Tel: 01642 728717
Fax: 01642 728935
9 December 2016

Dear Mr Kareem,

**Premises Licence – 39 Princes Road Middlesbrough.
Licensing Act 2003**

I refer to your application regarding the above premises, which you 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 your application.

As you are aware, a meeting was held on Thursday 1 December 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;

- It is your intention to organise a Personal Licence course for an existing member of staff.
- D&B Licensing Consultants will deliver licensing training to all members of staff every 3 months which will include sales of alcohol to underage and persons that appear to be drunk, as well as the procedures for refusing such sales.
- You advised that an additional 4 cameras had been installed which cover the full checkout area and can be monitored from your mobile telephone.
- You advised that 10% of the store would be for the display of alcohol and that there would be no beers or lagers sold from the premises with an ABV content above 6.5%. You also advised that there would be no Perry or Cider stocked or sold from the premises.

A number of other conditions were put forward which included mandatory conditions relating to a proof of age scheme, irresponsible drinks promotions and below cost sales.

There are a number of concerns given the history of the business. The management structure remains the same and there are no apparent changes to staffing within the premises.

You were advised that in January 2016 Middlesbrough Council had approved a Cumulative Impact Policy for Newport 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. During the meeting you accepted that there are a number of alcohol related issues within the area, including street drinking.

This premise is located within the Cumulative Impact Policy area and it is our opinion that the granting of this premise's off-licence will have a negative impact on the licensing objectives in an area that 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 sent prior to a licensing hearing.

Yours faithfully

Fiona Helyer
Public Health Officer
Responsible Authority for Health

Middlesbrough Council

www.middlesbrough.gov.uk

COMMUNITY PROTECTION SERVICES

Licensing

PO Box 65, Vancouver House, Gurney Street,
Middlesbrough TS1 1QP
Tel: (01642) 245432



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) PC 1841 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
39 Princes Road,

Post Town	Post Code
Middlesbrough	TS1 4BG

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

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

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

- | | Please Tick ✓ |
|--|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3) a member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |

(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 303175
E-Mail address (optional)	emma.price@cleveland.pnn.police.uk

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 received for a Premises Licence to be granted for 39 Princes Road, Middlesbrough. The applicant is a Mr. Harde Mhauden KAREEM who also proposes to be the Designated Premises Supervisor of the store. The application is for the off licence sale of alcohol Monday – Saturday 08:00 – 22:00 hours and Sunday 09:00 – 22:00 hours.

Cleveland Police make representations regarding this application on the following grounds:

The premises has previously owned a Premises Licence; however a Review of this licence was made by Middlesbrough Council Trading Standards Department on 1st April 2015; following a large quantity of illicit and counterfeit tobacco being seized from a premises. Illicit tobacco and cigarettes were also seized from a vehicle belonging to Mr. KAREEM; this vehicle was parked outside of this address.

In similar circumstances Mr. KAREEM himself was also stopped driving a motor vehicle in December 2014 with a total of 81,000 illicit cigarettes in the vehicle.

The Review application was supported by both Cleveland Police and also Public Health.

The evidence was heard by Middlesbrough Council Licensing Sub-Committee on 27th May 2015 and a decision was made to Revoke the Premises Licence. This decision was appealed and the evidence was then heard at Teesside Magistrates Court; at this trial the decision was upheld and the Revocation of the Premises Licence remained.

A subsequent criminal hearing into the possession of the cigarettes found Mr. KAREEM not guilty for the offence; however the circumstances of this causes concerns for Mr. KAREEM ability to uphold the law and thus support the four Licensing Objectives.

The Premises are in a location which already suffers issues surrounding alcohol related Crime and Disorder and is situated in an area deemed by Middlesbrough Council as a Cumulative Impact Area; the onus is therefore upon the applicant to display how they will not further impact upon this Saturated Zone and it is the view of the Police that Mr. KAREEM has not previously demonstrated this as he has previously sold a number of high strength products.

Should the application not be withdrawn then Cleveland Police will provide further evidence.

