

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 23 NOVEMBER 2017**

APPLICATION FOR PREMISES LICENCE

Applicant: Rohit Kumar

Ref.No. OL/17/05

Premises: Family Shopper (former Park End Medical Centre) 170 Overdale Road,
Middlesbrough, TS3 7EA

Application received: 4 October 2017

Summary of Proposed Licensable Activities:

Sale of Alcohol (Off sales) and the provision of recorded music
7.00am – 11.30pm Daily

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

1. Notification to Responsible Authorities:

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

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

2. Application advertised by the applicant: Evening Gazette – 13 October 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 formerly operated as a medical centre. Following planning approval of a change of use application earlier this year, the premises now operates as a supermarket. Whilst the provision of recorded music was included in the application form, the applicant has confirmed that this is intended to cover only background music within the supermarket.

5. The Representations

On 18 October 2017 a representation was received from Sheila Dring, Chairperson of the Park End and Beckfield Community Forum objecting to the application on the grounds of anti-social behaviour and public nuisance issues. A copy of that representation is attached at **Appendix 2**.

On 31 October 2017, a representation was received from June Jamieson, Park End Neighbourhood Watch Co-ordinator enclosing a petition signed by 155 local residents objecting to the application on the grounds of anti-social behaviour and public nuisance issues, along with the provision of alcohol. A copy of that representation is attached at **Appendix 3**.

On 31 October 2017, a representation was received from the Park End and Beckfield Ward Councillors, Brian Hubbard, Mick Saunders and Jan Mohan objecting to the application on the grounds of anti-social behaviour and public nuisance issues. A copy of that representation is attached at **Appendix 4**.

On 1 November 2017, a representation was received from Cleveland Police raising concerns about the terms proposed in the application. However, in their submission the Police stated that provided the applicant agreed to amend his application so as to reduce the hours for the sale of alcohol, and to implement certain additional conditions including in relation to CCTV and controls over sales of high strength alcohol, then the Police would withdraw their representation. A copy of that representation is attached at **Appendix 5**.

The applicant has confirmed that he is willing to amend his application on the basis that alcohol sales will be from 8.30am and 11.00pm and Mondays to Saturdays, and from 10.00am and 10.30pm on Sundays. The applicant has also agreed to accept the additional conditions proposed by the Police in their representation and will therefore amend his application accordingly. In the circumstances, the Police have no objections to the grant of the application on these terms.

Since the submission of the application, the applicant has also proposed an alternative person, namely Rosemary Chapman to act as the designated premises supervisor. The Police have raised no objections to this application amendment.

In response to the consultation, the Council's officers from both Trading Standards and Public Health had concerns about the initial content of the application. However, following discussions with officers the applicant has agreed to implement certain conditions, including an amendment to the opening times as also agreed with the Police above. Both Trading Standards and Public Health officers have no objections to the grant of a licence on the basis of these agreed conditions being imposed on the licence, along with the conditions

agreed by the Police. A copy of the list of conditions agreed with the applicant by Trading Standards and Public Health officers is attached at **Appendix 6**.

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

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 paragraph 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

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 considered appropriate for the promotion of the licensing objectives.
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 Sub-Committee to the Magistrates' Court.

Contact Officer: Steve Wearing
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