

**DECISION – LICENSING SUB COMMITTEE – 11 AUGUST 2016 – 125
LINTHORPE ROAD**

The Committee **ORDERED** that in respect of the Application for a Premises Licence in respect of 125 Linthorpe Road, Middlesbrough: Ref.No: PR0494/088210 that the application be refused.

1. In reaching the decision Members considered the following:-

- (a) The Licensing Act 2003 and amended Government Guidance issued under Section 182 of the Act;
- (b) Middlesbrough Council's Licensing Policy, including its Cumulative Impact Policy;
- (c) The case presented by the Applicant and his licensing consultant;
- (d) The representations made by Councillor Lewis;
- (e) The representations made by Cleveland Police, as Responsible Authority;
- (f) The representations made by Trading Standards, as Responsible Authority;
- (g) The representations made by Public Health, as Responsible Authority.

2. In January 2016, Middlesbrough Council, as Licensing Authority, had brought into force a renewed Statement of Licensing Policy in relation to the Licensing Act 2003. A new Cumulative Impact Policy (CIP) was introduced to tackle the adverse effect of an over-saturation of licensed premises within certain parts of the town. The premises subject to the application were subject to the CIP, being based in Central Ward.

3. When forming its Cumulative Impact Policy, the Licensing Authority had considered:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- evidence obtained through local consultation

4. Members considered the application in the context of the CIP, and in the evidence offered by the various Responsible Authorities in relation to the CIP. In making their representations, both the Police and Public Health had produced statistical information and facts in relation to Central Ward with regard to alcohol attributable admissions to James Cook University Hospital, information with regard to deprivation, alcohol related crime and anti-social behaviour incidents, street drinking and begging within the CIP area. The Police provided a map and copies of incident reports illustrating the location of a number of incidents in the area that had occurred over the last 12 months. The Committee accepted that, while the incidents had not taken place in the premises, the number and nature of incidents supported the application of the CIP in the area.

5. The Statement of Licensing Policy stated that applicant's should give consideration to potential cumulative issues when setting out the steps they will take

to promote the licensing objectives in their application. The applicant, when questioned by Members and representatives of the Responsible Authorities with regard to this issue, did not appear to fully understand what a Cumulative Impact Area was; the applicant's licensing consultant also confirmed to the Committee that his client could not explain either what the CIP was. In addition, the applicant had failed to demonstrate sufficient knowledge/awareness of the wider issues around the CIP (i.e. the issues that had given rise to the CIP and the steps that a licensee would be expected to take to address those issues). This caused Members concern. The applicant's licensing consultant put forward some proposals for conditions, were the application to be granted. However, the Committee considered the proposed conditions were unlikely to prevent the negative cumulative impact of another outlet selling alcohol in Central Ward/within the CIP area. In addition, the Committee did not consider that the applicant had displayed sufficient knowledge of the Licensing Objectives and/or appropriate systems or procedures to address potential issues arising from the cumulative impact of alcohol sales within the CIP area.

6. The Committee was concerned that, according to the evidence provided by the representatives from Trading Standards, Cleveland Police and Public Health, at a meeting held on 12 July 2016, the applicant had displayed a lack of knowledge with regard to the four licensing objectives; how the proposed premises, if granted a licence, would not negatively impact on the licensing objectives and a lack of knowledge with regard to the area surrounding his premises particularly with regard to alcohol related crime and disorder and anti-social behaviour which could affect his premises. Both the applicant and his licensing consultant conceded that at that meeting in July, the applicant had not been able to recall the four licensing objectives.

7. Having explored this further with the applicant at the hearing, the Committee concluded that the applicant still did not fully understand the Licensing Objectives and how to ensure compliance with them, despite having completed a Personal Licence Holder's course; the Committee was, therefore, concerned that he would not uphold the Licensing Objectives.

8. The Committee was concerned about the applicant's aggressive attitude to the representatives of the Responsible Authorities when they visited his premises on 7 July 2016 (during a period when the premises were subject to a Temporary Event Notice, and alcohol was on sale). While the applicant and his advisor sought to offer an explanation for that behaviour, both apologised for that behaviour, thereby acknowledging that the applicant had not been fully cooperative during that visit. The Committee found this to be totally unacceptable, given the Responsible Authorities' statutory duty to uphold the law around the supply of alcohol, and the need for premises licence holders to cooperate with those representatives.

9. When questioned by the Committee about various aspects of the Licensing Act 2003, the applicant had failed to provide adequate responses to the questions.

The applicant was advised that he would receive a copy of the decision in writing within 5 working days.