Please provide as much information as possible to support the representation. (Please read guidance note 2)

In the event that representations are not agreed, a statement will be provided to support the above application.

Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			
0	1	0	4	2	0	1	5

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

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		Date	09/12/2016
Capacity	Police Constable		

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

Cleveland Police,
Middlesbrough HQ,
Bridge Street West,

Post Town

Middlesbrough

Post Code

TS2 1AB

Telephone Number (if any)

01642 303175

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.

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: 456502/SUP/LE6
Your Ref:
When telephoning please ask for:
Sinead Upton

13 December 2016

Dear Mr Hodgkinson,

Application for Premises Licence
Re: Princess Food Store, 39 Princes 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. The Licensing Committee had revoked the licence of a business operating from this premise after finding that the way it was being operated, during a time when it was under the day to day control of Mr Kareem, the person applying for this license, undermined the licensing objectives. It is the view of Trading Standards that if this premise is granted a licence the licensing objectives of "Prevention of Crime and Disorder" and "Protection of Children from Harm" will be undermined, given that the same person is involved in the 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.

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

Yours sincerely,



Sinead Upton
Principal Trading Standards Officer

11



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
39 Princes Road

Post Town
Middlesbrough

Post Code TS1 4BG

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

N/A

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

N/A

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	SINEAD UPTON PRINCIPAL TRADING STANDARDS OFFICER IMPROVING PUBLIC HEALTH SERVICE MIDDLESBROUGH COUNCIL PO BOX 502 VANCOUVER HOUSE GURNEY STREET 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 | <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 checked="" type="checkbox"/> |

--

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

The applicant Mr Harde Kareem was the designated Premises Supervisor for a business operating from this premise which had it's Alcohol License revoked at Middlesbrough Council's Licensing Committee on 27th May 2015. This decision was made after the Committee heard evidence relating to concerns that 81 000 illicit cigarettes had been found in a car that the applicant had been driving in December 2014 which was under investigation by HMRC, and also 11780 illicit cigarettes were found in a vehicle owned by the applicant on 26th February 2015, the keys of which were found in Polski Sklep a premise which he worked at where a further 2700 illicit cigarettes had been found. The committee found that the explanations given for the presence of the tobacco was neither complete, nor convincing. They stretched credulity well beyond breaking point. In addition evidence was presented to the Committee by the police and public health, relating to sales of alcohol to persons under the influence of alcohol on 2nd and 9th October 2014 and alcohol related crime and disorder. The Committee concluded that there was compelling evidence of problems in the area of the premises with persons drinking high strength beers in the street and public areas. They also accepted evidence of the use antisocial drinkers made of Princess food store. They concluded that these matters showed that the appropriate step was revocation of the licence.

The decision was appealed to the Magistrates court and on 23rd February 2016 the court upheld the Council's decision to revoke the licence.

In May 2016 Middlesbrough Council dropped criminal charges against Mr Kareem in relation to the illicit tobacco found in his van on 26th February 2015 following a last minute full admission from Mr Saman Abassi, his business associate who was the owner and Premises Licence Holder of Polski Sklep, 9 Parliament Road, Middlesbrough at that time. At the time of the seizure of the illicit tobacco from Polski Sklep and the van, Mr Kareem used to manage Polski Sklep. On 10th May 2016 Mr Abassi was prosecuted in relation to the supply of 14480 illicit tobacco (some of which was counterfeit) of which 2700 was found in a black bag in Polski Sklep and 11780 found in the van registered to Princess Food Store.

In July 2016 Mr Kareem was taken to court relating to offences for illicit tobacco found in a Vauxhall Astra he was driving on 2nd December 2014. He was found not guilty by a Jury.

Although Mr Kareem was not convicted of any offences in relation to illicit tobacco on 2 occasions illicit tobacco has been found at premises and a vehicle that he has been associated with. Indeed one vehicle he was actually driving at the time illicit tobacco was found in open bags on the back seat. It should also be remembered that the revocation also related to matters other than the illicit tobacco.

