

## LICENSING SUB COMMITTEE A

<b>Date:</b>	<b>Thursday 25th March, 2021</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Virtual Meeting</b>

## AGENDA

Please note: this is a virtual meeting.
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The meeting will be live-streamed via the Council's <a href="#">Youtube channel</a> at 10.00 am on Thursday 25th March, 2021
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1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003 - Application for Review of Premises Licence - Waterloo News, 110-114 Waterloo Road, Middlesbrough TS1 3HZ, Ref: OL/21/03 3 - 28
4. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Wednesday, 17 March 2021

### MEMBERSHIP

Councillors R Arundale (Chair), J Walker and A Waters

### **Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Joanne Dixon / Scott Bonner, 01642 729713 / 01642 729708, joanne\_dixon@middlesbrough.gov.uk / scott\_bonner@middlesbrough.gov.uk**

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**AGENDA ITEM 5**

**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 25 MARCH 2021**

**APPLICATION FOR REVIEW OF PREMISES LICENCE**

Ref No. OL/21/03

**Applicant:** Timothy Hodgkinson, Licensing Manager

**Premises:** Waterloo News, 110-114 Waterloo Road, Middlesbrough

**Application received:** 29 January 2021

**Premises Licence Holder –** Mr Matloob Hussain Majid

**Summary of Current Licensable Activities:**

**Sale of Alcohol OFF Premises**

Monday to Sunday - 7am to 11pm

A copy of this licence is attached at **Appendix 1.**

**1. Summary of Application**

On 29 January 2021 an application for the review of the Premises Licence was submitted by the Licensing Manager on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance following concerns in relation to the licence holders unwillingness to implement Covid 19 safety measures at the premises for both staff and customers.

A copy of this application is attached at **Appendix 2.**

**2. 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.

### **3. Consultation on review application**

The premises licence holder, any responsible authority or any other person are permitted to make representations in respect of the review application following publication of a notice.

In response to the consultation, on 26 February 2021, a representation was received from the Council's Environmental Health Officer, Mr Mark Kearns, acting in his role as a Responsible Authority. A copy of the representation which is on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance is attached at **Appendix 3**.

Further evidence will be provided prior to the hearing.

### **4. Background**

These premises operate as a convenience store with the provision for the off sale of alcohol. The premises are situated in Middlesbrough Town Centre amongst residential properties.

The premises have had the benefit of a premises licence under the provisions of the Licensing Act 2003 since 2005.

Mr Hussain has been the Premises Licence Holder and Designated Premises Supervisor since that time.

Whilst the premises currently has the benefit of a Premises Licence it is understood that Mr Majid is currently not selling alcohol from the premises.

### **5. 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
Reviews	Pages 47 to 50

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

### **6. 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 paragraph 2.7
Prevention of Public Nuisance	Starting at paragraph 2.15
Protection of Children from Harm	Starting at paragraph 2.22
Reviews	Starting at paragraph 12.1

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

### **7. Members' Options**

**Members may consider the following options:**

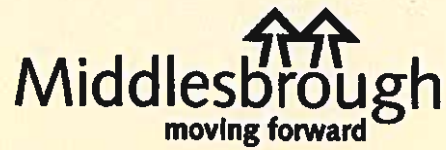
- a. To modify the conditions of the licence.
- b. To exclude a licensable activity from the scope of the licence.
- c. To remove the Designated Premises Supervisor
- d. To suspend the licence for a period of not exceeding 3 months.
- e. To revoke the licence.
- f. Alternatively, Members may consider that it is not necessary to take any of the above steps and may issue an informal warning and/or or recommend improvement within a certain time period.

**Any party to the hearing who may be aggrieved by the decision taken by the Licensing Sub-Committee would have a right of appeal to the Magistrates' Court.**

**Contact Officer: Sarah Morris  
Principal Licensing Officer  
Tel. 728716**



Middlesbrough  
Council



**PREMISES LICENCE**

**Part A**

**Premises licence number** MBRO/PR0130/018771

**Part 1 - Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Waterloo News 110-114 Waterloo Road	
<b>Post town</b>	<b>Post code</b>
Middlesbrough, Cleveland	TS1 3HZ
<b>Telephone number</b>	
01642 251972	

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

Sale of Alcohol

**The times the licence authorises the carrying out of licensable activities**

SALE OF ALCOHOL OFF PREMISES  
Monday to Sunday - 7am to 11pm

**The opening hours of the premises**

Monday to Sunday - 7am to 11pm

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol sales permitted OFF the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Matloob Hussain Majid  
76 Woodlands Road  
Middlesbrough  
TS1 3BW

01642 251972

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Matloob Hussain Majid  
76 Woodlands Road  
Middlesbrough  
TS1 3BW

01642 251972

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

MBRO/PL0049/018068 Middlesbrough Borough Council

**Granted on 29 July 2005**

**Authorised Officer**

## **Annex 1 - Mandatory conditions**

**Mandatory conditions in accordance with Section 19 of the Licensing Act 2003:**

**Where a premises licence authorises the supply of alcohol:**

- (i) No supply of alcohol may be made under the premises licence:**
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or**
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- (ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

**Effective from 1 October 2010**

- (1) The premise licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.**
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.**



## **Annex 2 - Conditions consistent with the operating Schedule**

### **Embedded Restrictions and Benefits**

#### **OFF LICENCE**

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

Monday to Sunday - 7am to 11pm.

The above restrictions do not prohibit:

- a) During the first 20 minutes after the above hours the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

## **LICENSING OBJECTIVES**

### **GENERAL - ALL FOUR LICENSING OBJECTIVES**

Consult with all statutory bodies to secure implementation of licensing objectives.

### **THE PREVENTION OF CRIME AND DISORDER**

1. To exercise vigilance and act appropriately.
2. The premises should be covered internally by CCTV.
3. All footage should be kept for a minimum period of 31 days and whichever format is used to store footage on, should be kept in a locked and secure cabinet.

### **PUBLIC SAFETY**

To ensure unimpeded access onto and from premises.

#### **THE PREVENTION OF PUBLIC NUISANCE**

To use our best endeavours to encourage patrons to leave the premises and surrounding area in a peaceful and quiet manner.

#### **THE PROTECTION OF CHILDREN FROM HARM**

There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require that any customer who appears to be under 18 years of age shall be required to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a citizen card supported by the Home Office, a photo driving licence, a passport or official HM Forces or EU ID card bearing photo and date of birth. If this proof of age cannot be provided then the sale of alcohol shall be refused.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

Not Applicable

**Annex 4 - Plans**

Attached

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate 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 Timothy Hodgkinson, Licensing Manager, Middlesbrough Council

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Waterloo News 110-114 Waterloo Road	
<b>Post town</b> Middlesbrough	<b>Post code (if known)</b> TS1 3HZ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Matloob Hussain Majid

<b>Number of premises licence or club premises certificate (if known)</b>
MBRO/PR0130/018771

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

**X**

3) a member of the club to which this application relates (please complete (A) below)



**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Timothy Hodgkinson Licensing Manager Middlesbrough Council Public Protection Service Civic Centre Middlesbrough
Telephone number (if any) 01642 728720
E-mail address (optional) tim_hodgkinson@middlesbrough.gov.uk

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 2)**

In addition to carrying out my role as Licensing Manager for the last few months I have been given responsibility for managing a team of Regulatory Officers whose role it is to ensure compliance with Coronavirus/ Health & Safety legislation by businesses operating during the Coronavirus pandemic.

Since December 2020 Officers have made visits to Waterloo News on the following dates:-

22 December 2020, 20 January 2021, 22 January 2021, 26 January 2021

On each occasion Officers have identified non compliance with the above legislation and a complete lack of willingness on the part of the licence holder Matloob Hussain Majid to implement measures to improve covid safety measures for both staff and members of the public.

On each occasion, despite attempts by Officers to provide advice and assistance to ensure compliance Mr Majid has been non cooperative, obstructive and abusive to Officers.

It is my view and that of other Officers that Mr Majid's lack of cooperation and failure to implement adequate measures is posing a serious risk to both his staff and members of the public.

