

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.