

LICENSING SUB COMMITTEE A

Date: Thursday 27th January, 2022
Time: 10.00 am
Venue: Council Chamber

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003: Application for Premises Licence - Teesside Grocers, 85 Borough Road, Middlesbrough, TS1 3AA. Ref: OL/21/06 3 - 44
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 19 January 2022

MEMBERSHIP

Councillors: R Arundale (Chair), T Higgins and M Smiles.

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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**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 27 JANUARY 2022**

APPLICATION FOR A PREMISES LICENCE

Applicant: Teeside Grocers Ltd (Muhammad Tayyeb Butt)

Ref.No. OL/21/06

Premises: 85 Borough Road, Middlesbrough, TS1 3AA

Application received: 1 October 2021

Licensable Activities applied for:

The Sale of Alcohol "off" the premise 07:00 to 22:00 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)	Licensing Manager

2. Application advertised by the applicant: Teesside Gazette – 12 October 2021

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

Under Regulation 11 of the Licensing Act (Hearings) Regulations 2005 the time limit for this hearing to take place has been extended because the applicant has been out of the country and the Council considered it is in the public interest. All parties were notified of this decision on 26 November 2021.

The premises, which are unoccupied at present, are located in a terrace of other commercial properties in Borough Road, Middlesbrough and the applicant intends to operate it as a retail shop and off-licence for the sale of alcohol.

Members are also advised that these premises are situated in a cumulative impact zone for "off-licence" premises, and under the provisions of the Council's Licensing Policy, there is a presumption that the grant of a new premise licence for the sale of alcohol "off" the premises which is likely to add to the existing cumulative impact will normally be refused, or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule to the application that there will be no negative cumulative impact on one or more of the licensing objectives.

5. The Representations

On 7 October 2021 a representation was received from Councillor's Lewis, Storey and Uddin, Councillors for Central Ward, objecting to the application on the grounds of the prevention of crime and disorder; the prevention of public nuisance; public safety and the protection of children from harm and that the premises are located in a cumulative impact area. A copy of this representation is attached at **Appendix 2**.

On 1 November 2021 a representation was received from Fiona Helyer on behalf of the Director of Public Health, objecting to the application on the grounds of the prevention of crime and disorder; public safety and the protection of children from harm. In addition she believes that the applicant has failed to demonstrate adequately in his application how the premises would not negatively impact further on the licensing objectives and the surrounding area. A copy of this representation is attached at **Appendix 3**.

On 1 November 2021 a representation was received on behalf of the Chief Constable of Cleveland Police objecting to the application on the grounds of the prevention of crime and disorder; the prevention of public nuisance and the protection of children from harm. In addition he does not believe that the application adequately addresses the licensing objectives and the issue of the premises being in an area which has a cumulative impact policy in place. A copy of this representation is attached at **Appendix 4**.

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 Policies	Page 41

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

7. Revised Guidance to the Licensing Act 2003 (published April 2018)

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
Effect of Cumulative impact assessments	Starting at para 14.39
Determining applications	Starting at para 9.1

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

8. Members' Options

Under the provisions of Section 18(4) the Licensing Act 2003 Members may consider the following options:

1. Grant the licence 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 Committee to the Magistrates' Court.

Contact Officer: Sarah Morris
Principal Licensing Officer
Tel. 728716

**Application for a premises licence to be granted
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/We MUHAMMAD TAYYEB BUTT
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description			
85 BOROUGH ROAD MIDDLESBROUGH Cleveland E			
Post town	MIDDLESBROUGH	Postcode	TS1 3AA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate Please tick as

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <i>BUTT</i>		First names <i>MUHAMMAD . TAYYER</i>		
Date of birth over		I am 18 years old or <input checked="" type="checkbox"/> Please tick yes		
Nationality				
Current residential address if different from premises address		<i>93 CHALFORD OAKS</i>		
Post town	<i>MILDENHURST</i>	Postcode	<i>TS58QQ</i>	
Daytime contact telephone number		<i>07868667576</i>		
E-mail address (optional)	<i>TAYYER-BUTTA@YAHOO.COM</i>			

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	/ 4	24 21

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

RETAIL SHOP.
 LOCATED IN THE SHOPPING PRECINCT
 ON BOLDOUSH ROAD

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)

- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	0700	2200						
Tue	0700	2200						
Wed	0700	2200						
Thur	0700	2200						
Fri	0700	2200						
Sat	0700	2200						
Sun	0700	2200						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur	0700	2200						
Fri	0700	2200						
Sat	0700	2200						
Sun	0700	2200						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MUHAMMAD TAYYER BUTT
Date of birth	20-08-1988
Address	93 CHALFORD OAKS MIDDLESBROUGH TS5 8QQ

Postcode	
Personal licence number (if known)	MBRO/PL1304/087170
Issuing licensing authority (if known)	Middlesbrough

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)	
Day	Start	Finish		
Mon	7AM	10PM		
	0700	2200		
Tue	7AM	10PM		
	0700	2200		
Wed	7AM	10PM		
	0700	2200		
Thur	7AM	10PM		Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
	0700	2200		

Fri	7AM	10PM	
	0100	2200	
Sat	7AM	10PM	
	0100	2200	
Sun	7AM	10PM	
	0100	2200	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

