

**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 (Public Safety and Public Nuisance)	Home Office (Immigration Enforcement) 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.

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