In addition 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.

In a meeting held with the applicant Mr Kareem on 1st December 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 with his wife and provided the following information:-

- 3 members of staff would be employed, one of which being Yolanda who had worked at the store at the time the licence was revoked.
 - He would be employing D & B Licensing to provide the staff training, refresher training every 3 months and the provision of refusals books.
 - He would be operating the Challenge 21 scheme
 - The CCTV would be covering the full shop including the till area and footage could be accessed externally from his phone
 - 1 member of staff would be trained to be a personal licence holder.
-
- Alcohol would be stored behind the counter, on shelves to the right of the and in a fridge near the door. Alcohol would account for 10% of the total stock.
 - He would not sell beers or lagers over 6.5% ABV and would not sell any perry or cider.
 - He said he no longer had any contact with Mr Saman Abassi.
 - Mr Kareem said he had not been involved in any illegal activity. He said he had been found not guilty at court in relation to the illicit tobacco found in a car that he had been driving in December 2014.
 - During the meeting it was pointed out by Fiona Helyer, Public Health officer, that the revocation of his licence also related to concerns that the way that the business was being run. She had witnessed and given evidence to the licensing committee and to the court of a sale to drunks by a member of

staff that was still going to be involved in the business. In the meeting Mr Kareem denied that the customers had been drunk.

- During the meeting Mr Kareem confirmed that he was not aware that the shop was in a cumulative impact area and he was not aware of the policy

As mentioned earlier in this representation, the Applicant has had a previous alcohol licence revoked. There are concerns that although the applicant was not himself convicted of possession of illicit tobacco he has had links to premises, and vehicles where illicit tobacco had been found and was associated with a person, namely Mr Saman Abassi, who was convicted of the supply of 14480 illicit cigarettes some of which were counterfeit. In addition at the time of the revocation when Mr Kareem ran the business there was evidence of irresponsible retailing, sales of superstrength products, sales to drunks and associated crime and disorder.

Whilst the applicant has pledged to take steps to improve the running of the business by removing high strength products, limiting the amount of alcohol that is sold and taking steps to improve staff training, there is still concern over the running of the business given Mr Kareem's past history of non compliance with the licensing objectives.

The Licensing Committee had revoked the licence of a business operating from this premise after finding that the way it was being operated, during a time when it was under the day to day control of Mr Kareem, the person applying for this license, undermined the licensing objectives. It is the view of Trading Standards that if this premise is granted a licence 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, given that the same person is involved in the business.

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. Newport is a hotspot area for alcohol related crime and disorder. 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 Newport ward which shows that during 2015/2016 Newport ward had one of the highest number of alcohol attributable admissions to James Cook University Hospital.

Have you made any representation relating to these premises before?

YES/NO


If Yes, please state the date of that representation

Day		Month		Year			
0	1	0	4	2	0	1	5

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

Review made in April 2015 in relation to the business operating from this address Princess Food Store, 39 Princes Road, Middlesbrough which went to Licensing Committee hearing on 27th May 2015 and then on appeal to Teesside Magistrates Court as outlined in this submission above.

PART 4 – SIGNATURES

Signature		Date	13 th December 2016
Capacity	Principal Trading Standards Officer		

Licensing Act 2003
Guidance on Making a Representation

1. Purpose

The purpose of this guidance is to offer assistance to members of the public wishing to make representations about licensing applications e.g. applications for new Premises Licences or applications to vary existing Premises Licences and Club Premises Certificates made under the Licensing Act 2003.

This guidance explains who is entitled to make representations and how such representations should be made. It also explains the process which follows once representations have been received by the Council.

Further details about the Licensing Act 2003 can be found at www.middlesbrough.gov.uk and www.gov.uk/beer-licensing

2. Licensing Act 2003

Under the Licensing Act 2003 Middlesbrough Council is the Licensing Authority for the borough of Middlesbrough. The Licensing Authority issues Premises Licences and Club Premises Certificates which allow businesses to carry out the following licensable activities.

