

LICENSING SUB COMMITTEE A

Date: Thursday 7th July, 2022
Time: 10.00 am
Venue: Council Chamber

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003: Application for a Premises Licence - 85
Borough Road, Middlesbrough, TS1 3AA - Ref: OL/22/01 3 - 92
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 29 June 2022

MEMBERSHIP

Councillors E Polano (Chair), C Cooke 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

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**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 7 JULY 2022**

APPLICATION FOR A PREMISES LICENCE

Applicant: Muhammad Tayyeb Butt

Ref.No. OL/22/01

Premises: 85 Borough Road, Middlesbrough, TS1 3AA

Application received: 7 April 2022

Licensable Activities applied for:

The Sale of Alcohol “off” the premise 08:00 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 April 2022

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 as the Council considered it is in the public interest to do so to allow for the training of Members of the Licensing Committee following the Council's Annual General Meeting as required under the Constitution and the Guidance. All parties were notified of this decision on 30 May 2022.

The premises are located in a terrace of other commercial properties on Borough Road, Middlesbrough and the applicant intends to operate it as a Go Local convenience store with the sale of alcohol. A location plan is attached at **Appendix 1 (a)**.

For Members information an application for these premises was considered by a Licensing Sub Committee on 27 January 2022 and a copy of the decision of the meeting is attached at **Appendix 2**.

Members are also advised that these premises are situated in a Central Ward, which since 2016 has been in a cumulative impact zone for "off-licence" premises under the provisions of the Council's Licensing Policy. However this policy expired in January 2022. A new Policy including a cumulative impact assessment in view of a re introducing a cumulative impact Policy is currently under review.

5. The Representations

On 13 April 2022 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 3**.

On 3 May 2022 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. A copy of this representation is attached at **Appendix 4**.

On 5 May 2022 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. A copy of this representation is attached at **Appendix 5**.

On 6 May 2022 a representation was received from the Licensing Manager on behalf of the Licensing Authority objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. A copy of this representation is attached at **Appendix 6**.

On 10 May 2022 an email was received from the applicant's representative to amend the operating schedule to include a further condition as follows:

'No alcohol shall be sold unless contingent to and accompanied by a sale of other goods (excluding tobacco and mobile phone cards) to a minimum value of £5'.

A copy of this email is attached at **Appendix 7**.

On 26 June 2022 a video was received from the applicant's representative showing the nature and quality of the premises. This video will be made available to Members at the meeting.

On 29 June 2022 additional evidence in support of the representation was received from the Director of Public Health. This information is attached at **Appendix 8**. The Responsible Authority has provided data as part of their representation in support of their view that there is enough evidence to support the cumulative impact zones and maintain a cumulative impact policy.

On 29 June 2022 additional evidence in support of the representation was received from Cleveland Police. This information is attached at **Appendix 9**. The Responsible Authority has provided data as part of their representation in support of their view that there is enough evidence to support the cumulative impact zones and maintain a cumulative impact policy.

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

I/We Muhammad Tayyeb BUTT

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			
Post town	MIDDLESBROUGH	Postcode	TS1 3AA

Telephone number at premises (if any)	07868 677576
Non-domestic rateable value of premises	£8000

Part 2 - Applicant details

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

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
	i as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)
c)	a recognised club	<input type="checkbox"/>	please complete section (B)
d)	a charity	<input type="checkbox"/>	please complete section (B)
e)	the proprietor of an educational establishment	<input type="checkbox"/>	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 **X**
- 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 X	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname BUTT			First names Muhammad Tayyeb		
Date of Birth: 20/08/88 I am 18 years old or over X Please tick yes					
Nationality: UK Passport - GBR 126392032					
Current residential address if different from premises address		93 Chalford Oaks			
Post town	MIDDLESBROUGH			Postcode	TS5 8QQ
Daytime contact telephone number			07868 667576		
E-mail address (optional)		tayyeb_butt99@yahoo.com			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	7	0	5	2	0	2	2

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)

'Go Local' Convenience Store with Off Licence

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?

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)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

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	
				Off the premises	X
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	07:00	22:00			
Tue	07:00	22:00			
Wed	07:00	22:00			
Thur	07:00	22:00	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)		
Fri	07:00	22:00			
Sat	07:00	22:00			
Sun	07:00	22:00			

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 Tayyeb BUTT	
Date of birth: 20 th August 1988	
Address: 93 Chalford Oaks MIDDLESBROUGH	
Postcode	TS5 8QQ
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).

n/a

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	22:00	
Tue	07:00	22:00	
Wed	07:00	22:00	
Thur	07:00	22:00	<u>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</u> (please read guidance note 6)
Fri	07:00	22:00	
Sat	07:00	22:00	
Sun	07:00	22:00	

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 note the existence of the Cumulative Impact Policy that covers the locality of these premises, and also the decision of the Middlesbrough Council Licensing Sub Committee of 27th January 2022 following the previous application for a Premises Licence at these premises, together with the contents of the representations from the Responsible Authorities on that occasion.

Consequently (and prior to submitting this application) we have liaised with the Cleveland Police and Public Health Departments, preparing and providing a menu of conditions that might address the concerns raised. We particularly point to Section 5 of the attached conditions below, which includes a requirement for a £5 contingent sale of other goods to accompany any sale of alcohol. The liaison with Cleveland Police was constructive, but the raft of proposed Licence Conditions attendant to this re-application were rejected by Public Health.

Clearly, we would welcome any suggestions as to acceptable conditions from any and all Responsible Authorities going forwards.

b) The prevention of crime and disorder

1. CCTV

1.1 A tamper-resistant CCTV system shall be installed, operated and maintained in working order at the premises.

1.2 CCTV images shall be retained for a period of no less than 28 days.

1.3 cameras shall be installed and located at the following locations: serving areas to cover the till, the entire service counter, all service points to which the public may be given access, the entrances and exits of the premises and the entirety of shop floor so as to eliminate any blind spots.

1.4 There shall be at all times be a member of staff on site who is capable of using the CCTV system in order to assist the Police, or other person authorised by the Licensing Authority, to view any CCTV footage on immediate request.

1.5 In the event of the failure of the CCTV system for any reason, a record of that failure shall be made, together with any immediate steps to rectify the problem. The CCTV system will be checked weekly by the DPS or other nominated member of staff to ensure that it is operating correctly. Such checks shall be recorded, along with the identity of the person so checking the system.

1.6 All employees will be vigilant and monitor the area immediately outside the shop. they will use their best endeavours to disperse groups of three or more individuals who have been customers of the premises and then appear to be loitering in the above vicinity. All staff will report any incidents of Crime and/or ASB to the Police.

1.7 The store will maintain active membership of any Business Retail Crime Initiative run or endorsed by Cleveland Police whilst such a Scheme shall be in existence.

2. Staff Training:

2.1 All staff engaged in the sale of alcohol shall be trained in Responsible Alcohol Retailing - to include the operation and effect of the Middlesbrough CIA & PSPO - prior to selling any alcoholic product.

2.2 All staff shall undergo refresher training in Responsible Alcohol Retailing on a rolling six month basis.

2.3 Such staff training records shall be kept on the premises and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.

3. Incident/Refusals Register

3.1 An Incident Log must be maintained and kept at the premises, and retained for a period of 12 months on a rolling basis. It must be inspected and endorsed by the DPS on a monthly basis, and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.

3.2 Such log shall record the following:

- (a) All crimes reported to the premises (where relevant to the Licensing Objectives)
- (b) All ejections of patrons
- (c) Any complaints received (where relevant to the Licensing Objectives)
- (d) Any incidents of disorder
- (e) Any faults in the CCTV system
- (f) Any refusal of the sale of alcohol (e.g. suspected drunkenness, underage or proxy sale)
- (g) Any visit by a relevant authority or emergency services, noting the time, day, date and identify of any visitors by name.

4. Security:

4.1 SIA staff will be employed on a risk assessed basis. A copy of that Risk Assessment shall be maintained and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.

4.2 The management will maintain adequate levels of staff during trading hours.

5. Sale of Alcohol:

5.1 There shall be no single sales of cans or bottles for beer, lager or cider. All sales of these products shall be sold in a minimum of four cans or bottles.

5.2 No beer, lager or cider in excess of 6.5% ABV shall be offered for sale.

5.3 At times as required by the Cleveland Police, all beers, lagers and ciders will be marked in order to identify the premises from which such products have been sold.