Further information in support of this application, including Officer statements will be provided in due course.

**Please provide as much information as possible to support the application (please read guidance note 3)**

Officer statements to follow

Have you made an application for review relating to the premises before

Please tick  yes

If yes please state the date of that application

Day	Month	Year
2	9	01
2	0	21

**If you have made representations before relating to the premises please state what they were and when you made them**



Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature T Hodgkinson

Date 29/1/2021

Capacity Licensing Manager acting a Responsible Authority

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

# 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/Review 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)

Mark Kearns

Wish to make representation about the application for variation/grant/review 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

Waterloo News  
110-114 Waterloo Road

Post Town  
Middlesbrough

Post Code  
TS1 3HZ

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

Mr Matloob Hussain Majid

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

MBRO/PR0130/018771

### PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

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

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address	<input type="text"/>
Mark Kearns	
Environmental Health Officer	
Middlesbrough Council	
Public Protection Service	
Civic Centre	
Middlesbrough	

Telephone Number (If any)	01642 728235
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E-Mail address (optional)	mark_kearns@middlesbrough.gov.uk

This representation relates to the following licensing objective(s)

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

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

I have been carrying out 'Covid secure' visits to numerous premises including retailers.

On numerous occasions including 20/01/2021, 22/01/2021, 26/01/2021 and the 17/02/2021 I have visited Waterloo news, to assess compliance with relevant Covid regulations.

Mr MAJID failed to demonstrate compliance with relevant regulations on more than one occasion, including the lack of face coverings where he was in close contact with members of the public.

On each occasion advice and guidance was given to Mr MAJID regarding implementing effective measures to control the transmission of Covid19.

Cleveland Police issued a warning regarding the lack of appropriate face covering on 22/01/2021.

Mr MAJID has been largely uncooperative and unwilling to fulfil his obligations towards operating a business during the Covid19 crisis. When visited on 26/01/2021 MR MAJID became aggressive and abusive towards myself and Tim HODGKINSON (Licensing Manager)

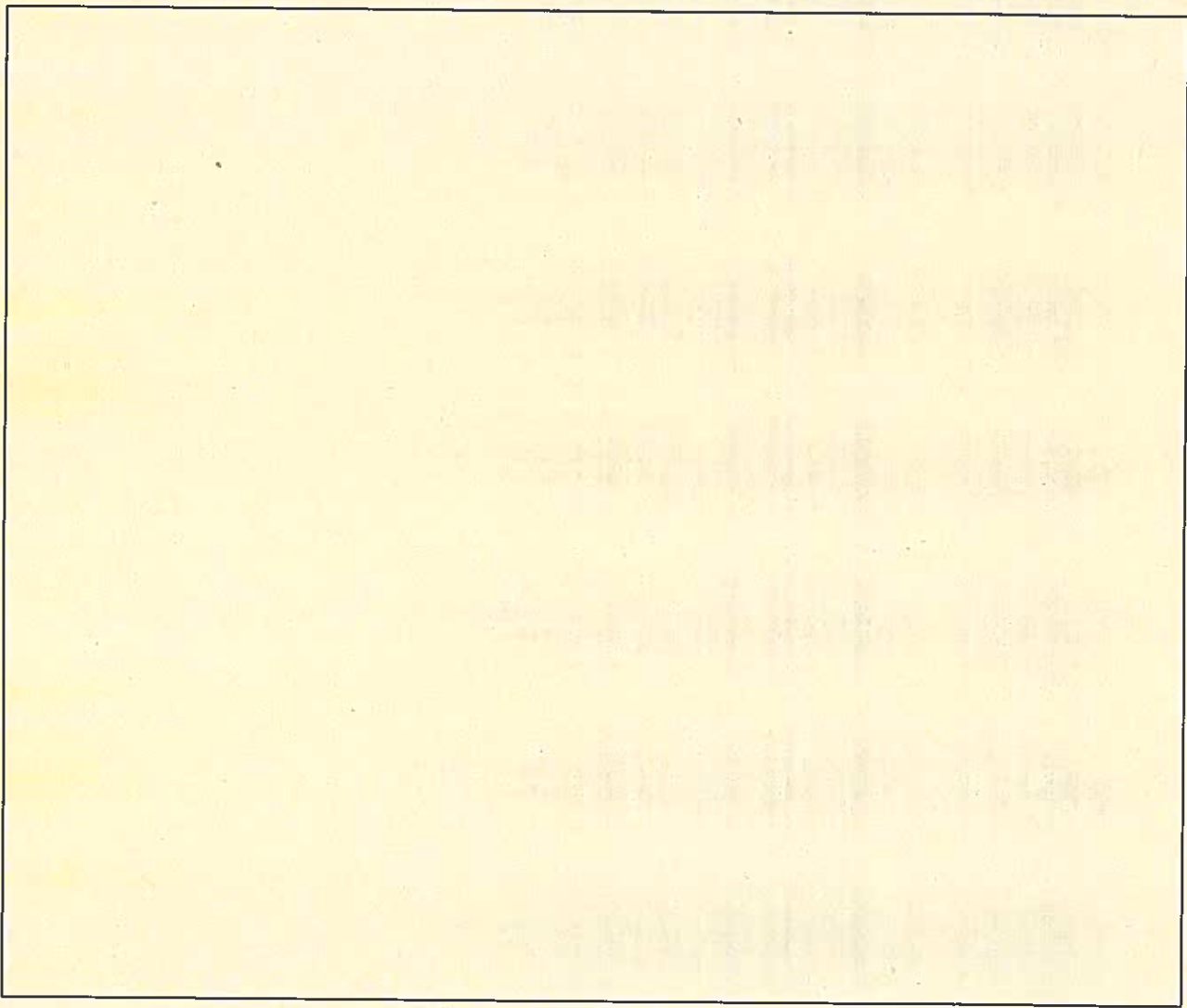
On 29/01/2021 an improvement notice was served under The Health and Safety at Work Act requiring Mr MAJID to undertake an effective risk assessment to put into place procedures to control possible transmission of Covid19.