WE WILL CARRY OUT ANY FURTHER CONDITIONS ORDERED BY THE COUNCIL TO ADD TO THE POINTS STATED IN B.I.D.C.L.E.

b) The prevention of crime and disorder

CCTV CAMERAS TO BE INSTALLED IN THE SHOP TO MONITOR ALL AREAS. - DOUBLE STAFF WILL BE EMPLOYED AT THE COUNTER AT LATE HOURS

c) Public safety

ALL FLOORS WILL BE KEPT CLEAN - ONLY NO MEMBER OF THE PUBLIC WILL BE ALLOWED BEYOND THE PUBLIC AREA OF THE SHOP

d) The prevention of public nuisance

NO PERSON WILL BE ALLOWED BACK INTO THE SHOP WHO HAS CAUSED A NUISANCE ON A PREVIOUS VISIT

e) The protection of children from harm

THERE IS A NOTICE DISPLAYED THAT WE DO NOT SELL ALCOHOL TO UNDER 18'S. - IF UNSURE PROOF OF AGE WANTED PASSPORT OR DRIVING LICENSE ONLY.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15).
Signature	<i>[Handwritten Signature]</i>
Date	1/10/21
Capacity	owner

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			

and any premises licence to be granted or varied in respect of this application made by

MR MUHAMMAD TAYYEB BUTT
[name of applicant]

concerning the supply of alcohol at

85 BOROUGH ROAD
MIDDLESBROUGH
TS1 3AA

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

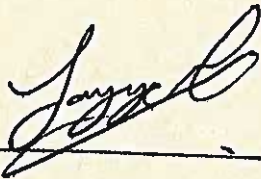
Personal licence number

MP220/PL1304/087170
[insert personal licence number, if any]

Personal licence issuing authority

MIDDLESBROUGH COUNCIL
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

MUHAMMAD TAYYEB BUTT

Date

11/10/21

Consent of individual to being specified as premises supervisor

I MR MUHAMMAD TAYYEB BUTT
[full name of prospective premises supervisor]

of 93 CHALFUND OAKS
MIDDLESBROUGH
TS5 8QQ

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE
[type of application]

by

MR MUHAMMAD TAYYEB BUTT
[name of applicant]

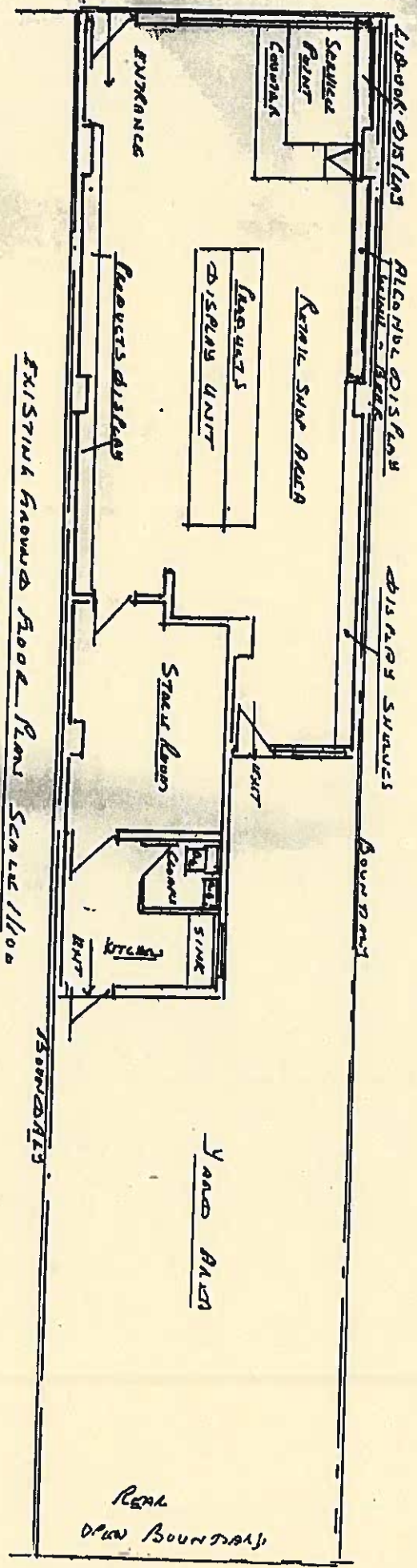
relating to a premises licence

[number of existing licence, if any]

for

85 BONDUSH ROAD
MIDDLESBROUGH
TS1 3AA

[name and address of premises to which the application relates]



EXISTING KNOWN FLOOR PLAN SCALE 1/100
 85 BOROUGH ROAD NIDDES BURY



Councillor Linda Lewis

77 St. Aidan's Drive | Middlesbrough | TS1 5TS

Tel: (01642) 646652 e-mail: linda_lewis@middlesbrough.gov.uk

Licensing department

7th October 2021

Re; Teesside grocer
85 Borough rd
Middlesbrough

Dear sir or madam,

Cllr Uddin, Cllr Storey and myself, as councillors for Central ward, strongly object to the above licensing application to sell alcohol from 7am – 10pm daily.

The premises is situated in a cumulative impact area, one of five across Middlesbrough. Central ward has well over the accepted amount for the area.

