

LICENSING SUB COMMITTEE A

Date: Tuesday 8th June, 2021
Time: 10.00 am
Venue: Council Chamber

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003 - Application for Review of Premises 3 - 96
Licence: Waterloo News, 110-114 Waterloo Road,
Middlesbrough, TS1 3HZ. Ref: OL/21/03
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
Friday, 28 May 2021

MEMBERSHIP

Councillors R Arundale (Chair), A Bell and T Higgins

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

COVID MEASURES – MEETING INFORMATION

LICENSING SUB COMMITTEE A – 8 JUNE 2021, 10.00am, COUNCIL CHAMBER

While Covid restrictions are easing we need to remain cautious to reduce the risk of further transmission, therefore, it is important to conduct the meeting of the Licensing Sub Committee as safely as possible.

To ensure compliance with Covid secure measures, the meeting will take place in the **Council Chamber, Town Hall, Middlesbrough**.

Please note the information below primarily relates to Covid compliance; the mechanics of meeting business will continue in line with current meeting procedures.

Should you decide to bring a laptop or other electronic device to the meeting, please ensure it is fully charged prior to the meeting as there are no dedicated charging points in the Council Chamber.

You are strongly encouraged to please carry out a Covid Lateral Flow Test before attending the meeting and this should be done no later than two hours prior to the start time of the meeting.

Should this test be positive, **please do not attend** the meeting and inform Democratic Services (Tel: 01642 729713/ 01642 729708) or the Licensing Office (Tel: 01642 728716/ 01642 728728) of your absence.

It is suggested that you arrive no earlier than 20 minutes, and no later than 10 minutes, before the start of the meeting.

Prior to the Meeting

- Please enter the Town Hall building via the main entrance on Russell Street or the entrance located in the quadrangle.
- Please wear a face covering when entering the building.
- Please report to the main reception desk where you will be required to sanitise your hands and sign in providing your name and contact details for Test and Trace purposes.
- A member of staff will show you to the Council Chamber and you will be shown to your seat.

During the meeting

- Please wear a face covering until you are seated.
- Please refrain from moving around the room unnecessarily (please avoid gathering in groups).
- If you do need to move around or leave the room at any time please wear a face covering when doing so.
- Bottled water and hand sanitiser will be available on each desk.

After the meeting

- You will be asked to leave the meeting in an orderly fashion.
- Please ensure you wear a face covering when leaving your seat until you are outside of the building.

By following the above process we will ensure the meeting will be carried out in a Covid Secure manner.

AGENDA ITEM 3

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 8 JUNE 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. Information

This application was due to be considered by Members on 25 March 2021. However, the Head of Service and the Chair of the Licensing Sub Committee made a decision to adjourn the hearing under Regulation 12 and extend time under Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 as it was necessary in the public interest and to fully hear and consider representations from all parties as there were insufficient Councillors to convene a panel due to unforeseen circumstances. The matter was then due to be considered on 21 April 2021, however as this date was during the religious month of Ramadan a request was made by the licence holder and agreed by all parties that the matter be adjourned until after the end of Ramadan.

2. 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 and additional evidence is attached at **Appendix 2**.

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. 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 and an additional statement provided by Mr Kearns is attached at **Appendix 3**.

A statement and photographs provided by Mr Majid on 25 March 2021 are attached at **Appendix 4**.

On 20 May 2021 a further statement was received from Mr Kearns. This is attached at **Appendix 5**.

5. 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 Majid 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.

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
Reviews	Pages 47 to 50

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 paragraph 2.7
Prevention of Public Nuisance	Starting at paragraph 2.15
Reviews	Starting at paragraph 12.1

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

8. 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

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of the Local Government Act 1972.

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