On 17/02/2021 I visited again with Leona WAITES (EHO) at which time Mr MAJID was wearing an appropriate face covering.

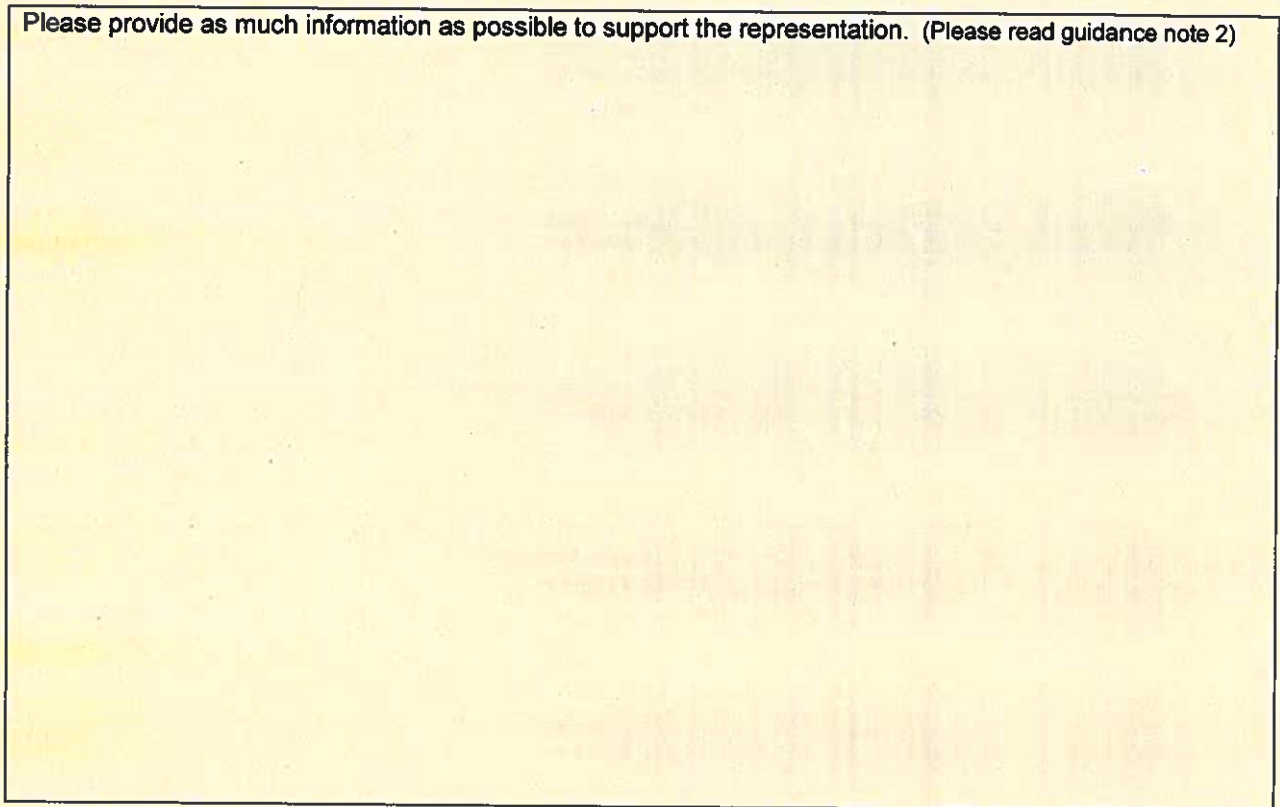
Mr MAJID failed on numerous occasions to implement sufficient controls in his business relating to relevant Covid19 regulations. Council officers offered advice and guidance and were subject to aggressive behaviour on numerous occasions. Middlesbrough Council had to serve legal notices to secure compliance.

Further information in support of this application, including Officer statements will be provided in due course.





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



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Please  
Tick ✓

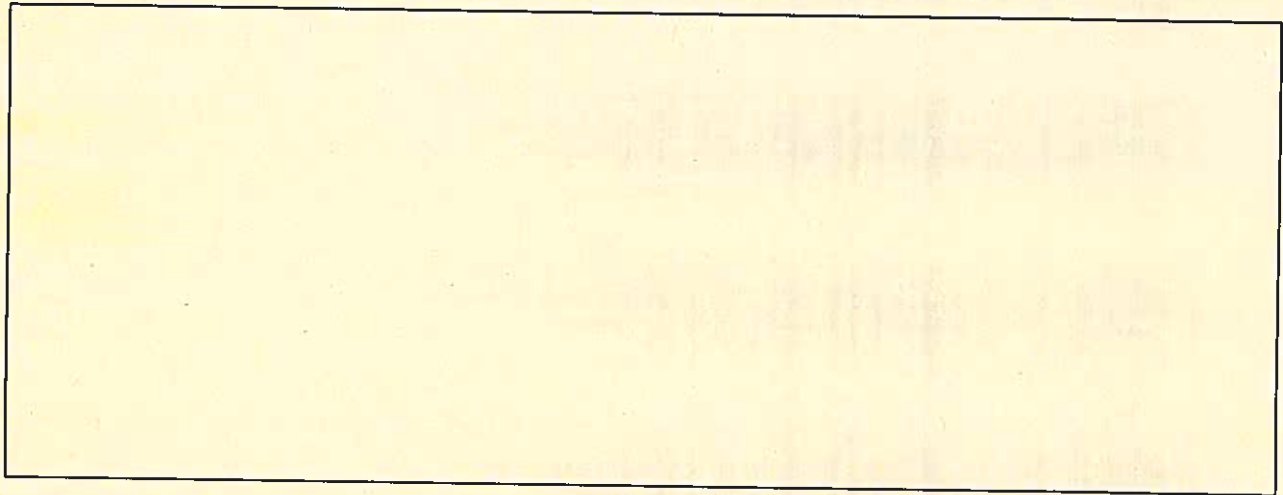
Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

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

[Large empty rectangular box for text entry]



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

Signature		Date	
Capacity			

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

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

Telephone Number (if any)	
E-mail Address (optional)	

**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](http://www.middlesbrough.gov.uk) and you are advised to read any relevant guidance leaflets before completing this form.



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