- Sale/Supply of Alcohol
- The Provision of Regulated Entertainment
- The Provision of Late Night Refreshment

This affects pubs, bars, clubs, restaurants, supermarkets, off licences, cinemas, theatres, community premises and late night takeaways.

Under the Licensing Act 2003 the Licensing Authority must publish a Statement of Licensing Policy showing how it will promote the licensing objectives which are:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

This document is available at www.middlesbrough.gov.uk

The licensing objectives have equal weight and form the entire basis of the Licensing Act 2003.

3. Applications made under the Licensing Act 2003

A Premises Licence can authorise one or more licensable activities. Some premises, such as takeaways, will just have Late Night Refreshment while other venues such as hotels and nightclubs may have a combination of all activities.

At any time the holder of a Premises Licence or Club Premises Certificate can make application to the Licensing Authority to vary their licence. These variation applications, as well as brand new Premises Licence applications, must be advertised and can be subject to public representations.

4. Advertising of Applications

A blue notice will advertise an application for a new licence or a variation to an existing licence, a white notice will be used for a minor variation. The notice must be prominently displayed on the premises, in a place that is accessible by the public.

The notice will provide a final date for representations as well as brief details of the application.

For full variations and new Premises Licence applications a notice must also be placed, by the Applicant, in a local newspaper that covers the area in which their premises is situated. This notice will appear within 10 days of the Applicant making their Application to the Licensing Authority. A notice of the application will also be displayed at www.middlesbrough.gov.uk

5. Criteria for making a Representation

Your representation must be relevant and based on the likely effect the granting of the application will have on the promotion of the licensing objectives:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

For example, if you are concerned the granting of a variation will lead to an increase in crime and disorder in the area of the premises, give reasons why you think this or detail specific incidents with dates and times to support your representation. This is a relevant representation.

However, if you are concerned the granting of longer hours at the premises will lower house prices in the area or that you feel that another premises is not needed, or that it may affect an existing business already in the area. These are not relevant representations and cannot be considered by the Licensing Authority.

The Licensing Authority will not consider representations that are frivolous or vexatious e.g. a frivolous representation may be one that does not have a serious purpose or is not serious in its nature, whilst a vexatious representation may be one that is made purely to cause annoyance to the Applicant.

6. Making a Representation

Relevant representations must be in writing and submitted to the Licensing Authority. To assist objectors the Licensing Authority has created this form. We would recommend that you use this form to submit your representation. The form is designed to help extract the type of information which is required to ensure the representation can be accepted.

Your representation must reach us within the 28 day notice period. Late representations will not be considered. If you are unsure when the application was made, you can check with the Licensing Authority or look at the advertising of the application.

A copy of your representation will be included in the committee papers and your personal details may form part of the recorded decision, all of which are public documents. It is important that the Applicant is provided with the opportunity to address the comments raised in your representation.

If you do not want your personal details to be released then you will be unable to make a personal representation.

7. Alternatives to Making a Representation

If you do not want your personal details to be released then you can approach a local representative who may consider making the representation on your behalf. You should not delay in seeking a representative as any representations must be received within the 28 day notice period. You could ask a local Councillor, Town and Parish Councillors, or any other locally recognised body or association.

It is advised that you write to the chosen representative as they will need to keep evidence of your request (in the instance of any further challenge i.e. through an appeal hearing). You must provide them with your name, address and details of the grounds upon which your representation is made. They will need to satisfy themselves that your representation complies with the required criteria, and agree to take the matter on your behalf.

They should then submit written representation to the Licensing Authority replicating the grounds upon which your representation is made.

We will then process this representation as we would any others and include a copy in the committee report.

Please note that all future dialogue and correspondence will be held with your representative, and the Licensing Authority will not be in a position to make direct contact with you. Consequently the Notice of Hearing and any decision letter will also be sent to your representative.

8. Petitions

The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition.

We ask that the instigator of the petition identifies themselves as a central point of contact. We may need to make contact in order to verify certain matters and if we are unable to do so this could invalidate the petition.

Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.

Full names and addresses must be supplied and all signatories must be made aware that a copy of the petition will be supplied to the Applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.

We will not write to each signatory separately, but instead assume that the instigator will advise each signatory of the hearing date and the final outcome of the application. It is expected that the instigator will represent the signatories at the hearing and speak for them.

9. Hearings

If relevant representations are made the applications shall be referred for hearing, unless the Council, the Applicant and everyone else who has made representations agree that a hearing is not necessary.

The hearing will take place before a Licensing Sub-Committee which is made up of three Councillors selected from the full Licensing Committee.

All parties (the Applicant, objectors, representatives of objectors and any Responsible Authority i.e. Police, Trading Standards, Environmental Health etc.) will receive a Notice of Hearing.

The Notice will set out the date, time and location and explains the procedure to be followed at the hearing. This notice is sent out 10 days before the hearing.

All parties will be able to address the Sub-Committee. Where there are a lot of objectors/supporters present, the Sub-Committee may request that a spokesperson is nominated.

Note: Whilst this is a public hearing only those who have made their identity known through their representation may address the Committee in person. Therefore if you have chosen to use a local representative, only they may speak on your behalf. Even if you (or your representative) are unable to attend the hearing the Sub-Committee will still consider your written representation.

In making decisions the Sub-Committee will take into account all of the written and verbal evidence before them. They also have a duty to take into account the licensing objectives set out in the Licensing Act 2003, the Council's Statement of Licensing Policy and the guidance given by the Secretary of State.

The Committee will normally announce their decision at the hearing and written confirmation will be distributed to all parties following the hearing.

If any party is aggrieved of the decision, then there is a right of appeal to the Magistrates Court.

10. Contact details and address to send a representation to:

Middlesbrough Council
Economic Development and Communities
Licensing Section
PO Box 502
Vancouver House
Gurney Street
Middlesbrough
TS1 9FW

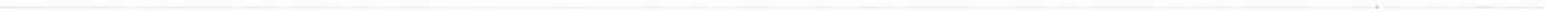
Telephone: 01642 728011

Website: www.middlesbrough.gov.uk

Email: licensing@middlesbrough.gov.uk

This document is for guidance only. Only the Courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions may have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law.

You may wish to seek your own legal advice on the matters raised in this guidance note.



13 December 2016

Mr Harde Mhauden Kareem
Princess Food Store
39 Princes Road
Middlesbrough
TS1 4BG

Direct Line: (01642) 728231
Switchboard: (01642) 245432
Fax: (01642) 728960
DX60532

Our Ref: 456502/SUP/LE7
Your Ref:

When telephoning please ask for :
Sinead Upton

Dear Sir,

LICENSING ACT 2003

RE: Princess Food Store, 39 Princes Road, Middlesbrough

I am writing as the Trading Standards contact in receipt of a completed copy of your application for a licence under the Licensing Act 2003. As a designated 'Responsible Authority' I have considered the contents of your application carefully.

I have made a representation against the granting of this application. The Licensing Committee had revoked the licence of a business operating from this premise after finding that the way it was being operated, during a time when it was under the day to day control of Mr Kareem, the person applying for this license, undermined the licensing objectives. It is the view of Trading Standards that if this premise is granted a licence the licensing objectives of "Prevention of Crime and Disorder" and "Protection of Children from Harm" will be undermined, given that the same person is involved in the 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. I enclose a copy of my representation.

Yours faithfully,



Sinead Upton
Principal Trading Standards Officer

13 December 2016

Mr Harde Mhauden Kareem
16 The Crescent
Linthorpe
Middlesbrough
TS5 6SQ

Direct Line: (01642) 728231
Switchboard: (01642) 245432
Fax: (01642) 728960
DX60532

Our Ref: 456502/SUP/LE7
Your Ref:

When telephoning please ask for :
Sinead Upton

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Yours faithfully,



Sinead Upton
Principal Trading Standards Officer

