

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 10 JANUARY 2023**

APPLICATION TO VARY A PREMISES LICENCE

Applicant: MPK Properties Limited

Ref.No. OL/18/07

Premises: Unit C, Rede House, 66-77 Corporation Road, TS1 1LY

Application received: 1 November 2022

Summary of Existing Licensable Activities:

Sale of Alcohol (Off sales) - 8.00am – 10pm each day

Summary of Proposed Licensable Activities:

Sale of Alcohol (Off sales) – 8am to 12midnight each day
Provision of Late Night Refreshment – 11pm to 12midnight each day

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: Teesside Gazette – 7 November 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

The premises operate as a local convenience store with the provision for the sale of alcohol and were first granted a Premises Licence on 10 May 2018 following consideration of an application by Members for the sale of alcohol between the hours of 8am and 10pm each day.

A copy of the existing Premises Licence is attached at **Appendix 2**.

Members are advised that these premises are situated in a Central Ward, which since 2016 has been included 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 draft Policy is currently being prepared with a view to maintaining the cumulative impact zone for ‘off-licence’ premises in Central Ward.

5. The Representations

On 29 November 2022, a representation was received from 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 that representation is attached at **Appendix 3**. The police have also stated that they intend to submit further evidence in support of their representation, and copy of such documentation will be circulated to Members prior to the hearing.

On 29 November 2022, a representation was received from 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 that representation is attached at **Appendix 4**. It is understood that the Director of Public Health intends to submit further evidence in support of his representation, and a copy of such documentation will be circulated to Members prior to the hearing.

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 – off licence premises	Pages 42 and 43

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 2.7
Prevention of Public Nuisance	Starting at para 2.15
Protection of Children from Harm	Starting at para 2.22
Cumulative Impact	Starting at para 14.20

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, provided that Members are satisfied that the granting of the application will not add to the existing cumulative impact in the area of the premises.
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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