

**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 21 MARCH 2017**

## **APPLICATION FOR PREMISES LICENCE**

**Applicant:** Gurpreet Kaur

**Ref.No.** MBRO/PR0177/089908

**Premises:** John's News, 125 Linthorpe Road, Middlesbrough, TS1 5DE

**Application received:** 25 January 2017

### **Summary of proposed Licensable Activities:**

Sale of Alcohol (Off sales)      08.00am – 11.00pm      Daily

**Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.**

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### **1. Notification to Responsible Authorities:**

The following Responsible Authorities have all received notification of the application:

Chief Constable	Planning Manager
Chief Fire Officer	Trading Standards Manager
Area Child Protection Group	Director of Public Health
Environmental Health Manager (Public Safety and Public Nuisance)	

**2. Application advertised by the applicant:** Evening Gazette – 6 February 2017

### **3. Legislation**

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

#### 4. Background

The premises currently operates as a convenience store and was the subject of a previous application for a premises licence made by Mr Harpreet Singh in June 2016. Mr Singh is the husband of the current applicant, Mrs Kaur. A hearing was held on 11 August 2016 to determine the previous application following representations made opposing the grant of a licence. Having heard all representations at the above hearing, the Licensing Sub-Committee resolved to refuse the application. A copy of the decision notice of the above meeting is attached at **Appendix 2**.

Members are reminded that as part of its overall Statement of Licensing Policy, the Council has established a Cumulative Impact Policy (CIP) in relation to off licence premises in Middlesbrough town centre which covers certain wards including Central, the area within which these premises are situated. A plan showing the area of the CIP affecting off licensed premises for both Central and Newport wards is attached at **Appendix 3**. Within these two wards, there are currently 47 (27 in Central and 20 in Newport) currently licensed premises for off sales.

Work has been carried out to identify the location of off licence premises and links to crime, disorder, anti-social behaviour and alcohol attributable admissions to James Cook University Hospital. The evidence shows that there is a relationship between the density of off licence premises, crime and disorder/antisocial behaviour and alcohol attributable hospital admissions. .

The evidence shows that the wards of Central, Newport, Park, Longlands and Beechwood and North Ormesby have the highest level of crime and antisocial behaviour, the highest number of off licence premises and alcohol attributable hospital admissions.

The Licensing Authority considers that the density of off licence premises in these wards is having a negative impact on crime and disorder. Whilst maintaining public health is not a licensing objective, many of the hospital admissions arise from alcohol related crime and disorder.

The Cumulative Impact Policy has been applied to this designated area due to the number, type and density of the premises selling alcohol for consumption off the premises. The Licensing Authority is satisfied that there is good evidence that crime and disorder or nuisance occurring in this location is being caused by the customers of off licence premises, and that the cumulative impact of off licensed premises in this location is evident.

The Licensing Authority has agreed that the Cumulative Impact Policy should be applied to:

- new premises licences for the sale of alcohol off the premises
- material variations to existing off licence premises.

The effect of this policy is to create a rebuttable presumption (following relevant representations) that applications within the cumulative impact area will normally be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced.

## 5. The Representations

On 26 January 2017, a representation was received from Central Ward Councillor Linda Lewis, Councillor Zafar Uddin and Councillor Matthew Storey objecting to the application on the grounds that the premises are located in the Cumulative Impact Area, and have also raised other concerns regarding alcohol related crime and disorder. A copy of that representation is attached at **Appendix 4**.

On 12 February 2017, a further letter was received from Councillor Linda Lewis in support of the three Ward Councillors' objection to the application. The letter enclosed a photograph of alcohol on display in the premises at a time when no licensing authorisation covered by a Temporary Event Notice was in place. A copy of such letter is attached at **Appendix 5**.

On 16 February 2017, a representation was received from the Director of Public Health on the grounds that the premises are located within the Cumulative Impact area, and 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. A copy of that representation along with further supporting evidence is attached at **Appendix 6**.

On 21 February 2017, a representation was received from Cleveland Police objecting to the application on the grounds of the prevention of crime and disorder and public nuisance. In their representation, the Police have referred to the refusal of a previous application and the existence of the Cumulative Impact policy. A copy of that representation along with further supporting evidence is attached at **Appendix 7**.

On 22 February 2017, a representation was received from Trading Standards on the grounds of the prevention of crime and disorder and the protection of children from harm. In support of its representations, the Responsible Authority has also submitted a copy of the representation made in respect of the previous licensing application for these premises which was refused in August 2016. Copies of these representations are attached at **Appendix 8**.

## 6. The Licensing Policy

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

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

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

## 7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder	Starting at para 2.1
Public Safety	Starting at para 2.6
Prevention of Public Nuisance	Starting at para 2.14
Protection of Children from Harm	Starting at para 2.21

Cumulative Impact

Starting at para 13.20

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

### **8. Members' Options**

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule modified to such extent as a considered appropriate for the promotion of the licensing objectives, provided that Members are satisfied that the granting of the application will not add to the existing cumulative impact in the area of the premises.
2. To refuse to specify a person in the licence as the premises supervisor.
3. To reject the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer:      Steve Wearing  
Principal Licensing Officer  
Tel. 728713

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

Decision:

Reasons: