

## LICENSING SUB COMMITTEE A

<b>Date:</b> Friday 26th April, 2024
<b>Time:</b> 10.00 am
<b>Venue:</b> Spencer Room

### AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003: Application for Premises Licence - Middlesbrough Service Station, Berwick Hills, Middlesbrough, TS3 7RP 3 - 42
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  
Thursday 18 April 2024

### MEMBERSHIP

Councillors L Lewis (Chair), J Kabuye and A Romaine

### **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 26 APRIL 2024**

**APPLICATION FOR A PREMISES LICENCE**

**Applicant:** Motor Fuel Limited

**Ref.No.** 706738

**Premises:** Middlesbrough Service Station, Berwick Hills, Middlesbrough, TS3 7RP

**Application received:** 22 February 2024

**Licensable Activities applied for:**

The Sale of Alcohol "Off" the premise	06:00 to 23:00 daily
Late Night Refreshment	23:00 to 05:00 daily

**Full details of the application and accompanying operating schedule and plan have been reproduced at Appendix 1.**

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**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 – 28 February 2024

**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 located at the petrol forecourt at Berwick Hills Centre, Ormesby Road, Middlesbrough, TS3 7RP. It is currently branded as Morrison's.

The application seeks to allow the sale of alcohol for Off Sales and to provide Late Night Refreshment.

#### **5. The Representations**

On 20 February 2024 a representation was received from Councillor Donna Jones, Ward Councillor for Berwick Hills & Pallister Ward, objecting to the application on the grounds of the prevention of crime and disorder. A copy of the representation is attached at **Appendix 2**.

On 22 February 2024 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, the prevention of public nuisance and the protection of children from harm. A copy of this representation is attached at **Appendix 3**.

On 22 February 2024 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; public safety, the prevention of public nuisance and the protection of children from harm. A copy of this representation is attached at **Appendix 4**.

#### **6. The Licensing Policy**

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

Prevention of Crime and Disorder	Page 20
Public Safety	Page 25
Prevention of Public Nuisance	Page 27
Protection of children from harm	Page 30
Cumulative Impact Policies	Page 41

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

#### **7. Revised Guidance to the Licensing Act 2003**

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

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:     Tim Hodgkinson  
                              Public Protection Manager  
                              Tel. 01642 728720

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**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Motor Fuel Limited

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
Middlesbrough Service Station Berwick Hills Centre, Ormesby Road			
Post town	Middlesbrough	Postcode	TS3 7RP
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£55,998	

**Part 2 - Applicant details**

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

- a) an individual or individuals \*       please complete section (A)
- b) a person other than an individual \*
- i as a limited company/limited liability partnership       please complete section (B)
- ii as a partnership (other than limited liability)       please complete section (B)
- iii as an unincorporated association or       please complete section (B)
- iv other (for example a statutory corporation)       please complete section (B)
- c) a recognised club       please complete section (B)
- d) a charity       please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c 14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

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Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Motor Fuel Limited
Address  Gladstone Place 10 Bricket Road St Albans AL1 3JX
Registered number (where applicable) 05206547
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
2	2	03 2024

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)

A petrol forecourt located at Berwick Hills Centre, Ormesby Road, Middlesbrough, TS3 7RP. Currently branded as Morrison's.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

**In all cases complete boxes K, L and M**

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A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Wed			<b>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</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					



**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur					
			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			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 (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	<b>Both</b> <input type="checkbox"/>		
Mon					
			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Wed					
			<b>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</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					



**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b><u>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</u></b> (please read guidance note 6)		
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					



**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

**I**

<b>Late night refreshment Standard days and timings (please read guidance note 7)</b>			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon	23:00	05:00			
Tue	23:00	05:00			
			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed	23:00	05:00			
Thur	23:00	05:00			
			<b>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</b> (please read guidance note 6)		
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	05:00			



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	06:00	23:00			
Tue	06:00	23:00			
Wed	06:00	23:00			
Thur	06:00	23:00			
Fri	06:00	23:00			
Sat	06:00	23:00			
Sun	06:00	23:00			