5.4 No open bottles or vessels shall be allowed in the premises or taken from the premises.

5.5 All spirits will be stored and sold from behind the counter.

5.6 The area of alcohol display shall account for no more than 10% of the total shop display area.

5.7 No alcohol shall be sold unless contingent to and accompanied by a sale of other goods (excluding tobacco and mobile phone cards) to a minimum value of £5.

5.8 Receipts and invoices for all tobacco and alcohol products offered for sale or stored on the premises must be retained for a rolling period of 12 months, kept in a readily accessible file and be produced to the Police or an 'authorised person' (as defined by the LA'03), Customs Officer or an authorised Trading Standards Officer employed by the Council on demand.

5.9 Every single product sold from the store must go through the tills and a receipt shall be raised that is a true and accurate record of any such transaction.

c) Public safety

6. Fire Exits

6.1 The Premises Licence Holder shall have a procedure in place to ensure that the Fire Exit(s) is checked regularly and clear of obstruction at all time.

d) The prevention of public nuisance

7. Good Neighbourliness

7.1 Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly.

e) The protection of children from harm

8. Challenge 25:

8.1 The premises shall operate a Challenge 25 Policy. Such a policy shall be written down, kept at the premises and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.

8.2 Prominent, clear and legible Challenge 25 signage shall be displayed at the entrances to the premises, as well as at point of sale.

8.3 Proxy signs warning adults against buying alcohol for children shall be on display at point of sale.

Checklist:**Please tick to indicate agreement**

•	I have made or enclosed payment of the fee.	
•	I have enclosed the plan of the premises.	X
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	X
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	X
•	I understand that I must now advertise my application.	X
•	I understand that if I do not comply with the above requirements my application will be rejected.	X
•	[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 or my share code issued by the Home Office online right to work checking service (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	Nick SEMPER for The Licensing Guys
Date	7th April 2022
Capacity	Licensing Consultant & Agent

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

**The Licensing Guys
Rural Enterprise Centre
Vincent Carey Road
Rotherwas Business Park**

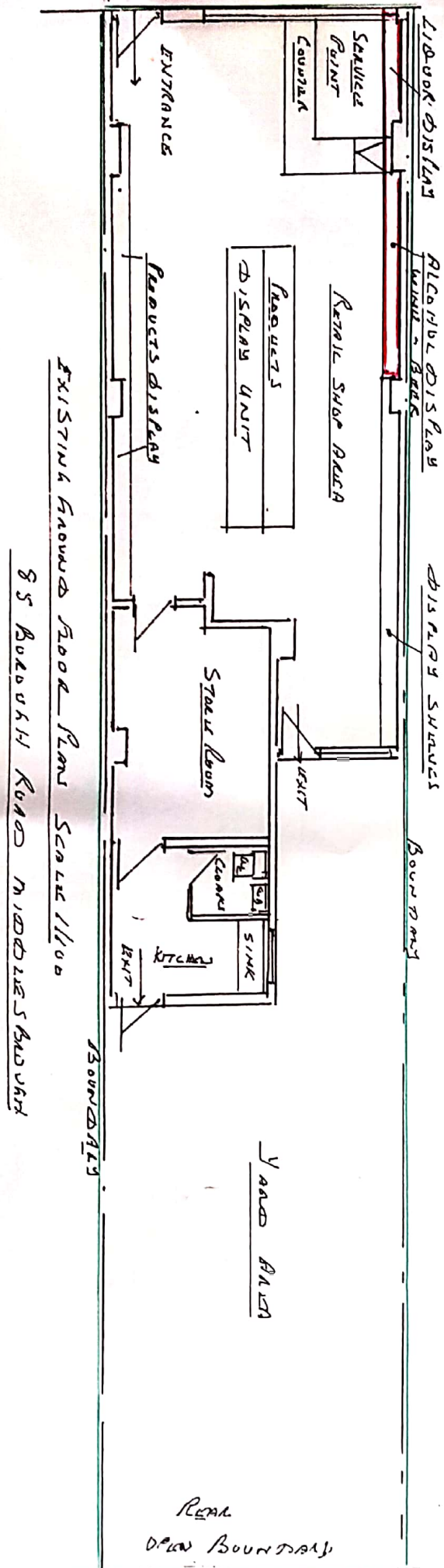
Post town **HEREFORD**

Postcode **HR2 6FE**

Telephone number (if any) **01432 700024 or 07890 105387**

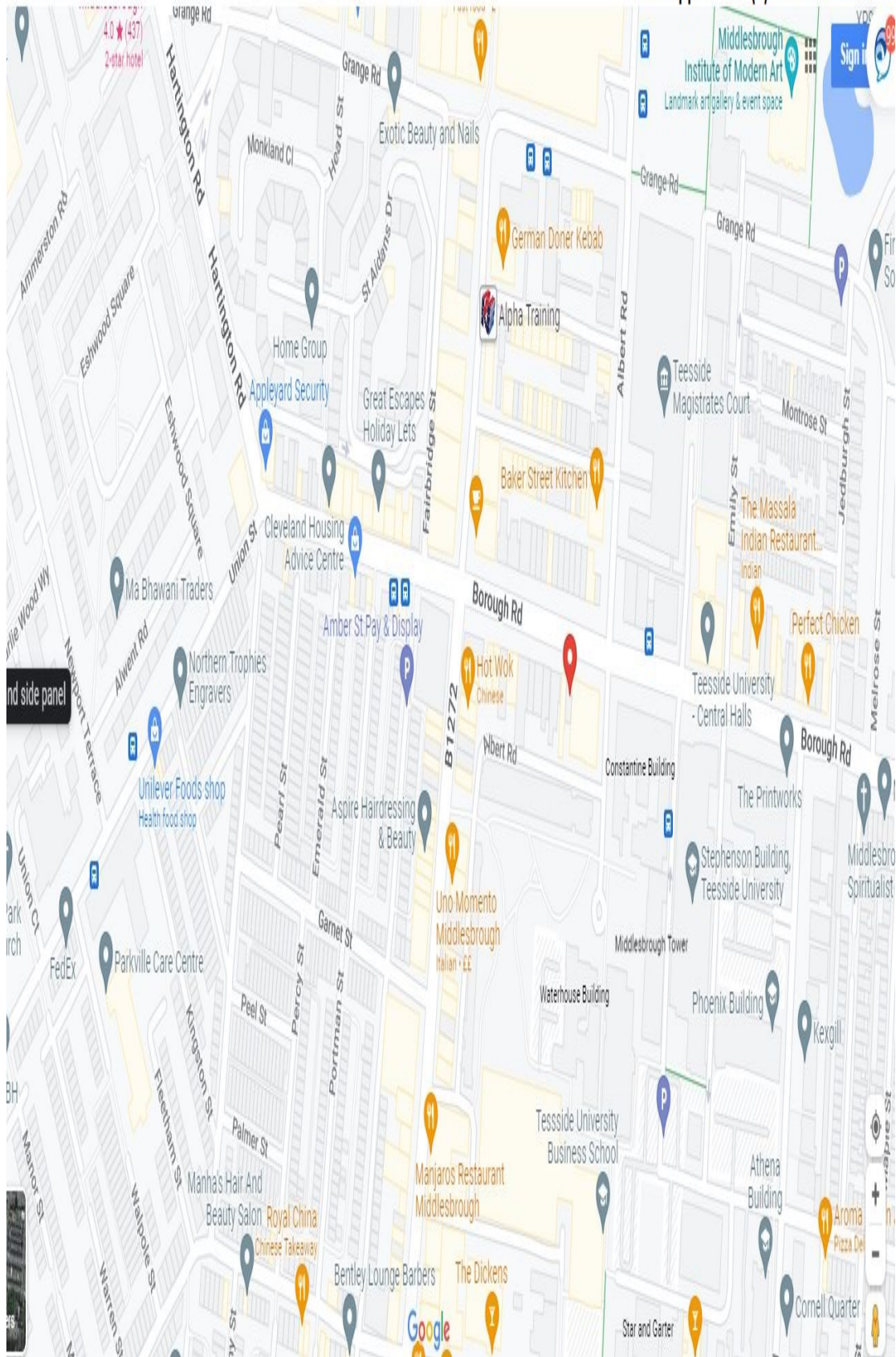
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
licensing@thelicensingguys.com