Central ward has high levels of crime and ASB, poor health mostly through drink/drugs, high rate of early deaths, high unemployment and low education attainment, all attributed to alcohol.

We should also mention that alcohol abuse has spiralled since the start of the Covid pandemic, many are drinking at home. Alcohol dependency affects all age groups whether direct or indirect, children included.

We 3 councillors for one of the most deprived wards in Middlesbrough feel that another off license is not wanted or needed and ask that this application be refused on the grounds of the 4 licensing objectives.

The protection of children from harm, the protection of crime & disorder, the protection of public nuisance and the protection of public safety.

Kind regards

Linda Lewis
Councillor for Central ward

Middlesbrough Council | PO Box 503 | Town Hall | Middlesbrough | TS1 9FX
www.middlesbrough.gov.uk

Mr Muhammed Tayyeb Butt
93 Chalford Oaks
Acklam
Middlesbrough
TS5 5QG

Tel: (01642) 728272

Date: 01.11.21

Ref: MAU/

Dear Sir,

LICENSING ACT 2003

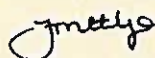
Premises: 85 Borough Road, Middlesbrough, TS1 3AA

With reference to your application for a licence under the Licensing Act 2003, and as a designated 'Responsible Authority', I wish to advise you that it is my intention to make a representation against your application. My reasons for making the representation are attached.

A Licensing Officer will contact you in due course regarding the arrangements for a hearing of your application before the Licensing Sub-Committee, as applicable.

If you would like to discuss this matter please do not hesitate to contact me.

Yours faithfully,



Public Health Officer
Alcohol Control

Middlesbrough Council
The Licensing Act 2003 - Responsible Authority (RA) Representation

Name of RA Representative: Fiona Helyer

Address: Public Health and Public Protection Service, Civic Centre, Middlesbrough.
Email: EHTS@middlesbrough.gov.uk Tel 01642 728717

Licence holder details

Name and Address of Premises

Address: 85 Borough Road, Middlesbrough TS1 3AA

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

Mr Muhammed Tayyeb Butt

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

Representation

It is my opinion that the application fails to adequately satisfy the following licensing objectives:

- | | |
|-------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | Prevention of Crime and Disorder |
| <input type="checkbox"/> | Prevention of Public Nuisance |
| <input checked="" type="checkbox"/> | Public Safety |
| <input checked="" type="checkbox"/> | Protection of Children from Harm |

Grounds for representation (including details of any previous representations)

Evidence presented by Middlesbrough Council, Responsible Authority for Public Health, in relation to the application made by Mr Muhammed Tayyeb Butt, the applicant and Premises Licence holder for premises situated at 136 Marton Road, Middlesbrough, under the Licensing Act 2003

As the representative of the Responsible Authority for Public Health, I make this representation against this Premises Licence application on the grounds of Crime and Disorder, Public Safety and Protection of Children from Harm.

The application made is for the grant of a new premises licence from 07:00 – 22:00 hours seven days a week for the supply of alcohol. Mr Muhammed Tayyeb Butt, the proposed Premises Licence holder and Designated Premises Supervisor for the business, makes the application.

There are a number of concerns regarding the current application made to Middlesbrough Council's Licensing Authority and it is our opinion that the granting of these premises off licence will have a negative impact on the Crime and Disorder, Public Safety and Protection of Children from Harm licensing objectives.

Middlesbrough has two Cumulative Impact Policies (CIP). CIP 1 covers on licensed premises in a designated area of Middlesbrough Town Centre. CIP 2 covers off licence premises across 5 ward areas including Central, Newport, North Ormesby, Park and Longlands and Beechwood.

In both CIP areas there are high proportions of alcohol related crimes, wholly attributable hospital admissions and crime and disorder incidents recorded. This, together with the high density of licence premises in both areas, has evidenced the need for Cumulative Impact Policies.

These premises are situated in Central Ward, just outside of the boundary for the CIP 1 area (Town Centre). The premises sits within the CIP 2 policy area as the Central ward is covered in the off licence policy.

The Licensing Act 2003 states that where a Cumulative Impact Policy (CIP) is in place, there is usually a presumption that applications for new premises licences or variations to existing premises licenses will be refused. This is unless it can be demonstrated that the granting of the licence will not negatively impact further on the licensing objectives.

Currently, there are approximately 27 off licensed premises operating in the Central ward of Middlesbrough.

Allowing another alcohol premises to operate between the hours of 7am – 10pm daily makes alcohol more readily available and will not only exacerbate some of the alcohol related issues already experienced in Middlesbrough but will also add unnecessary pressures to our emergency services including NHS Accident and Emergency departments, ambulance services and Police.

Throughout 2020, there has been an alarming rise in the numbers of people choosing to drink at home during the Covid-19 pandemic, which is having a knock-on effect on individuals, families and services. There has been an increase in alcohol related Domestic Abuse. Such incidents not only affect an individual's physical and mental health but can also have a detrimental effect on those living in the same household.

The latest research shows that people are likely to be drinking more and at levels that can harm health because of pressures and anxiety brought on by the Covid-19 pandemic

including impacts on employment, finances and the health of loved ones.

Alcohol is readily available in Middlesbrough and can be purchased from a number of different alcohol premises including off licences, supermarkets and premises offering alcohol delivery services.

Middlesbrough experiences high numbers of issues including incidents of alcohol related crime and disorder and anti-social behaviour that impact on many lives. Such issues also impact negatively on our local NHS services including James Cook Accident & Emergency departments, Police and ambulance services.

There are also high numbers of people in Middlesbrough who suffer as a result of alcohol addiction and in this ward area we continue to see some of the negative affects including street drinking and begging.

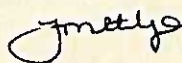
On Tuesday 19th October 2021, notification was received from Middlesbrough Council's Licensing Office advising that Mr Butt was out of the country from 24 October and not returning until 24 November 2021. Attempts have been made to communicate with Mr Butt by email, as requested however communicating this way has proved extremely difficult.

In my opinion the applicant has failed to demonstrate adequately in Part M of the application how this premises, if granted a licence, would not negatively impact further on the licensing objectives and the surrounding areas.

Granting of this licence would further undermine the Crime and Disorder, Public Safety and Protection of Children from Harm licensing objectives and will exacerbate the problems already experienced.

Further evidence will be submitted prior to a licensing sub-committee hearing.

Signed:



Dated 01.11.21

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 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)

JASON ARBUCKI F

Wish to make representation about the application for variation/grant 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

85 BOROUGH ROAD

Post Town

MIDDLESBROUGH

Post Code

TS1 3AA

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

N/A

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

N/K

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

- | | Please
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) | <input type="checkbox"/> |

(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"/>
------------------	----------------------

Telephone Number (if any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address	CHIEF CONSTABLE OF CLEVELAND POLICE C/O POLICE CONSTABLE 1845 JASON ARBUCKLE MIDDLESBROUGH DISTRICT H/Q BRIDGE STREET WEST MIDDLESBROUGH TS2 1AB
------------------	---

Telephone Number (if any)	01642 303175
E-Mail address (optional)	<input type="text"/>

This representation relates to the following licensing objective(s)

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

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

Cleveland Police have received an application made under the Licensing Act 2003 for a premises licence to be granted at 85 Borough road, Middlesbrough, TS13AA. The applicant is seeking the sale of alcohol from 07 00hrs until 22 00hrs, seven days a week.

Cleveland Police wish to make representation's to this application for the following reasons,

Middlesbrough has two cumulative impact policies in force at the moment, one for on licensed premises and one for off licensed premises. In both Cumulative impact policy area's, there are already high levels of alcohol related crime and disorder and anti social behaviour. This proposed premise sits in the area that has the Cumulative impact policy in force for off licensed premises, as this premise will operate from Central ward, it is worthy of note that 5 ward area's of Middlesbrough are within this cumulative impact policy for off licensed premises, Central, Newport, North Ormesby, Park, Longlands and Beechwood.

As evidenced by the need for Cumulative Impact policies, Middlesbrough already suffers from high levels of alcohol related crime and disorder and anti social behaviour and Cleveland Police are firmly of the belief that another off licensed premise will only exacerbate the existing problems, by making alcohol more readily available to persons who have already partaken in alcohol and the vulnerable, this is particularly concerning considering more and more people are consuming more alcohol at home.

Also of note, the applicant notified the responsible authorities that he would be out of the country from the 24th of October until the 24th of November 2021, this has made discussing this application more difficult. Some communication with the applicant has taken place via email's, however, this is a far from ideal situation.

Cleveland Police do not believe that this application adequately address's the licensing objectives and the issue of this premise being in an area which has a Cumulative impact policy in place.

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

Further evidence/information will be provided if needed.

Please
Tick ✓

Have you made any representation relating to these premises before?

X

If Yes, please state the date of that representation

Day		Month		Year			

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

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

Signature	PC 1845	Date	01/11/2021
Capacity	LICENSING SUPPORT CONSTABLE		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Middlesbrough Police HQ, Bridge Street West,	
Post Town	Post Code
Middlesbrough	TS2 1AB

Telephone Number (if any)	01642 303175
E-mail Address (optional)	Jason.arbuckle@cleveland.pnn.police.uk

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 and you are advised to read any relevant guidance leaflets before completing this form.

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RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; MC Rules 1981, r70)

URN	17			
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Statement of **JASON ARBUCKLE**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **POLICE CONSTABLE**

This statement (consisting of **7** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature _____

Date: **19/01/2022**Tick if witness evidence is visually recorded (supply witness details on rear)

I am Pc 1845 Jason Arbuckle of Cleveland Police; I am currently attached to the Force Licensing unit and work at Middlesbrough Police station.

I am making this statement with regards to an application for a premises licence to be granted under the licensing act 2003. The proposed premise is 85 Borough Road, Middlesbrough, TS13AA, with the applicant requesting the sale of alcohol from 07 00hrs until 22 00hrs, seven days a week.

Cleveland Police are making this statement, as they have a number of concerns surrounding this application.

Within the operating schedule, which has been submitted by the applicant, a number of steps have been detailed to address the four licensing objectives, a proof of age scheme and CCTV, to name two but there is very little detail around these proposals; they are quite vague and not enforceable. The applicant also stated that "further conditions as ordered by the council" would be

Signature _____

Signature Witnessed by _____

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RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **JASON ARBUCKLE**

added. I would expect a much more detailed and comprehensive operating schedule for an application of this nature in a challenging area.

On Tuesday the 7th of December 2021, a meeting was held at Middlesbrough Police station, present at the meeting was Cleveland Police, an Officer from Middlesbrough council's Public health/Trading standards department and the applicant himself. During the meeting, which was to discuss the application, it became apparent that the applicant who did demonstrate a willingness to work with responsible authorities, wasn't fully aware of the licensing objectives and wasn't fully aware of the cumulative impact policy in place, other than the legal requirements, the applicant wasn't offering anything different. I would expect an applicant to have an in depth knowledge of an area they propose to site a licensed premise in.

As stated, this proposed premise is going to be situated at 85 Borough Road, Middlesbrough and is situated in the ward area known as Central. Borough Road which has a mixture of commercial and residential premises on it, is one of the main arterial routes in and out of Middlesbrough town centre.

Middlesbrough currently has two cumulative impact policies in place, one of which directly relates to off licence premises and covers the Middlesbrough ward areas of Central, Newport, Park, Longlands and Beechwood and North Ormesby. This proposed premise sits in the ward area of Central and is surrounded by the other ward areas listed.

Signature _____ Signature Witnessed by _____

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RESTRICTED (when complete)**CLEVELAND POLICE**Page No **3**Continuation of Statement of **JASON ARBUCKLE**

Middlesbrough Council's current licensing policy states that a cumulative impact policy in relation to off licence premises should be applied to the ward area's of Central, Newport, Park, Longlands and Beechwood and North Ormesby, as the evidence shows that there is a relationship between the density of off licence premises, crime and disorder, anti social behaviour and alcohol attributable hospital admissions and that these ward area's have the highest levels of crime and anti social behaviour, the highest number of alcohol attributable hospital admissions and the highest number of off licence premises.

It is also worthy of note to state that according to the 2015 Index of multiple deprivation, out of 7,219 wards, Central was the 40th most deprived ward in the country and after slight improvement in subsequent years saw its position change to the 75th most deprived ward according to the Index of multiple deprivation 2019. There are numerous domains of deprivation which combine to create the Index of multiple deprivation, Income, Employment, Education, Health, Living Environment, Barriers to housing and services and Crime. The Index of multiple deprivation was created on behalf of the Ministry of Housing, Communities and local government.

As evidenced by the need for a Cumulative impact policy, Central ward is a ward area that already suffers from high levels of crime and disorder and anti social behaviour.

Analysis has been conducted on Cleveland Police's computer systems with regards to all reports of crime and all reports of alcohol related crime within the Central ward area and all reports of crime

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RESTRICTED (when complete)**CLEVELAND POLICE**Page No **4**Continuation of Statement of **JASON ARBUCKLE**

and all reports of alcohol related crime that has occurred within a 500 metre radius of the proposed premise, the following results were obtained

Central – All Crime

Years	Month	Central ward	Crime within 500m radius
2020	Nov	196	114
	Dec	194	144
2021	Jan	168	102
	Feb	171	107
	Mar	215	127
	Apr	197	143
	May	211	218
	Jun	243	192
	Jul	295	221
	Aug	293	297
	Sep	283	246
	Oct	279	275
	Nov	229	201

Central – all alcohol related crime

Years	Month	Central ward	Crime within 500m radius
2020	Nov	19	6
	Dec	24	8
2021	Jan	16	4
	Feb	20	8
	Mar	20	7
	Apr	26	17
	May	46	26
	Jun	38	23
	Jul	57	34
	Aug	85	42
	Sep	75	54
	Oct	97	51
	Nov	76	44

The figures above clearly show that the area does have issues with crime. I would also like to state that in my opinion the figures showing the number of alcohol related crimes within the area should be higher. One of the main reasons they are not is that when members of the public are contacting the Police to report a crime, they are not necessarily informing us that alcohol has played a part in the crime, as such, the crime isn't recorded as being alcohol related. As can be seen, a high percentage of all the crime has occurred within 500 metres of the proposed premise.

As can be seen from the figures below, the Central ward area and it's residents, also suffer from high levels of anti social behaviour and alcohol related anti social behaviour within the Ward area and within 500 metres of the proposed premise. As with the figures for alcohol related crime, a

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RESTRICTED (when complete)

CLEVELAND POLICE

Continuation of Statement of **JASON ARBUCKLE**

true reflection of the numbers of alcohol related anti social behaviour incidents isn't shown due to under reporting, as previously stated, when members of the public are contacting the Police to report a crime or an incident, they don't necessarily inform the call taker that alcohol has played a part in the incident or crime, this could be for numerous reasons, including the fact that they might not know that alcohol has been a factor.

Central – All ASB

Years	Month	Central ward	ASB within 500m radius
2020	Nov	835	76
	Dec	591	61
2021	Jan	578	46
	Feb	518	37
	Mar	713	50
	Apr	655	54
	May	603	75
	Jun	689	80
	Jul	622	75
	Aug	664	84
	Sep	682	67
	Oct	664	94
	Nov	511	80

Central – all alcohol related ASB

Years	Month	Central ward	Within 500m radius
2020	Nov	24	4
	Dec	21	3
2021	Jan	22	2
	Feb	17	3
	Mar	34	2
	Apr	56	12
	May	49	12
	Jun	78	15
	Jul	81	25
	Aug	67	18
	Sep	68	18
	Oct	41	14
	Nov	49	21

Analysis has also been conducted with regards to all violent crime and all alcohol related violent crime within the Ward area of Central and within 500 metres of the proposed premise, the following results were obtained. Again, these figures clearly show the issues of crime and disorder in the area.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)

CLEVELAND POLICE

Continuation of Statement of **JASON ARBUCKLE**

Central – All Violent Crime

Years	Month	Central ward	Crime within 500m radius
2020	Nov	110	36
	Dec	137	56
2021	Jan	88	32
	Feb	113	39
	Mar	132	46
	Apr	156	66
	May	168	81
	Jun	185	89
	Jul	221	96
	Aug	261	138
	Sep	227	110
	Oct	238	127
	Nov	186	90

Central – All Alcohol related Violent Crime

Years	Month	Central ward	Crime within 500m radius
2020	Nov	11	2
	Dec	13	5
2021	Jan	7	0
	Feb	12	3
	Mar	12	4
	Apr	17	14
	May	35	20
	Jun	19	11
	Jul	35	23
	Aug	51	25
	Sep	43	33
	Oct	60	34
	Nov	56	33

All of the above figures clearly show that the area this premises will be situated in already suffers from high levels of crime and anti social behaviour and levels of alcohol related crime and anti social behaviour. As such, allowing another premise to sell alcohol in this area, which will make alcohol more readily available to persons who are already vulnerable and suffering from alcohol dependency and for those who are regularly consuming alcohol at home, is concerning and in my opinion will undermine the licensing objectives.

Throughout the Covid 19 pandemic there have been a number of restrictions placed on licensed premises, more so for those offering on sales. Due to these restrictions there has been an increase in alcohol consumption within the home. The pandemic has created a huge amount of fear, not only around the impact from suffering with the Coronavirus and the loss of loved ones but also the social impacts surrounding job security, finances, disruption to health and clinical services, frontline services, working from home and home schooling, poor mental health, the list goes on, this has all led to an increase in people consuming more alcohol at home.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **7**Continuation of Statement of **JASON ARBUCKLE**

As a serving Police Officer with over 20 years experience, the fact that members of the public are consuming more alcohol at home and on the street concerns me greatly. Consumption of alcohol in on licensed premise is often well controlled due to the premise being able to monitor the amount of alcohol customers consume and the behaviour's displayed by those consuming it. Quite often there are other measures adopted to ensure the promotion of the licensing objectives which include the use of registered door staff who monitor and control potential conflict and protect those that may come into harm's way. This becomes more difficult when alcohol is being consumed in domestic and outdoor settings. In my experience, the more alcohol consumed, the greater the risk that violence will occur. The impact is much greater when violence occurs in the home, as it not only impacts on the individuals involved but it impacts on others that they live with including children. The relationship between alcohol and violence is complex and consuming alcohol does not inevitably lead to violent behaviour, and most episodes of drunkenness pass without any violence, however, by lowering inhibitions and impairing judgement, alcohol can increase both aggression and the willingness to take risks and in my experience drunkenness can and very frequently does trigger violent behaviour.

As an experienced Police Officer, I've spent many years working the streets in Hull and then Middlesbrough as a Uniformed Officer. During my career, I have attended and dealt with countless domestic incidents/crime, based purely on my experience, I would estimate that at least 90% of all domestic incidents are alcohol related and as we all know, alcohol is a major contributing factor in a high proportion of violent crime, not just domestic incidents. Alcohol and the availability of it also fuels other categories of crime, such as public order, public nuisance, anti social behaviour, theft and criminal damage, the list goes on. The potential risks involved in selling alcohol are enormous.

As this is only an application at this moment in time, the effects this licensed premise could have on the community cannot be truly measured, however, Cleveland Police firmly believe that another premise selling alcohol in this area will not aid the promotion of the licensing objectives but will likely

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CLEVELAND POLICE

Continuation of Statement of **JASON ARBUCKLE**

undermine them and will only exacerbate the alcohol related issues already suffered in Middlesbrough and the local area and will add extra pressure and burden on the Emergency and support services.

Signature _____ Signature Witnessed by _____

Mr Muhammad Tayyeb Butt

[REDACTED]

Middlesbrough

[REDACTED]

24th January 2022

Tayyebb_Butt [REDACTED].com

Dear Mr Tayyeb-Butt

Review of Licence

As required by the Licensing Act, I enclose a copy of the additional evidence that I have submitted on behalf of the Responsible Authority Public Health against the application for a premises licence for 85 Borough Road, Middlesbrough

Yours sincerely,



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Additional Evidence presented by Middlesbrough Council, Responsible Authority for health, against the application for a premises licence in respect of premises situated at 85 Borough Road, Middlesbrough the Licensing Act 2003

The application made is for the grant of a new premises licence from 07:00 – 22:00 hours seven days a week for the supply of alcohol. Mr Muhammed Tayyeb Butt, the proposed Premises Licence holder and Designated Premises Supervisor for the business, made the application.

