

AGENDA ITEM

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 19 OCTOBER 2022**

APPLICATION FOR REVIEW OF PREMISES LICENCE

Ref No. PR0415

Applicant: Cleveland Police

Premises: Lifestyle Express, 22-24 Princes Road, Middlesbrough, TS1 4BB

Application received: 27 July 2022

Premises Licence Holder – Mr Abuzar Naveed

Summary of Current Licensable Activities:

SALE OF ALCOHOL ON AND OFF PREMISES

Monday to Sunday 7am to 10pm

A copy of the current premises licence is attached at **Appendix 1**.

1. Summary of Applications:

The purpose of this report is to enable Members to consider an application for a review of the premises licence for Lifestyle Express, 22-24 Princes Road, Middlesbrough made by Cleveland Police on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.

Cleveland Police state that high levels of street drinking, anti-social behaviour, nuisance, disorder and crime in the local area are linked to the sale of cheap, high ABV alcohol from the premises. Cleveland Police also have concerns about the management of the premises and the lack of compliance with the conditions of the premises licence.

A copy of the application from Cleveland Police and additional documentation in support of their application is attached at **Appendix 2**.

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 and agreed by the Applicant to do so in order to enable the parties to the hearing to be present and to convene a panel of members following the Annual General Meeting, training and summer recess.

2. 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.

3. Consultation on review application

The premises licence holder, any responsible authority or any other person are permitted to make representations in respect of the review application following publication of a notice.

In response to the consultation, on 15 August 2022, a representation was received from the Licensing Authority acting in its role as a Responsible Authority. A copy of the representation which is on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance is attached at **Appendix 3**.

On 19 August 2022 a representation was received from the Responsible Authority for Public Health supporting 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 the representation is attached at **Appendix 4**.

On 19 August 2022 a representation was received from Nicola Battista, the director of a neighbouring business, Guido Hair Limited supporting the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. A copy of the representation is attached at **Appendix 5**.

On 24 August 2022 a representation was received from Nicola Kenny, a Neighbourhood Safety Officer employed by Middlesbrough Council supporting the application on the grounds of the prevention of crime and disorder. A copy of this representation is attached at **Appendix 6**.

On 24 August 2022 a representation was received from the Newport Ward Councillor, Chris Cook supporting 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 7**.

4. Background

The Lifestyle Express store, is a busy convenience store situated on a busy residential road with a mixture of residential and business premises. The area has historically been part of the Council's Cumulative Impact Area which has lapsed but the Council are seeking to reinstate in the very near future. A location plan is attached at **Appendix 8**.

The premises have had the benefit of a premises licence since 14 April 2009 and Mr Abuzar Naveed has been the premises licence holder and designated premises supervisor since that time.

5. 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
Reviews	Pages 47 to 50

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

6. 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
Reviews	Starting at paragraph 11.1

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

7. Members' Options

Members may consider the following options:

- a. To modify the conditions of the licence.
- b. To exclude a licensable activity from the scope of the licence.
- c. To remove the Designated Premises Supervisor
- d. To suspend the licence for a period of not exceeding 3 months.
- e. To revoke the licence.
- f. Alternatively, Members may consider that it is not necessary to take any of the above steps and may issue an informal warning and/or or recommend improvement within a certain time period.

Any party to the hearing who may be aggrieved by the decision taken by the Licensing Sub-Committee would have a right of appeal to the Magistrates' Court.

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