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Appendix 1 (a)



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Appendix 2

Decision of the Licensing Sub Committee on the 27 January 2022 - 85 Borough Road Middlesbrough, Application for Premises Licence for the Off Sale of Alcohol. Mr Muhammad Tayyed Butt

Authority to Act / Considerations

1. On the 27 January 2022, the Licensing Sub Committee considered an application for the grant of a Premises Licence to Mr Muhammad Tayyeb Butt for the off sales of alcohol at 85 Borough Road Middlesbrough to be known as Teesside Grocers (“the Premises”) 7.00 and 22.00 hours daily.
2. Under Section 18 of the Licensing Act 2003, (“the Act”) as representations against the grant of the licence had been received from the Police and Public Health as Responsible Authorities and Ward Councillors as Interested Parties, the Licensing Sub Committee must hold a hearing, and, having regard to the representations take such steps it considers are appropriate for the promotion of the licensing objectives.
3. The Licensing Objectives under Section 4 of the Act are the promotion of the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety.
4. The steps the Committee may take are to grant with conditions and /or modify conditions in the operating schedule, exclude a licensable activity, refuse the Designated Premises Supervisor or refuse the Application.
5. The Licensing Sub Committee carefully considered the report and appendices, the representations made by the Police, the Police Representative, Public Health, the Ward Councillors and the Applicant. It carefully considered the Act, the Government Guidance (“the Guidance”) issued under the Act and the Council’s Statement of Licensing Policy (“the Policy”).

Decision

6. **The Committee decided it was appropriate to reject the Application in the public interest in order to uphold the promotion of the prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety.**

The reasons for the decision are as follows.

Reasons

7. The proposed operation at the Premises would be a convenience type store and a part of the offer would be the sale of alcohol. The Premises is located in a terrace of other commercial properties in Borough Road very near to the town centre and the University. Borough Road is situated within Central Ward. Central Ward has been identified in the Policy as being subject to a special cumulative impact area. This means that the area is saturated with premises providing off sales of alcohol and the cumulative impact of such off sales is having a detrimental impact on crime and disorder, public nuisance, public safety and the protection of children.

8. The effect of this Policy means that an Applicant for a new premises for the off sale of alcohol needs to satisfy the Committee that the new operation will not add to the current problems in the area.
9. The Contested issues were that the Applicant considered his shop would not add to the problems in the area as, in summary, he would provide training, have proof of age systems, CCTV, that he would provide employment in the area and has experience of running other shops in Teesside which sell alcohol. Alcohol was only a small part of the offer and he also informed the Committee he would be willing to reduce the hours.
10. However the Police, Public Health and the Ward Councillors, in summary, considered the operation would only add to the saturation of off licences providing the same competing operation in the area and that such sales of alcohol at the proposed Premises could only add to the detrimental impact on the objectives.
11. The Committee considered that Central Ward has the highest number of licensed premises, 27 being off licensed premises, and a very high number of crimes and anti social behavior including high levels within a 500 metre radius of the premises. The police confirmed that alcohol is intrinsically linked to the crime including violent and domestic crime and anti-social behavior in the Ward and the locality of the premises.
12. Public Health confirmed that Central Ward has highest rates of emergency admissions to hospital overall in Middlesbrough. Areas within the Ward suffer much higher than others locally and nationally in relation health deprivation are in the top 10% of the most deprived areas nationally for crime. The Ward and Middlesbrough suffers massively from the detrimental impact of alcohol misuse. Public Health confirmed that there has been a huge rise in people using premises for off sales to drink at home contributing to an array of problems including an increase in domestic abuse and alcohol related deaths.
13. The Committee noted in addition of being within its own cumulative impact area for off sales, the Premises is right on the boarder of a cumulative impact area for the town centre for on licensed premises. Central Ward has the highest density and is saturated with Licensed premises and borders Newport, North Ormesby and Longlands and Beechwood Wards which are also subject to a special saturation policy for off sales of alcohol.
14. The Committee therefore considered it essential that any new operation which includes the sale of alcohol must include a different type of offer that would not lead to further harms caused by consumption in the area and have robust, clear, enforceable measures and procedures in place.
15. The Committee considered that the operation of a convenience store does not provide a different offer to other competing convenience stores permitting off sales in the ward which would drive prices and the type of alcohol sold.
16. The Committee considered that the Applicant failed to identify and address the risks in his operating schedule or his presentation to Committee. For any off licence the Policy advises that the Applications should address numerous issues including but not limited to, challenge 25, restrictions on super strength, risky types of alcohol, positioning of alcohol, limitation of area, fully enforceable CCTV provision, crime and incident records, participation of in schemes, forums, addressing proxy sales etc. Off Licence applications subject to a cumulative impact policy have to be even more robust. The Applicant had failed to meet even the

minimum standards. The Committee was seriously concerned that the Applicant had failed to meet the Police and Public Health's attempts to meet to discuss the application and when eventually he was available, the Police and Public Health confirmed he appeared to be unaware of the Policy or of the issues and problems in the area where the Premises is situated.

17. Although the Applicant informed the Committee he had previous experience, it was concerned that he had not considered or addressed the issues that the premises could face or measures to safeguard against those problems or the impact of such an operation on the area.
18. For these reasons the Committee considered it was not satisfied that the Licensing Objectives would be upheld and considered the Application would add to the current serious problems in the area. Conditioning the Premises Licence would not prevent the undermining of the objectives or the core of the problems explained above. Therefore the Committee had no reason to depart from the special cumulative impact policy. The application would be detrimental to the promotion of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The Committee considered the decision to reject the Application was in accordance with the Act, Guidance and Policy.
19. Any party to the hearing aggrieved by this decision may appeal to the Teesside Magistrates Court within 21 days beginning with the day on which the Party was notified by the licensing authority of the decision appealed against.

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Linda Lewis

Appendix 3

Cc: Matthew Storey; Zafar Uddin

Councillor for Central ward

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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)

Go Local

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 85 Borough 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 08:00 – 22:00 hours seven days a week for the supply of alcohol. The proposed Premises Licence holder and Designated Premises Supervisor for the business is a male named Mr Muhammed Tayyeb Butt. The application was received from Mr Semper, Director of The Licensing Guys, acting on behalf of Mr Tayyeb Butt

In November 2021 and following receipt of an application for the grant of a new premises licence by Mr Muhammed Tayyeb Butt for premises situated at 85 Borough Road, Middlesbrough, a representation was made on behalf of Middlesbrough Council's Public Health service as there was a number of concerns regarding the application.

It was the opinion of Public Health representatives that the granting of these premises off licence would have a negative impact on the Crime and Disorder, Public Safety and Protection of Children from Harm licensing objectives.

On 27 January 2021, a licensing sub-committee hearing was held where members of Middlesbrough Council's Licensing Committee heard evidence from Public Health and Cleveland Police representatives as to their concerns regarding the application.

Please find attached the evidence provided by Public Health for the licensing sub-committee hearing on 27 January 2022 (Exhibit ref FMH/1).

The evidence provided by Public Health at this time included information around Middlesbrough Council's Cumulative impact policies for on/off licensed premises which were current at the time. These policies have since lapsed however there still remains a high density of both on/off licensed premises in Central ward and there is evidence of high levels of alcohol related crime and disorder, anti-social behaviour and alcohol related harm in the area where these premises are situated.

All other evidence provided by Public Health at the time of the hearing remains current and will be used for any future licensing sub-committee hearing.

After hearing the evidence from all parties concerned, members of the Licensing Committee made the decision to refuse to grant the premises licence, (Exhibit FMH/2).

On 22 March 2022, a conversation took place between Mr Semper and representatives from Public Health regarding the licensing application and licensing sub-committee hearing held in January 2022 in respect of these premises.

An email was received from Mr Semper later that day which briefly outlined the conversation that had taken place, his new proposal for a premises licence application, including a number of drafted proposed conditions which have been included in the current application.

This proposal was considered by representatives of Middlesbrough's Responsible Authorities however it was felt that no conditions would suffice due to the location that these premises are situated, the high density of licensed premises in this area and the

high levels of alcohol related crime and disorder, anti-social behaviour and health harms that the area already suffers.

These concerns were outlined within the Licensing sub-committees decision.

On 7 April 2022 a new application was received from Mr Muhammed Tayyeb Butt's licensing representative Mr Nick Semper, Director of The Licensing Guys in respect of 85 Borough Road.