There are a number of concerns regarding the current application made to Middlesbrough Council's Licensing Authority and it is our opinion that the granting of this premises off licence will have a negative impact on the Crime and Disorder, Public Safety and Protection of Children from Harm licensing objectives.

In Middlesbrough there are high levels of alcohol related crime and disorder and wholly attributable hospital admissions recorded. This, together with the high density of licensed premises evidenced the need for Cumulative Impact Policies.

Middlesbrough Council have two Cumulative Impact Policies (CIP). CIP 1 covers on-licensed premises in a designated area of Middlesbrough Town Centre. CIP 2 covers off licence premises across 5 ward areas including Central, Newport, North Ormesby, Park and Longlands and Beechwood.

The premises are situated in Central Ward, just outside of the boundary for the CIP 1 area (Town Centre). The premises sits within CIP 2 policy area as the Central ward is covered in the off licence policy. Central ward borders with Newport, North Ormesby and Longland and Beechwoods wards, all of which are covered within the CIP 2 policy. The premises are also situated in close proximity of Middlesbrough Council's commissioned alcohol recovery services.

The Licensing Act 2003 states that where a Cumulative Impact Policy (CIP) is in place, there is a presumption that applications for new premises licences or variations to existing premises licenses will be refused. This is unless it can be demonstrated that the granting of the licence will not negatively impact on the licensing objectives.

It is our opinion that the granting of this licence will negatively impact on the licensing objectives.

Useful data about the area in which the premises will be located can be found in the Index of Multiple Deprivation 2019 which is an index used to provide a set of relative measures of deprivation for small geographical areas (Lower layer super output areas -LSOA). Central ward is made up of 5 LSOAs. Central ward was the 6th most

deprived ward in Middlesbrough in 2019. All LSOAs in central are ranked as being in the top 5% most deprived areas with regard to health deprivation and disability, which measures risk of premature death, impairment, quality of life through poor physical or mental health .46% of the recorded deaths were premature ,with people losing an average of 9 years of life, with residents suffering a lower life expectancy than those in the rest of Middlesbrough or nationally .Central ward has consistently higher rates of all types of emergency admissions to hospital then overall in Middlesbrough for all causes, and much higher rates of self harm. In addition all the LSOA areas in central ward are within or near the top 10% of the most deprived areas nationally for crime.

The impact of alcohol misuse is broad, often hidden and adversely affects individuals, families and communities in many ways, with the harm being disproportionately greater for vulnerable and disadvantaged communities. It impacts upon a number of Council services as well as the NHS, Police, Criminal Justice System, Education, Voluntary and Community sector.

The cost of alcohol misuse was estimated to cost the economy in England up to £25 billion per year and for Middlesbrough a total of £56.5 million which included costs relating to health, social care, crime and licensing. It costs the NHS over £3.5 Billion year.

More than 9 million people in England drink more than the recommended daily limits. 24.3% adults in Middlesbrough drink more than 14 units alcohol week, with 19.9% adults identified as binge drinking.

People in Middlesbrough are more likely to die of alcohol related conditions or specific reasons compared to England or the region. Middlesbrough has an alcohol mortality rate of 68.1 per 100 000 population which is significantly higher than the rate for England (46.5%)and the region (57.1%),with the rates for men being particularly high (101%).The rates for alcohol specific mortality of 19.4 per 100 000 population in Middlesbrough are significantly higher than England (10.9)

In 19/20 it also had one of the highest rates of hospital admissions (1001 per 100 000 population) compared to England(644) and the North East(936) for alcohol related disorders such as -: cardio vascular disease, mental and behavioural disorders, self-poisoning and exposure and unintentional injuries, with the proportion of admissions being significantly higher for males(68.75%) than females. Such alcohol related illnesses/disorders have a huge impact on the National Health Service.

Alcohol misuse continues to present an area of concern in Middlesbrough affecting the lives of many individuals, families and communities.

Throughout 2020 and to date there has been an alarming rise in the numbers of people choosing to drink at home during the Covid-19 pandemic with an estimated half a million people across the region drinking above the Chief Medical Officers guidelines.

A recent alcohol study completed by Teesside Universities researchers with Middlesbrough residents across all ward areas, provides evidence that people in Middlesbrough are drinking more at home due to the pressures and anxiety brought on by the Covid-19 pandemic, including, financial pressures, unemployment, social isolation and daily routines being disrupted. For whatever reason, it is believed that alcohol in many cases is being used as a coping mechanism.

Deaths caused by alcohol have hit a new record high in England and Wales and high-risk drinking increased by almost 90% between February and September 2020. It was estimated there were 8 million people drinking at higher risk levels, with alcohol treatment services struggling to cope.

