

LICENSING SUB COMMITTEE A

Date: Wednesday 10th June, 2020
Time: 2.30 pm
Venue: Virtual Meeting

Please note this is a virtual meeting.

**The meeting will be livestreamed via
the Council's YouTube channel at
[Middlesbrough Council - YouTube](#)**

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003: Application for a Premises Licence - A&E News & Convenience Store, 36 Broughton Avenue, Easterside, Middlesbrough, TS4 3PZ. Ref No: OL/20/01. 3 - 6
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
Tuesday 2 June 2020

MEMBERSHIP

Councillors: R Arundale, Higgins and J Walker.

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 10 JUNE 2020**

APPLICATION FOR PREMISES LICENCE

Applicant: Anthony Steven Longworth

Ref.No. OL/20/01

Premises: A & E News and Convenience Store, 36 Broughton Avenue, Easterside, Middlesbrough, TS4 3PZ

Application received: 15 April 2020

Summary of Proposed Licensable Activities:

Sale of Alcohol (Off sales) 6.00am – 10.00pm 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 (Public Safety and Public Nuisance)	Home Office (Immigration Enforcement)

2. Application advertised by the applicant: Evening Gazette – 20 April 2020

3. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

4. Background

The premises are situated in a small parade of shops on Broughton Avenue, Easterside amongst other retail outlets and alcohol licensed premises. The applicant intends to supply a full range of fresh, frozen and ambient foods, together with a selection of high quality wines, beers and spirits. A location plan is attached at **Appendix 2**.

5. The Representations

On 17 April 2020 a representation was received from Anita Zabrocky, a local resident and the Vice Chair of Ladgate Community Council, objecting to the application on the grounds of anti-social behaviour and public nuisance issues. A copy of that representation is attached at **Appendix 3**.

Mrs Zabrocky has subsequently confirmed that she doesn't wish to attend the Committee meeting but wishes for Members to consider her written representations including further correspondence dated 27 May 2020 which is also attached at Appendix 3.

On 17 April 2020 a representation was received from Mr Jeffrey Zabrocky, a local resident, objecting to the application on the grounds of anti-social behaviour and public nuisance issues. A copy of that representation is attached at **Appendix 4**.

Mr Zabrocky has subsequently confirmed that he doesn't wish to attend the Committee meeting but wishes for Members to consider his written representations.

On 5 May 2020 a representation was received from Karen Horne on behalf of Ladgate Community Council objecting to the application on the grounds of anti-social behaviour and public nuisance issues. A copy of this representation is attached at **Appendix 5**.

Karen Horne has subsequently confirmed that she doesn't wish to attend the Committee meeting but wishes for Members to consider her written representations including further correspondence dated 29 May 2020 which is also attached at Appendix 5.

In response to the consultation, the Council's officers from Public Health and Officers from Cleveland Police had concerns about the initial content of the application. However, following discussions with officers the applicant has agreed to implement certain conditions, including an amendment to the opening times. Both Public Health and Cleveland Police officers have no objections to the grant of a licence on the basis of these agreed conditions being imposed on the licence. A copy of the list of conditions agreed with the applicant by Public Health and Cleveland Police officers is attached at **Appendix 6**.

6. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder	Page 20
Public Safety	Page 25
Prevention of Public Nuisance	Page 27
Protection of Children from Harm	Page 30

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

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at para 2.6
Prevention of Public Nuisance	Starting at para 2.14
Protection of Children from Harm	Starting at para 2.21

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

8. Members' Options

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives.
2. To refuse to specify a person in the licence as the premises supervisor.
3. To reject the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Sub-Committee to the Magistrates' Court.

Contact Officer: Sarah Morris
Principal Licensing Officer
Tel. 728716

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