It remains our opinion that the granting of this licence would 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 any future licensing-sub committee hearing

Signed: 

Dated 03.05.22

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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)

ANDREW THORPE

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	Post Code
MIDDLESBROUGH	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 type="checkbox"/> x |
| 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			
Post Town		Post Code	

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

Name and Address

Telephone Number (If any)	
E-Mail address (optional)	

(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 302360
E-Mail address (optional)	

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 08 00hrs until 22 00hrs, seven days a week.

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

This proposed premise sits in an area that has previously had a 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 were within this cumulative impact policy for off licensed premises, Central, Newport, North Ormesby, Park, Longlands and Beechwood. It is also worth noting that although the policy has expired the council are currently looking at re-applying for a CIP in the same areas.

As evidenced by the need for Cumulative Impact policies previously, 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 in this area will only exacerbate the existing problems, by making alcohol more readily available to persons who have already partaken in alcohol and persons who are already vulnerable, this is particularly concerning considering more people are consuming alcohol at home.

This application has already been to a Licensing Sub Committee hearing on 27th January 2022 with the same applicant, and whilst we appreciate the inclusion of some very reasonable conditions with this new application the overall facts of the initial objections still stand as there have been no significant changes to the area. The committee at the time rejected the application due in no small part to the objections raised by the Responsible Authorities.

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 previously had a Cumulative impact policy in place, and where Middlesbrough Council are actively looking at re-instating another CIP.

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			
2	7	0	1	2	0	2	2

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

The representations were made by Cleveland Police on 01/11/2021 and were similar to those objections above, in fact the circumstances have not changed since the applicant's initial application last year.

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	APS894 THORPE	Date	03/05/2022
Capacity	LICENSING SUPPORT ACTING SERGEANT		

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 302360
E-mail Address (optional)	Andrew.thorpe@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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Middlesbrough Council
The Licensing Act 2003 - Responsible Authority (RA) Representation

Name of RA Representative: Timothy Hodgkinson, Licensing Manager

Address: Public Health and Public Protection Service, Civic Centre, Middlesbrough.

Email: Tim_hodgkinson@middlesbrough.gov.uk **Tel** 01642 728720

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)

N/A

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 checked="" type="checkbox"/>	Prevention of Public Nuisance
<input type="checkbox"/>	Public Safety
<input type="checkbox"/>	Protection of Children from Harm

Grounds for representation (including details of any previous representations)

As the representative of the Responsible Authority for the Licensing Authority, I make this representation against the application for a Premises Licence on the grounds of Prevention of Crime and Disorder and Prevention of Public Nuisance.

The application made is for the grant of a new premises licence for the supply of alcohol, seven days a week between the hours of 8am and 10pm.

It is the opinion of the Licensing Authority, acting as a Responsible Authority, that the granting of a further premises licence for an off licence in this location would have a

negative impact on the Crime and Disorder and Prevention of Public Nuisance licensing objectives.

The premises is situated in Middlesbrough Town Centre which has a high density of licensed premises and already suffers from high levels of alcohol related crime and disorder and anti-social behaviour.

For a number of years the Town Centre has been included in an area covered by Cumulative Impact Policies for both On and Off Licence Premises. Whilst these policies have lapsed there is a current review ongoing of the Council's Statement of Licensing Policy. Evidence has been provided to the Council which shows that there are still high levels of alcohol related crime and disorder and anti social behaviour within the Town Centre and a draft Statement of Licensing Policy is currently being prepared for consultation which will recommend maintaining the Cumulative Impact Policy for the Town Centre area for both On and Off Licence Premises.

It remains my opinion that the granting of this licence would undermine the Crime and Disorder, and Public Nuisance licensing objectives.

Tim Hodgkinson, Licensing Manager

Dated 5 May 2022

Subject:

FW: Go Local, 85 Borough Road, MIDDLESBROUGH TS1 3AA - Attn PS 894 Andy THORPE

Appendix 7

Sarah Morris
Principal Licensing Officer
Middlesbrough Council
Telephone – 01642 728716

Our Values



Passion



Integrity



Creativity



Collaboration



From: The Licensing Guys [Licensing] <licensing@thelicensingguys.com>

Sent: Tuesday, 10 May 2022 08:48

To: Sarah Morris <Sarah_Morris@middlesbrough.gov.uk>

Subject: FW: Go Local, 85 Borough Road, MIDDLESBROUGH TS1 3AA - Attn PS 894 Andy THORPE

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the Your!CT icon on your desktop.

Hi Sarah,
Pls look over these.
NS

From: The Licensing Guys [Licensing]

Sent: 16 March 2022 12:58

To: m0.dlu@cleveland.pnn.police.uk

Subject: Go Local, 85 Borough Road, MIDDLESBROUGH TS1 3AA - Attn PS 894 Andy THORPE

Dear PS THORPE (Andy),

It was very good to talk to you earlier today. I note that PC Jason ARBUCKLE was the oic on the recent application, and have benefitted greatly from his submission and supporting statement as to why you had no choice other than to adopt the path that the CC has taken. I also note the apparent lack of understanding of the CIA etc by the applicant as evident in your conversation(s) with him.

Mt BUTT has reflected on his recent experiences and has contacted our firm to ask us to scope a reapplication, but this time with a raft of conditions that are both specific, proportionate and enforceable – that will promote and will not undermine the Licensing Objectives – and will design out any negative cumulative impact so that such would be highly unlikely.

I welcome your openness to engage with us in this endeavour. We have much experience in this kind of work, and my past experiences of CI Policies and Assessments ‘from both sides of the fence’. The trouble is that CIPs ‘lock in’ bad operators who are already licenced with minimum conditions, and ‘lock out’ good operators who want to run

responsible businesses under exemplar, fit for purpose and bespoke Premises Licences that reflect the imposition of a Special Policy.

This is what I'm thinking of as a RAFT of Conditions to give you and all the Responsible Authorities the reassurance and confidence that this operation will not add to your localised problems. Some are pretty standard stuff, but others included might just do that.

Can you please discuss it with Jason and then we can have a Zoom or Teams to hammer out something that could actually end up being a 'benchmark and a beacon of good practice' for M'bro?

Here goes then...

1. CCTV

1.1 A tamper-resistant CCTV system shall be installed, operated and maintained in working order at the premises.

1.2 CCTV images shall be retained for a period of no less than 28 days.

1.3 cameras shall be installed and located at the following locations: serving areas to cover the till, the entire service counter, all service points to which the public may be given access, the entrances and exits of the premises and the entirety of shop floor so as to eliminate any blind spots.

1.4 There shall be at all times be a member of staff on site who is capable of using the CCTV system in order to assist the Police, or other person authorised by the Licensing Authority, to view any CCTV footage on immediate request.

1.5 In the event of the failure of the CCTV system for any reason, a record of that failure shall be made, together with any immediate steps to rectify the problem. The CCTV system will be checked weekly by the DPS or other nominated member of staff to ensure that it is operating correctly. Such checks shall be recorded, along with the identity of the person so checking the system.

1.6 All employees will be vigilant and monitor the area immediately outside the shop. they will use their best endeavours to disperse groups of three or more individuals who have been customers of the premises and then appear to be loitering in the above vicinity. All staff will report any incidents of Crime and/or ASB to the Police.

1.7 The store will maintain active membership of any Business Retail Crime Initiative run or endorsed by Cleveland Police whilst such a Scheme shall be in existence.

2. Staff Training:

2.1 All staff engaged in the sale of alcohol shall be trained in Responsible Alcohol Retailing - to include the operation and effect of the Middlesbrough CIA & PSPO - prior to selling any alcoholic product.

2.2 All staff shall undergo refresher training in Responsible Alcohol Retailing on a rolling six month basis.

2.3 Such staff training records shall be kept on the premises and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.

3. Incident/Refusals Register

3.1 An Incident Log must be maintained and kept at the premises, and retained for a period of 12 months on a rolling basis. It must be inspected and endorsed by the DPS on a monthly basis, and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.

3.2 Such log shall record the following:

(a) All crimes reported to the premises (where relevant to the Licensing Objectives)

- (b) All ejections of patrons
- (c) Any complaints received (where relevant to the Licensing Objectives)
- (d) Any incidents of disorder
- (e) Any faults in the CCTV system
- (f) Any refusal of the sale of alcohol (e.g. suspected drunkenness, underage or proxy sale)
- (g) Any visit by a relevant authority or emergency services, noting the time, day, date and identify of any visitors by name.