The table below shows some of the most recent deaths recorded in Middlesbrough between May and December 2020 where alcohol had been a contributing factor:

Date	Gender	Age	Ward	Local Authority	Substances linked	Number of arrests
01/05/2020	Male	20 - 24	Park End & Beckfield	Middlesbrough	Alcohol, cannabis	0
01/05/2020	Male	60+	Marton East	Middlesbrough	Alcohol, cocaine	14
25/05/2020	Male	40 - 44	Hemlington	Middlesbrough	Alcohol	7
09/08/2020	Female	60+	Berwick Hills & Pallister	Middlesbrough	Zopiclone, alcohol	20
18/08/2020	Male	45 - 49	Stainton & Thornton	Middlesbrough	Alcohol	83
23/09/2020	Male	50 - 54	Newport	Middlesbrough	Alcohol	24
22/10/2020	Male	30 - 34	Newport	Middlesbrough	Alcohol, other drugs	21
29/10/2020	Male	45 - 49	Brambles & Thorntree	Middlesbrough	Alcohol, tablets	1
18/11/2020	Male	45 - 49	Brambles & Thorntree	Middlesbrough	Alcohol, pregabalin, zopiclone	22

Some additional information relating to these statistics include:

- A proportion of individuals were alone in a property at time of death
- These deaths occurred during a period where pubs have been closed.

- The number of arrests of some individuals also indicate a potentially different user group/cohort.
- Cocaine or prescription medicines were often quoted alongside alcohol use. It's rare that a drug related death has a single substance detected so it is likely alcohol has been taken alongside other drugs.

.Middlesbrough Council's Alcohol and Substance Misuse treatment services are currently working with approximately 1,360 clients. During 2020 there has been a steady increase in the numbers accessing services for the following reasons:

- Those that have been abstinent for a number of years have relapsed
- Those using opioids/non opioids where alcohol has also become a problem
- Those processed through the Criminal Justice System for alcohol related crime and issued an Alcohol Treatment Referral (ATR).

Middlesbrough experiences a number of issues including incidents of alcohol related crime and disorder and anti-social behaviour that impact on many lives. Such issues also impact negatively on our local NHS services including James Cook Accident & Emergency departments, Police and ambulance services.

Over the past three years, there has been an increase in Domestic Abuse. Such incidents often result in violence being used against another and injuries being sustained that require a clinical intervention.

A review of alcohol treatment and recovery services in Middlesbrough has been completed and a new integrated service continues to provide specialist treatment and aftercare for those suffering with alcohol dependency whilst focusing around the hidden harms often associated with alcohol consumption including domestic abuse and homelessness.

Middlesbrough Council are also working with the South Tees CCG who have recently re-commissioned the hospital's intervention liaison team in James Cook University Hospital due to the levels of harm caused by alcohol related A&E attendances and hospital stays experienced in local departments.

Alcohol is readily available in Middlesbrough and can be purchased from a number of different alcohol premises including off licences, supermarkets and premises offering alcohol delivery services making it easy for those who are vulnerable and suffering with alcohol addiction to access.

It is fair to say that between March 2020 and April 2021 we identified increases in certain alcohol related issues in Middlesbrough. During this period, a large proportion of on licensed premises/businesses if not all remained closed due to the Covid

restrictions put in place. However, off license premises remained open and continued to supply alcohol

Responsibility in the operation of a licensed premises and the sale of alcohol are paramount. It is imperative that staff in control of any licensed premises act responsibly to ensure that their premises manage the sale of alcohol, their customers and any vulnerability issues accordingly.

The expectation of those wishing to operate licensed premises is that they will have robust measures and procedures in place to ensure that the law is complied with to prevent alcohol sales being made to those that are underage, drunk or who are vulnerable.

In our opinion the applicant has failed to demonstrate adequately in Part M of his application how this premises, if granted a licence, would not negatively impact further on the licensing objectives and the surrounding areas in which he wishes to operate.

During the consultation period, Mr Butt was out of the country from 24 October until 24 November . On 7th December 2021 a meeting was held with the applicant, PC Arbuckle from Cleveland Police Licensing section, and myself, at Middlesbrough Police station to discuss concerns, establish the proposal around the applicant's business model and to find out more about the operation and control measures that the applicant was going to adopt to promote the licensing objectives.

During that meeting the applicant outlined his previous experience in the licensing trade, mainly in petrol sites which sold alcohol. He advised that he would train staff but when asked about procedures he mentioned controls of the petrol site he worked at yet could provide no details of the procedures that he was planning to implement in his own business, other than basic legal requirements ie no sales to underage or proxy sales, no sales to drunks or sales out of hours. It was all a bit vague. There was a lack of detail both on his application and in his answers. Of more concern however was that when asked he could not name all the licensing objectives, and he did not seem to fully understand what they meant.

Whilst he demonstrated a willingness to work with the responsible authorities regarding his stock, he was planning to sell Lambrini and Bella Brusco which was a concern given that these are known to be attractive to underage drinkers and dependent drinkers. It was clear that he hadn't considered the area in which the premises was to be based, nor the Cumulative Impact Policy. The proposed licensed premises is not going to be providing any different offer to that of existing premises in the area.

Having an additional outlet selling alcohol, making alcohol more available in an area already acknowledged to experience some of the highest levels of alcohol related health and crime issues, is a concern.

It is our opinion that the granting of this licence would further undermine the Crime and Disorder and Public Safety licensing objectives, exacerbating some of the alcohol related issues already experienced in Middlesbrough. This will undoubtedly add unnecessary pressures to our emergency services including NHS Accident and Emergency and Hospital departments, Ambulance Services and Police and impact on those already suffering the impact and harms caused by alcohol.

Signature:



Dated: 24th January 2022