**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):**

<b>Name</b> Paul Jones	
<b>Date of birth</b> [REDACTED]	
<b>Address</b> [REDACTED] [REDACTED] Cardiff	
<b>Postcode</b>	[REDACTED]
<b>Personal licence number (if known)</b> PA0300	
<b>Issuing licensing authority (if known)</b> Merthyr Tydfil Council	

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).**

NA

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	00:00	24:00	<p><b><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></b> (please read guidance note 6)</p>
Tue	00:00	24:00	
Wed	00:00	24:00	
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	

**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)**

**b) The prevention of crime and disorder**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team.
2. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
3. All recordings shall be stored for a minimum period of 28 days with date and time stamping.
4. Viewing of recordings shall be made available subject to data protection legislation and as soon as is reasonably practicable upon the request of Police or authorised officer throughout the entire 28-day period.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be contactable at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all incidents of crime and disorder occurring at the premises all crimes reported to the premises
  - b) any incidents of disorder
  - c) any visit by a relevant authority or emergency service.The log shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.
7. There shall be no self-service of spirits except for spirit mixtures.

**c) Public safety**

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

**d) The prevention of public nuisance**

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.



**e) The protection of children from harm**

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.
2. All staff concerned in the sale or supply of alcohol shall undergo a training scheme for such duties prior to the sale of alcohol by the staff member.
3. Refresher training must be completed and documented at intervals of no more than 6 months.
4. Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months from the date of training.
5. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed at the point of sale and at any night pay window.
6. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
7. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open. The record shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.
8. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.

**Checklist:**

**Please tick to indicate agreement**

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

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE**

**WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

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

**Part 4 – Signatures (please read guidance note 11)**

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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, if appropriate (please see note 15)</li> </ul>
<b>Signature</b>	<i>Winchworth Generalist</i>
<b>Date</b>	22 <sup>nd</sup> February 2024
<b>Capacity</b>	Agent

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

<b>Signature</b>	
<b>Date</b>	
<b>Capacity</b>	



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

AGS/39096/1087  
Winckworth Sherwood LLP  
Arbor  
255 Blackfriars Road

Post town	<b>London</b>	Postcode	<b>SE1 9AX</b>
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Telephone number (if any)	0207 593 0250
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
asanders@wslaw.co.uk









**Louise Romaine**

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**From:** Donna Jones  
**Sent:** Wednesday, 20 March 2024 12:01  
**To:** Licensing  
**Subject:** Fwd: Licensing Act 2003 - NEW PREMISE LICENCE APPLICATION -  
MIDDLESBROUGH SERVICE, STATION, BERWICK HILLS CENTRE, ORMESBY ROAD  
(PR195)

As the Ward Councillor for the Berwick Hills Pallister ward I wish to object to the Premises Licence Application to allow the sale of alcohol from these premises. Over the past 12 months the local community and nearby businesses have suffered significant issues of crime and antisocial behaviour in the area involving gangs of youths which has led to a number of dispersal orders being put in place, additional Police resources and additional CCTV being installed. I have had numerous meetings with the local businesses at Norfolk Shops and with staff from Morrisons during which concerns have been raised in relation to the level of shoplifting, ASB and ongoing issues with crime in the area. There are already a number of other off-licences in this area.

kind regards

Cllr Donna Jones

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Public Protection Service

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Motor Fuel Limited  
Middlesbrough Service Station  
Berwick Hills Centre,  
Ormesby Road  
Middlesbrough  
TS3 7RP

Dated: 21.03.24

Dear Sir, Madam

**LICENSING ACT 2003**

**Premises:** Middlesbrough Service Station, Berwick Hills Centre, Ormesby Road,  
Middlesbrough. TS3 7RP

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

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

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

Yours faithfully,

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

Fiona Helyer  
Public Health Officer  
Alcohol Control



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

**Name of RA Representative: Fiona Helyer**

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

**Email:** EHTS@middlesbrough.gov.uk **Tel** 01642 728717

**Licence holder details**

Name and Address of Premises

**Address:** Middlesbrough Service Station, Berwick Hills Centre, Ormesby Road, Middlesbrough.  
TS3 7RP

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

Motor Fuel Limited

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

**Representation**

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

- |   |                                  |
|---|----------------------------------|
| x | Prevention of Crime and Disorder |
| x | Prevention of Public Nuisance    |
| x | Public Safety                    |
| x | Protection of Children from Harm |

Grounds for representation (including details of any previous representations)

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, Prevention of Public Nuisance and Protection of Children from Harm.