4. Security:

4.1 SIA staff will be employed on a risk assessed basis. A copy of that Risk Assessment shall be maintained and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.

4.2 The management will maintain adequate levels of staff during trading hours.

5. Sale of Alcohol:

5.1 There shall be no single sales of cans or bottles for beer, lager or cider. All sales of these products shall be sold in a minimum of four cans or bottles.

5.2 No beer, lager or cider in excess of 6.5% ABV shall be offered for sale.

5.3 At times as required by the Cleveland Police, all beers, lagers and ciders will be marked in order to identify the premises from which such products have been sold.

5.4 No open bottles or vessels shall be allowed in the premises or taken from the premises.

5.5 All spirits will be stored and sold from behind the counter.

5.6 The area of alcohol display shall account for no more than 10% of the total shop display area.

5.7 No alcohol shall be sold unless contingent to and accompanied by a sale of other goods (excluding tobacco and mobile phone cards) to a minimum value of £5.

5.8 Receipts and invoices for all tobacco and alcohol products offered for sale or stored on the premises must be retained for a rolling period of 12 months, kept in a readily accessible file and be produced to the Police or an 'authorised person' (as defined by the LA'03), Customs Officer or an authorised Trading Standards Officer employed by the Council on demand.

5.9 Every single product sold from the store must go through the tills and a receipt shall be raised that is a true and accurate record of any such transaction.

6. Challenge 25:

6.1 The premises shall operate a Challenge 25 Policy. Such a policy shall be written down, kept at the premises and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.

6.2 Prominent, clear and legible Challenge 25 signage shall be displayed at the entrances to the premises, as well as at point of sale.

6.3 Proxy signs warning adults against buying alcohol for children shall be on display at point of sale.

Conclusion:

Please drop us an email when you have some time to discuss. We will be very interested (i.e. receptive and appreciative) of yours and Jason's feedback...

Kind Regards

Nick SEMPER

Director

TL Guys Ltd

t/a The Licensing Guys

W: 01432 700024

M: 07890 105387

training@thelicensingguys.com



Disclaimer

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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 85 Borough 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 08:00 – 22:00 hours seven days a week for the supply of alcohol. The proposed Premises Licence holder and Designated Premises Supervisor for the business is a male named Mr Muhammed Tayyeb Butt. The application was received from Mr Semper, Director of The Licensing Guys, acting on behalf of Mr Tayyeb Butt

In November 2021 and following receipt of an application for the grant of a new premises licence by Mr Muhammed Tayyeb Butt for premises situated at 85 Borough Road, Middlesbrough, a representation was made on behalf of Middlesbrough Council's Public Health service as there was a number of concerns regarding the application.

It was the opinion of Public Health representatives that the granting of these premises off licence would have a negative impact on the Crime and Disorder, Public Safety and Protection of Children from Harm licensing objectives.

On 27 January 2021, a licensing sub-committee hearing was held where members of Middlesbrough Council's Licensing Committee heard evidence from Public Health and Cleveland Police representatives as to their concerns regarding the application.

Sinead Upton, a Middlesbrough Council Principal Officer provided and gave evidence on behalf of Public Health during the licensing sub-committee hearing on 27 January 2022 (Exhibit ref FMH/1).

The evidence provided by Public Health at this time included information around Middlesbrough Council's Cumulative impact policies for on/off licensed premises which were current at the time. These policies have since lapsed however there remains a high density of both on/off licensed premises in Central ward and there is evidence of high levels of alcohol related crime and disorder, anti-social behaviour and alcohol related harm in the area where these premises are situated.



All the evidence provided by Public Health for this hearing has been reviewed and apart from a few subtle variations regarding the CIP policies and health statistics the majority of this evidence remains the same.

After hearing the evidence from all parties concerned, members of the Licencing Committee made the decision to refuse to grant the premises licence, (Exhibit FMH/2).

On 22 March 2022, Mr Semper contacted representatives from Public Health and a discussion was held regarding the licensing application submitted by Mr Butt in November 2021 and the subsequent licensing sub-committee hearing held in January 2022 in respect of these premises.

An email was received from Mr Semper later that day which briefly outlined the conversation that had taken place, his new proposal for a premises licence application, including a number of drafted proposed conditions which have been included in the current application.

This proposal was considered by representatives of Middlesbrough's Responsible Authorities however it was felt by all concerned that no conditions would suffice due to the location that these premises are situated, the high density of licensed premises already in this area and the high levels of alcohol related crime and disorder, anti-social behaviour and health harms that the area already suffers. An update was provided to Mr Semper outlining the Responsible Authorities concerns.

Communication with Mr Semper has been included in the attached documentation exhibit ref FMH/3.

On 7 April 2022 a new application was received from Mr Muhammed Tayyeb Butt's licensing representative Mr Nick Semper, Director of The Licensing Guys in respect of 85 Borough Road.

Having reviewed the evidence submitted for the 1st licensing sub-committee hearing and the most recent health and crime data, it remains our opinion that the granting of this licence would undermine the Crime and Disorder, Public Safety and Protection of Children from Harm licensing objectives and will exacerbate the problems already experienced.

In addition to the evidence marked exhibit ref FMH/1 I wish to add the following:

People in Middlesbrough are more likely to die of alcohol related conditions or specific reasons compared to England or the region.



In 2020, Middlesbrough had an alcohol-related mortality rate per 100,000 of 55.9 per 100,000 which was higher than the North East rate of 49 per 100,000, significantly higher than the England rate of 37.8 and the 6th highest nationally. The rate of hospital admissions for alcohol-related conditions in 2020/21 was also significantly

higher in Middlesbrough compared to England with a rate of 1,957 per 100,000 compared to 1,500 nationally.

The rate of admission episodes for alcohol-specific conditions in under 18s for the period 2018/19 – 20/21 was 35.6 per 100,000, higher than the England rate of 29.3 per 100,000.

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.

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

Middlesbrough has the second highest rate in the North East for the number of premises licensed to sell alcohol per square kilometre with a rate of 7.7, significantly higher than the England rate of 1.3.

The introduction of the Licensing Act in 2005 resulted in a significant increase in off licence premises in Middlesbrough as a whole. In 2005 there were 94 off licence premises, in November 2015 there were 141 and in November 2021 there were 138. Alcohol sold from off licences can be considerably cheaper than on licence sales.

Survey work carried out in Middlesbrough 2015/16 found that alcohol was being sold as cheaply as 13p/unit. A more recent survey completed in 2021/22 shows a slight rise, increasing the unit cost to 18p.

This increase falls in line with a number of factors including; the introduction of the cumulative impact policy in 2016 for off licensed premises, reviewing licenses of problematic premises, working alongside retailers to promote responsible retailing and imposing or agreeing conditions that help to limit the sales of cheap, strong alcohol products especially in areas that suffer from high levels of alcohol related crime and disorder, anti-social behaviour and health harms.

The following table shows alcohol related crimes for all 20 ward areas in Middlesbrough over a 3 year period from 2018/2019/2020. Throughout this period Central ward had the highest levels of alcohol related crime recorded across the three years. Newport ward, which borders Central ward, had the second highest levels recorded

AR-Crime			
Ward	2017-18	2018-19	2019-20
Acklam	11	21	13
Ayresome	30	47	48
Berwick Hills & Pallister	91	135	155
Brambles & Thorntree	119	151	133
Central	458	516	447
Coulby Newham	49	45	47
Hemlington	48	80	68
Kader	26	17	19
Ladgate	37	44	46
Linthorpe	28	29	25
Longlands & Beechwood	107	155	142
Marton East	17	27	12
Marton West	8	16	13
Newport	223	261	262
North Ormesby	86	115	114
Nunthorpe	8	8	7
Park	99	109	81
Park End & Beckfield	79	129	133
Stainton & Thornton	11	8	9
Trimdon	11	9	18
Unknown Ward	1	4	3
CIP Zone	278	287	218
All AR-Crimes (not inc CIP)	1547	1926	1795

The following table shows alcohol related anti-social behaviour for all 20 ward areas in Middlesbrough over a 3 year period from 2018/2019/2020. Central ward had the

highest levels of alcohol related Anti-Social Behaviour (ASB) across the three years. Newport ward, which borders Central ward, had the second highest levels recorded

AR-ASB			
Ward	2017-18	2018-19	2019-20
Central	361	373	241
Newport	124	134	109
Longlands & Beechwood	76	69	50
Park End & Beckfield	46	57	30
North Ormesby	59	50	33
Park	80	55	30
Berwick Hills & Pallister	46	50	36
Brambles & Thorntree	45	53	22
Hemlington	40	27	27
Ladgate	20	16	13
Coulby Newham	25	22	12
Kader	12	12	4
Acklam	21	14	9
Marton East	20	13	5
Ayresome	10	15	13
Marton West	5	13	10
Linthorpe	13	4	13
Trimdon	12	9	7
Nunthorpe	7	4	3
Stainton & Thornton	4	9	4
Unknown Ward	1	3	0
<i>CIP Zone</i>	<i>287</i>	<i>308</i>	<i>193</i>
All AR-ASB (not inc CIP)	1027	1002	671

Alcohol related crime and ASB has a significant impact on our NHS services including local A&E departments.

The Hospital Intervention Liaison Team (HILT) sits within Accident and Emergency unit James Cook Hospital to assess those patients accessing the hospital with drug and/or alcohol issues. They engage, support and make referrals into community services where needed.

Between April 21 and March 2022 HILT assessed 819 patients in total from the Middlesbrough area.

The following table shows the number of patients living in both Central and Newport wards of Middlesbrough (postcode starting with TS1) that were assessed by HILT in JCUH during this period.

Patients living in TS1 identified as suitable for HILT	116
Alcohol Only	75
Presenting with both Alcohol & Drug misuse	41

Over the past few years there has been an increase in the levels of alcohol related domestic abuse right across the UK. Such incidents often result in injury which not only impacts on a person's physical health but can have a long lasting impact on mental health and wellbeing, including for those who are witness to such incidents of violence.

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.

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

Between 1 May 2020 and 18 November there were 9 deaths recorded in Middlesbrough where alcohol had been a contributing factor. There has been a further 43 drug related deaths recorded between 8 January 2021 – 14 April 2022 in Middlesbrough, where alcohol has been identified as the sole or additional contributing factor. Almost 50% (19) of these deaths were recorded from both Central and Newport wards.

Having been involved in licensing work since 2006 and in my roles as a Cleveland Police Officer (Licensing Unit), Licensing Litigation Officer (Middlesbrough Council) and my current role as a Public Health Officer I have gained a large amount of knowledge and experience not only in my areas of expertise but from the geographical areas that I live and work.

In certain areas of Middlesbrough there is real deprivation, with high unemployment rates, poor education attainments and poor standards of living, all of which contribute to poor health and wellbeing within families and communities. Alcohol related crime and poor health standards are visible in some of the most deprived wards in Middlesbrough. Central ward is one of the most deprived wards in Middlesbrough that already suffers the consequences of having a high density of licensed premises and some of the cheapest alcohol being made readily available for our most vulnerable members of society.



Public Protection Service

It remains our opinion that the granting of this licence would undermine the Crime and Disorder, Public Safety and Protection of Children from Harm licensing objectives and will exacerbate the problems already experienced.

Signature:

A handwritten signature in black ink, appearing to read "Jmettys".

Dated: 28 June 2022

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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

Exhibit Ref FMH/1

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.

Exhibit Ref FMH/1

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

Exhibit Ref FMH/1

- 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.

Exhibit Ref FMH/1

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

Exhibit Ref FMH/1

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

Decision of the Licensing Sub Committee on the 27 January 2022 - 85 Borough Road Middlesbrough, Application for Premises Licence for the Off Sale of Alcohol. Mr Muhammad Tayyed Butt

Authority to Act / Considerations

1. On the 27 January 2022, the Licensing Sub Committee considered an application for the grant of a Premises Licence to Mr Muhammad Tayyeb Butt for the off sales of alcohol at 85 Borough Road Middlesbrough to be known as Teesside Grocers (“the Premises”) 7.00 and 22.00 hours daily.
2. Under Section 18 of the Licensing Act 2003, (“the Act”) as representations against the grant of the licence had been received from the Police and Public Health as Responsible Authorities and Ward Councillors as Interested Parties, the Licensing Sub Committee must hold a hearing, and, having regard to the representations take such steps it considers are appropriate for the promotion of the licensing objectives.
3. The Licensing Objectives under Section 4 of the Act are the promotion of the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety.
4. The steps the Committee may take are to grant with conditions and /or modify conditions in the operating schedule, exclude a licensable activity, refuse the Designated Premises Supervisor or refuse the Application.
5. The Licensing Sub Committee carefully considered the report and appendices, the representations made by the Police, the Police Representative, Public Health, the Ward Councillors and the Applicant. It carefully considered the Act, the Government Guidance (“the Guidance”) issued under the Act and the Council’s Statement of Licensing Policy (“the Policy”).

Decision

6. **The Committee decided it was appropriate to reject the Application in the public interest in order to uphold the promotion of the prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety.**

The reasons for the decision are as follows.

Reasons

7. The proposed operation at the Premises would be a convenience type store and a part of the offer would be the sale of alcohol. The Premises is located in a terrace of other commercial properties in Borough Road very near to the town centre and the University. Borough Road is situated within Central Ward. Central Ward has been identified in the Policy as being subject to a special cumulative impact area. This means that the area is saturated with premises providing off sales of alcohol and the cumulative impact of such off sales is having a detrimental impact on crime and disorder, public nuisance, public safety and the protection of children.
8. The effect of this Policy means that an Applicant for a new premises for the off sale of alcohol needs to satisfy the Committee that the new operation will not add to the current problems in the area.

9. The Contested issues were that the Applicant considered his shop would not add to the problems in the area as, in summary, he would provide training, have proof of age systems, CCTV, that he would provide employment in the area and has experience of running other shops in Teesside which sell alcohol. Alcohol was only a small part of the offer and he also informed the Committee he would be willing to reduce the hours.
10. However the Police, Public Health and the Ward Councillors, in summary, considered the operation would only add to the saturation of off licences providing the same competing operation in the area and that such sales of alcohol at the proposed Premises could only add to the detrimental impact on the objectives.
11. The Committee considered that Central Ward has the highest number of licensed premises, 27 being off licensed premises, and a very high number of crimes and anti social behavior including high levels within a 500 metre radius of the premises. The police confirmed that alcohol is intrinsically linked to the crime including violent and domestic crime and anti-social behavior in the Ward and the locality of the premises.
12. Public Health confirmed that Central Ward has highest rates of emergency admissions to hospital overall in Middlesbrough. Areas within the Ward suffer much higher than others locally and nationally in relation health deprivation are in the top 10% of the most deprived areas nationally for crime. The Ward and Middlesbrough suffers massively from the detrimental impact of alcohol misuse. Public Health confirmed that there has been a huge rise in people using premises for off sales to drink at home contributing to an array of problems including an increase in domestic abuse and alcohol related deaths.
13. The Committee noted in addition of being within its own cumulative impact area for off sales, the Premises is right on the boarder of a cumulative impact area for the town centre for on licensed premises. Central Ward has the highest density and is saturated with Licensed premises and borders Newport, North Ormesby and Longlands and Beechwood Wards which are also subject to a special saturation policy for off sales of alcohol.
14. The Committee therefore considered it essential that any new operation which includes the sale of alcohol must include a different type of offer that would not lead to further harms caused by consumption in the area and have robust, clear, enforceable measures and procedures in place.
15. The Committee considered that the operation of a convenience store does not provide a different offer to other competing convenience stores permitting off sales in the ward which would drive prices and the type of alcohol sold.
16. The Committee considered that the Applicant failed to identify and address the risks in his operating schedule or his presentation to Committee. For any off licence the Policy advises that the Applications should address numerous issues including but not limited to, challenge 25, restrictions on super strength, risky types of alcohol, positioning of alcohol, limitation of area, fully enforceable CCTV provision, crime and incident records, participation of in schemes, forums, addressing proxy sales etc. Off Licence applications subject to a cumulative impact policy have to be even more robust. The Applicant had failed to meet even the minimum standards. The Committee was seriously concerned that the Applicant had failed to meet the Police and Public Health's attempts to meet to discuss the application and when eventually he was available, the Police and Public Health confirmed he appeared to be unaware of the Policy or of the issues and problems in the area where the Premises is situated.