There are several concerns regarding the current application that has been made to Middlesbrough Council's Licensing Authority. The area in which these premises are situated suffers from several issues including alcohol related crime and disorder, anti-social behaviour and there are high numbers of wholly attributable alcohol related hospital admissions to James Cook Hospital.

The application made is for the grant of a new off premises licence for the supply of alcohol from 0600 – 2300 and for late night refreshment between 11pm – 5am seven days a week. The



application is made by Motor Fuel Limited who are the proposed premises licence holder. The proposed and nominated persons for the position of the Designated Premises Supervisor is a person named Mr Paul Jones.

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 has evidenced the need for two Cumulative Impact Policies.

Middlesbrough Council are currently in the process of refreshing their Statement of Licensing Policy that will include the application for two Cumulative Impact Policies (CIP). CIP 1, if approved will cover on licensed premises in a designated area of Middlesbrough Town Centre. CIP 2, if approved will cover off licence premises across 8 ward areas including Berwick Hills & Pallister, Park End & Beckfields, Thorntree & Brambles Farm, Central, Newport, North Ormesby, Park and Longlands and Beechwood.

These premises are situated in the Berwick Hills and Pallister ward and will sit within the CIP 2 policy area for off licensed premises if approved.

These premises are situated in close proximity to a number of other well established licensed premises, including the onsite Morrisons store and premises that can be located at the parade of shops, Norfolk Place, where there has been a number of issues reported. There is a housing estate close by that is made up of residential housing and schools. This raises a number of concerns relating to public nuisance and for children walking to and from school. There are also concerns around the increase in the levels of people drinking at home that was brought about as a result of the Covid 19 pandemic, with residues of increased cases of alcohol dependency remaining, impacting on individuals, families and children.

On receipt of this application data was requested from several sources including the Council's Community Safety Team and The South Tees Trusts Alcohol Care Team with the following results:

Between 1 March 23 – 29 Feb 24 there had been a total of 379 occurrences reported to Cleveland police in relation to incidents occurring within the above area. The area encompassed Norfolk shops, Park Parade, Neptune Centre, and Morrisons site which are situated in the Berwick Hills & Pallister wards in Middlesbrough. Out of 379 reports; 288 were crimes, and 91 were incidents of Antisocial Behaviour, some of which were alcohol related.

Key offences included Shoplifting, ASB Nuisance, Public Order Offences, Criminal Damage and other theft. Crimes reported during this period included drug trafficking or possession of such, alcohol, crimes where a weapon was involved, domestic violence and acquisitive crimes including theft, burglary, shoplifting and robbery. Several of these crimes were committed at licensed premises.

Such crime occurred within the vicinity of where these premises are situated, across peak operating times of business. Between the hours of 14:00-20:00, 237 reports were received during the period accounting for 62.5% of all recorded incidents by Cleveland Police.

Within the same period, 27 offences occurred at the named Service Store (Petrol Filling Station) that included theft offences, burglary, criminal damage, public order, shoplifting, and violence without injury.

Within the same period there were 109 offences reported to have occurred at the adjoining Morrisons store. Offences included shoplifting and theft of alcohol products.

These premises are situated in Berwick Hills & Pallister ward that ranked fourth for volume of crime, and second for Antisocial behaviour incidents out of all 20 wards in Middlesbrough throughout the same period

The Alcohol Care Team that sit within the Accident and Emergency department at James Cook Hospital, assess those patients accessing the hospital with drug and/or alcohol issues. They engage, support, and make referrals into community services where needed.

Between October 2023 and January 2024, the Alcohol Care team assessed over 300 patients in total from the Middlesbrough area and diagnosed the following:

- Alcohol intoxication (disorder)
- Alcohol dependence (disorder)
- Drug-induced seizure (finding)
- Alcohol withdrawal(disorder)
- Alcohol withdrawal – induced convulsion (disorder)
- Illicit drug use (finding)
- Hypnotic or anxiolytic dependence (disorder)
- Opioid dependence (disorder)

The Chief Medical complaint being identified as alcohol withdrawal, alcohol intoxication delirium and injury following alcohol use.

The following table shows the top five postcode areas across the South Tees (Middlesbrough & Redcar) for alcohol related attendances to JCUH where the patient has suffered injury. Four out of the top five postcode areas are Middlesbrough postcodes, Berwick Hills sits within the TS3 postcode area.

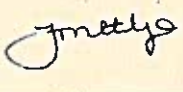
Postcode	1	2	3	4	5	6	7	8	9	10	11	12	Grand Total
TS3	11	13	8	6	11	14	12	10	10	8	8	14	129
TS10	6	6	9	12	5	9	7	11	7	11	9	10	107
TS6	9	6	6	4	7	9	10	7	5	5	6	8	82
TS5	3	10	3	7	8	8	4	2	4	4	3	7	65
TS1	5	4	5	8	2	2	5	3	9	2	5	4	54
<b>Grand total</b>	<b>81</b>	<b>83</b>	<b>79</b>	<b>90</b>	<b>80</b>	<b>93</b>	<b>88</b>	<b>90</b>	<b>74</b>	<b>66</b>	<b>89</b>	<b>115</b>	<b>1036</b>

In 2023, Middlesbrough Council extended the amount of integrated alcohol treatment and substance misuse recovery services/centres from 1 – 4. These services currently have 1238 people in treatment. They provide specialist treatment and aftercare for those suffering with alcohol dependency whilst focusing on the hidden harms often associated with alcohol consumption including domestic abuse and homelessness. One of the treatment sites is situated within this ward and is in close proximity to where these premises are situated.

It is our opinion that the granting of this licence would further undermine the Crime and Disorder, Public Safety, Public Nuisance 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 21.03.24



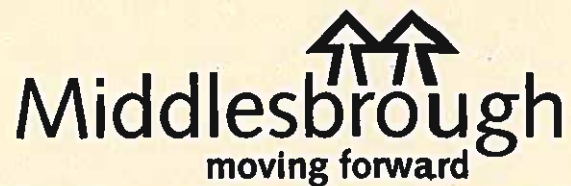
# Middlesbrough Council

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)

PC 2495 ROBERTS

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  
BRIDGE STREET WEST

Post Town  
MIDDLESBROUGH

Post Code  
TS2 1AB

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)                                   | 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	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

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

Name and Address	<input type="text"/>
------------------	----------------------

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

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

Name and Address	CHIEF CONSTABLE OF CLEVELAND POLICE C/O POLICE CONSTABLE 2495 AMY ROBERTS MIDDLESBROUGH DISTRICT H/Q BRIDGE STREET WEST MIDDLESBROUGH TS2 1AB
------------------	--

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



This representation relates to the following licensing objective(s)

	Please Tick ✓
1. The prevention of crime and disorder	X
2. Public safety	X
3. The prevention of public nuisance	X
4. The protection of children from harm	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 Middlesbrough Service Station, Berwick Hills Centre, Ormesby Road, Middlesbrough. The applicant is seeking the provision of late-night refreshment from 2300 hours to 0500 hours, seven days a week and the provision of the supply of alcohol 0600 hours to 2300 hours, seven days a week.

As a representative of the Responsible Authority for Cleveland Police make representations to this application for the following reasons, 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.

It is also worthy of note, that within the vicinity of this proposed premise is a large supermarket that is situated on the same site as this Petrol Station, there is two parades of shops that are also in the vicinity, which is already suffering from increased levels of crime and disorder and anti-social behaviour. The premise is also situated in close proximity to residential houses and local schools. This links in with Middlesbrough Council who are currently refreshing their Statement of Licensing Policy, which includes two Cumulative Impact Policies. One of which is covering, if granted off licence premises across several wards within Middlesbrough. This includes Berwick Hills and Pallister wards where the Service station currently sits.

The relationship between alcohol and violence is complex and consuming alcohol does not inevitably lead to violent behaviour, and most episodes of drunkenness pass without any violence, however, by lowering inhibitions and impairing judgement, alcohol can increase both aggression and the willingness to take risks and in my experience drunkenness can and very frequently does trigger violent behaviour.

This leads on to data that was requested on the receipt of this application. The results show the

following.

Between 1<sup>st</sup> September 2023 – 29<sup>th</sup> February 2024 there has been a total of 573 reports; 463 of which were crimes and 110 were Anti-social behaviour, some of which were alcohol related. The area included Norfolk Place Shops, Park Parade, Neptune Centre and the Morrisons Supermarket, all of which sit within the Berwick Hills and Pallister wards.

Key offences from the report for Crime show violence being the main offence at 168, followed by theft and handling stolen goods at 141, then criminal damage at 81. The offences occur throughout the week, with no peak times but with high volumes between 1500hrs – 2059hrs and repeat streets being Ormesby Road at 131, Norfolk Place at 59 and Park Parade at 29.

In relation to the Anti-social behaviour, nuisance is the main incident type at 103, this included nuisance youths throwing items at shops and vehicles, fighting, persons begging. Repeat streets being Ormesby Road and Norfolk Place as the main two locations. With incidents occurring all days with key times between 1700hrs – 1959hrs, particularly up to 1759hrs.

Over recent times, the whole country has been and is still affected by the Covid 19 pandemic. During this time various and numerous restrictions have been in place throughout the country and as a result have changed people's habits. As such, alcohol consumption at home has increased. One of the many reasons for this is the mere fact that on licensed premises were closed and when they opened, they initially had restrictions. Other reasons include fear of financial difficulties, social isolation, uncertainty about the future, disruption to health and clinical services, unemployment, having to work on the frontline, working from home, mental health issues, managing children's schooling when the schools were closed, loss of a loved one from Covid 19, the loss of emotional and social support and the fact that rules and regulations are constantly changing and the fear of another lock down.

As a serving Police Officer, the fact that members of the public are consuming more alcohol at home concerns me greatly, at least when members of the public are consuming alcohol in an on licensed premise, there is an element of control with regards to the amount of alcohol consumed and the behaviour of the individual consuming it, i.e., the premise may have Door Supervisors, the person serving the alcohol and the Supervisors of the establishment will all be on duty to monitor the patrons consumption and behaviour. When consuming alcohol in domestic surrounding's, those measures are not in place and in my experience, the more alcohol consumed, the greater the risk that violence will occur.

Cleveland Police believe that the granting of this licence would add further to crime and disorder, public safety, public nuisance and protect children from harm objectives that are already ongoing in



the area.

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

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

Please  
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

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

### How We Collect And Use Information

By completing this document you give Middlesbrough Council the authority to collect and retain information about you for the purpose of the application. In order to process the application we may need to check this information with other enforcement agencies, local authorities or government departments.

We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share this information with other enforcement agencies including those organisations which handle public funds. Middlesbrough Council will not disclose information about you unless the law permits.

Middlesbrough Council is the Data Controller for the purposes of the Data Protection Act. If you want to know more about the information the Authority holds about you or the way the Authority uses that information please contact the Information Security Officer, PO Box 17, Melrose House, 1 Melrose Street, Middlesbrough, TS1 2YW.

### **Part 3 – Signatures** (Please read guidance note 3)

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

Signature	PC	Date	
Capacity	LICENSING SUPPORT CONSTABLE		

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

Middlesbrough Police HQ,  
Bridge Street West,

Post Town	Post Code
Middlesbrough	TS2 1AB

Telephone Number (if any)	01642 303175
E-mail Address (optional)	

### Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.
6. Information on the Licensing Act 2003 is available at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk) and you are advised to read any relevant guidance leaflets before completing this form.