17. Although the Applicant informed the Committee he had previous experience, it was concerned that he had not considered or addressed the issues that the premises could face or measures to safeguard against those problems or the impact of such an operation on the area.
18. For these reasons the Committee considered it was not satisfied that the Licensing Objectives would be upheld and considered the Application would add to the current serious problems in the area. Conditioning the Premises Licence would not prevent the undermining of the objectives or the core of the problems explained above. Therefore the Committee had no reason to depart from the special cumulative impact policy. The application would be detrimental to the promotion of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The Committee considered the decision to reject the Application was in accordance with the Act, Guidance and Policy.
19. Any party to the hearing aggrieved by this decision may appeal to the Teesside Magistrates Court within 21 days beginning with the day on which the Party was notified by the licensing authority of the decision appealed against.

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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

Further to the evidence provided and dated 28 June 2022 I wish to add the following:

The following table shows the distribution of all licensed premises and off licensed in Middlesbrough.

Wards	Number of licensed premises in Middlesbrough	Number of off licensed premises in ward areas
Acklam	16	3
Ayresome	6	4
Berwick Hills & Pallister	14	7
Brambles & Thorntree	17	7
Central	180	24
Coulby Newham	15	6
Hemlington	8	3
Kader	5	5
Ladgate	8	4
Linthorpe	12	8
Longlands & Beechwood	19	6
Marton East	10	2
Marton West	4	1
Newport	54	10
North Ormesby	26	19
Nunthorpe	4	2
Park	52	11
Park End & Beckfield	19	12
Stainton & Thornton	4	1
Trimdon	3	3
<i>Total Number of licensed premises</i>	<i>476</i>	<i>138</i>

Central ward has the highest concentration of licensed premises including on/off licences, pubs/clubs, restaurants, hotels and late night refreshment venues. Newport has the 2nd highest concentration of licensed premises.

The number of licensed premises in both Central and adjoining Newport ward equates to nearly 50% of all licensed premises in Middlesbrough.

The numbers of off Licensed premises highlighted within Middlesbrough Council's Cumulative Impact policies since 2005 have remained a constant figure. The only exception to this was in 2021 which is when Middlesbrough saw the loss of 6

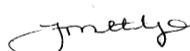
premises licences that permitted off sales in Middlesbrough Town Centre (Old CIP 1 area).

Premises Type	Cumulative Impact Area 2005	Cumulative Impact Area 2015	Cumulative Impact Area 2021	Total Premises in Middlesbrough (Nov 2021)	% of licensed premises in CIP Area 1
Restaurants	16	20	24	60	40.0%
Late Night Refreshment	24	27	33	97	34.0%
Hotels	2	3	4	10	40.0%
Pubs/Nightclubs	50	33	54	122	44.3%
Off Licences	18	18	12*	138	8.7%

These off sale premises related to retail premises within the Town Centre where the sale of alcohol was very much ancillary to the sale of other products, with low volumes of alcohol being sold. These premises included large town centre retailers such as BHS, Debenhams, Boots and TJ Hughes along with a Florist and a small Newsagent.

Central ward remains one of the most deprived wards in Middlesbrough that has suffered over a number of years and continues to do. The facts are that this area still has a high density of licensed premises, high levels of alcohol related crime and disorder and anti-social behaviour and a high prevalence of alcohol related harm and as a result of this a further Cumulative Impact Policy will be applied for.

Signature:



Dated: 29.06.22

RESTRICTED (when complete)

CLEVELAND POLICE

WITNESS STATEMENT

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

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Statement of **Andrew THORPE**

Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable 0894**

This statement (consisting of **4** 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 **Andrew Thorpe**

Date: **07/06/2022**

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a serving police officer with Cleveland Police. I am currently stationed with the Licensing Support Unit at Middlesbrough Police HQ and have attained a BIIAB Level 2 Award for Licensing Practitioners and a BIIAB Level 2 for Legislative Requirements for Alcohol Licensed Premise and the Assessment for recognised Award Schemes.

Part of my role as a licensing support officer is to monitor licensed premises within all four districts of the Cleveland Police area, including Middlesbrough, ensuring that they are trading within the spirit of the four licensing objectives. We will ask that they will not have an adverse effect on the surrounding community or have a negative impact on Crime & Disorder, Public Safety or Public Nuisance objectives and will Prevent Harm to Children.

This statement is in relation to an application for 85 Borough Road, Middlesbrough for a Premise Licence to allow the shop to sell alcohol for Off Sales seven days a week from 08:00 hours until 22:00 hours.

Signature **PC894 A Thorpe**

Signature Witnessed by

Page 75

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **Andrew THORPE**

This is the second application made by the applicant for this premise the first was made in October 2021 and objections were submitted by Responsible Authorities including the police and Public Health. This went before the Middlesbrough Borough Council Licensing Sub-Committee on 27th January 2022 where evidence was put forward by all parties. The Sub-Committee decision was to refuse the application, and I have exhibited the formal decision in its entirety as AJT/1. I am also exhibiting PC1845 Jason Arbuckle's statement objecting to this first application as AJT/2 so as not to duplicate evidence already submitted in a formal hearing.

The area in which the licence is sought formed part of the council's Cumulative Impact Area and was subject until recently to a Cumulative Impact Policy which the council are currently in the process of re-applying for as the issues in the area continue.

I have asked our analysts at Cleveland Police to review the area for alcohol related incidents including, violence, disorder, anti-social behaviour and Domestic Violence incidents. I asked for the period from PC Arbuckle's last request. The findings are very similar to those of the original analysts report and I have shown below the tables for All Crime and All Alcohol Related Crime as PC Arbuckle did which show figures which are more than comparable with those demonstrated in his statement for the last hearing.

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **3**Continuation of Statement of **Andrew THORPE****Central – All Crime**

YEARS	MONTH	CENTRAL WARD	500 RADIUS
2021	NOV	491	405
	DEC	539	430
2022	JAN	503	398
	FEB	456	366
	MAR	488	358
	APR	583	451

Central – all alcohol related crime

YEARS	MONTH	CENTRAL WARD	500 RADIUS
2021	NOV	40	35
	DEC	44	35
2022	JAN	36	31
	FEB	30	22
	MAR	45	27
	APR	42	30

The figures in the above table still clearly demonstrate that the issues which caused the council to seek a Cumulative Impact Policy for the area are still in existence and that the public are still contacting the police to report incidents. As is still shown a high proportion of these crimes are committed in a 500 meter radius of the proposed premises.

I have shown below the tables detailing the high levels of Anti-social behaviour and Alcohol related Anti-Social Behaviour within the ward area and also within 500 metres of the premise.

Central – All ASB

YEARS	MONTH	CENTRAL WARD	500 RADIUS
2021	NOV	491	405
	DEC	539	430
2022	JAN	503	398
	FEB	456	366
	MAR	488	358
	APR	583	451

Central – all alcohol related ASB

YEARS	MONTH	CENTRAL WARD	500 RADIUS
2021	NOV	40	35
	DEC	44	35
2022	JAN	36	31
	FEB	30	22
	MAR	45	27
	APR	42	30

As you can see the figures are very similar especially for the Alcohol related ASB which in fact shows an increase for the comparable November 2020 and December 2020 months.

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **4**Continuation of Statement of **Andrew THORPE**

Analysis was also done around violent crime and alcohol related violent crime in the ward area and within 500 meters of the premises where the licence is being applied for. I have shown those tables below.

Central – All Violent Crime

YEARS	MONTH	CENTRAL WARD	500 RADIUS
2021	NOV	128	107
	DEC	175	143
2022	JAN	136	112
	FEB	118	87
	MAR	131	86
	APR	156	116

Central – All Alcohol related Violent Crime

YEARS	MONTH	CENTRAL WARD	500 RADIUS
2021	NOV	25	21
	DEC	26	19
2022	JAN	24	20
	FEB	18	11
	MAR	27	17
	APR	31	20

Once again the figures shown are more than comparable to the figures shown in the tables in PC Arbuckle's statement and clearly show that the issues raised by PC Arbuckle still exist and are still relevant in the discussion around this application.

PC Arbuckle's concerns around the consumption of alcohol before during and after the pandemic and its associated "Lockdowns" are still relevant and are concerns held by myself an officer of 20 years' experience the same as PC Arbuckle. We need to be sure that any licence applications regardless of the applicant are right for the community they are being applied for and that they will not have a negative impact on the same community regardless of the experience and the good standing of the applicant and it is for the applicant to show that this will not be the case for an area where the community already suffers from alcohol related incidents and there is already pressure on the already pressured emergency and support services in the area.

Decision of the Licensing Sub Committee on the 27 January 2022 - 85 Borough Road Middlesbrough, Application for Premises Licence for the Off Sale of Alcohol. Mr Muhammad Tayyed Butt

Authority to Act / Considerations

1. On the 27 January 2022, the Licensing Sub Committee considered an application for the grant of a Premises Licence to Mr Muhammad Tayyeb Butt for the off sales of alcohol at 85 Borough Road Middlesbrough to be known as Teesside Grocers ("the Premises") 7.00 and 22.00 hours daily.
2. Under Section 18 of the Licensing Act 2003, ("the Act") as representations against the grant of the licence had been received from the Police and Public Health as Responsible Authorities and Ward Councillors as Interested Parties, the Licensing Sub Committee must hold a hearing, and, having regard to the representations take such steps it considers are appropriate for the promotion of the licensing objectives.
3. The Licensing Objectives under Section 4 of the Act are the promotion of the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety.
4. The steps the Committee may take are to grant with conditions and /or modify conditions in the operating schedule, exclude a licensable activity, refuse the Designated Premises Supervisor or refuse the Application.
5. The Licensing Sub Committee carefully considered the report and appendices, the representations made by the Police, the Police Representative, Public Health, the Ward Councillors and the Applicant. It carefully considered the Act, the Government Guidance ("the Guidance") issued under the Act and the Council's Statement of Licensing Policy ("the Policy").

Decision

6. **The Committee decided it was appropriate to reject the Application in the public interest in order to uphold the promotion of the prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety.**

The reasons for the decision are as follows.

Reasons

7. The proposed operation at the Premises would be a convenience type store and a part of the offer would be the sale of alcohol. The Premises is located in a terrace of other commercial properties in Borough Road very near to the town centre and the University. Borough Road is situated within Central Ward. Central Ward has been identified in the Policy as being subject to a special cumulative impact area. This means that the area is saturated with premises providing off sales of alcohol and the cumulative impact of such off sales is having a detrimental impact on crime and disorder, public nuisance, public safety and the protection of children.
8. The effect of this Policy means that an Applicant for a new premises for the off sale of alcohol needs to satisfy the Committee that the new operation will not add to the current problems in the area.

9. The Contested issues were that the Applicant considered his shop would not add to the problems in the area as, in summary, he would provide training, have proof of age systems, CCTV, that he would provide employment in the area and has experience of running other shops in Teesside which sell alcohol. Alcohol was only a small part of the offer and he also informed the Committee he would be willing to reduce the hours.
10. However the Police, Public Health and the Ward Councillors, in summary, considered the operation would only add to the saturation of off licences providing the same competing operation in the area and that such sales of alcohol at the proposed Premises could only add to the detrimental impact on the objectives.
11. The Committee considered that Central Ward has the highest number of licensed premises, 27 being off licensed premises, and a very high number of crimes and anti social behavior including high levels within a 500 metre radius of the premises. The police confirmed that alcohol is intrinsically linked to the crime including violent and domestic crime and anti-social behavior in the Ward and the locality of the premises.
12. Public Health confirmed that Central Ward has highest rates of emergency admissions to hospital overall in Middlesbrough. Areas within the Ward suffer much higher than others locally and nationally in relation health deprivation are in the top 10% of the most deprived areas nationally for crime. The Ward and Middlesbrough suffers massively from the detrimental impact of alcohol misuse. Public Health confirmed that there has been a huge rise in people using premises for off sales to drink at home contributing to an array of problems including an increase in domestic abuse and alcohol related deaths.
13. The Committee noted in addition of being within its own cumulative impact area for off sales, the Premises is right on the boarder of a cumulative impact area for the town centre for on licensed premises. Central Ward has the highest density and is saturated with Licensed premises and borders Newport, North Ormesby and Longlands and Beechwood Wards which are also subject to a special saturation policy for off sales of alcohol.
14. The Committee therefore considered it essential that any new operation which includes the sale of alcohol must include a different type of offer that would not lead to further harms caused by consumption in the area and have robust, clear, enforceable measures and procedures in place.
15. The Committee considered that the operation of a convenience store does not provide a different offer to other competing convenience stores permitting off sales in the ward which would drive prices and the type of alcohol sold.
16. The Committee considered that the Applicant failed to identify and address the risks in his operating schedule or his presentation to Committee. For any off licence the Policy advises that the Applications should address numerous issues including but not limited to, challenge 25, restrictions on super strength, risky types of alcohol, positioning of alcohol, limitation of area, fully enforceable CCTV provision, crime and incident records, participation of in schemes, forums, addressing proxy sales etc. Off Licence applications subject to a cumulative impact policy have to be even more robust. The Applicant had failed to meet even the minimum standards. The Committee was seriously concerned that the Applicant had failed to meet the Police and Public Health's attempts to meet to discuss the application and when eventually he was available, the Police and Public Health confirmed he appeared to be unaware of the Policy or of the issues and problems in the area where the Premises is situated.

AJT/1

17. Although the Applicant informed the Committee he had previous experience, it was concerned that he had not considered or addressed the issues that the premises could face or measures to safeguard against those problems or the impact of such an operation on the area.
18. For these reasons the Committee considered it was not satisfied that the Licensing Objectives would be upheld and considered the Application would add to the current serious problems in the area. Conditioning the Premises Licence would not prevent the undermining of the objectives or the core of the problems explained above. Therefore the Committee had no reason to depart from the special cumulative impact policy. The application would be detrimental to the promotion of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The Committee considered the decision to reject the Application was in accordance with the Act, Guidance and Policy.
19. Any party to the hearing aggrieved by this decision may appeal to the Teesside Magistrates Court within 21 days beginning with the day on which the Party was notified by the licensing authority of the decision appealed against.

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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)

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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 _____

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.

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

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

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

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

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RESTRICTED (when complete)**CLEVELAND POLICE**Page No **5**Continuation of Statement of **JASON ARBUCKLE**

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.

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

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RESTRICTED (when complete)**CLEVELAND POLICE**Page No **6**Continuation of Statement of **JASON ARBUCKLE**

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.

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

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

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 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 _____ **Page 89** Witnessed by _____

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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

Further to the evidence provided and dated 29 June 2022 I wish to add the following:

The table that shows the distribution of all licensed premises and off licensed in Middlesbrough has been amended to reflect the changes made to ward boundary areas in Middlesbrough, a reduction from 22 to 20 wards. These changes effected the number of premises in each of the ward areas. There are 27 off licensed premises in Central ward not 24 as first shown.

The numbers of premises have also been amended due to typo errors for Newport, Linthorpe, Longlands and Beechwood and North Ormesby.

Wards	Number of licensed premises in Middlesbrough	Number of off licensed premises in ward areas
Acklam	16	3
Ayresome	6	4
Berwick Hills & Pallister	14	7
Brambles & Thorntree	17	7
Central	180	27
Coulby Newham	15	6
Hemlington	8	3
Kader	5	5
Ladgate	8	4
Linthorpe	12	6
Longlands & Beechwood	19	8
Marton East	10	2
Marton West	4	1
Newport	54	19
North Ormesby	26	10
Nunthorpe	4	2
Park	52	11
Park End & Beckfield	19	12
Stainton & Thornton	4	1
Trimdon	3	3
<i>Total Number of licensed premises</i>	<i>476</i>	<i>141</i>

Middlesbrough Council are currently reviewing their Statement of Licensing Policy and it is their intention to consult on the proposal to maintain the two Cumulative Impact Policies (CIP's 1 & 2) that lapsed in January 2022. CIP 1 covered on-licensed premises in a designated area of Middlesbrough Town Centre. CIP 2

covered off licence premises across 5 ward areas including Central, Newport, North Ormesby, Park and Longlands and Beechwood.

If both policies are implemented, these premises sit within Central Ward and will sit just outside of the boundary for the CIP 1 area (Town Centre) and within the CIP 2 policy for off licensed premises. Central ward borders with Newport, North Ormesby and Longland and Beechwoods wards, all of which will be covered within the CIP 2 policy.

Signature: 

Dated: 01.07.22