

AGENDA ITEM 3

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 5 OCTOBER 2021**

APPLICATION FOR REVIEW OF PREMISES LICENCE

Ref No. OL/21/03

Applicant: Timothy Hodgkinson, Licensing Manager

Premises: Waterloo News, 110-114 Waterloo Road, Middlesbrough

Application received: 29 January 2021

Premises Licence Holder – Mr Matloob Hussain Majid

Summary of Current Licensable Activities:

Sale of Alcohol OFF Premises

Monday to Sunday - 7am to 11pm

A copy of this licence is attached at **Appendix 1**.

1. Information

This application was due to be considered by Members on 25 March 2021. However, the Head of Service and the Chair of the Licensing Sub Committee made a decision to adjourn the hearing under Regulation 12 and extend time under Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 as it was necessary in the public interest and to fully hear and consider representations from all parties as there were insufficient Councillors to convene a panel due to unforeseen circumstances. The matter was then due to be considered on 21 April 2021, however as this date was during the religious month of Ramadan a request was made by the licence holder and agreed by all parties that the matter be adjourned until after the end of Ramadan. The application was then due to be considered on 8 June 2021, however this meeting was adjourned at the request of the Applicant's legal representative following a request for the provision of additional information.

The application was then due to be considered on 23 July 2021, however due to illness of the licence holder's legal representative, the matter was again adjourned. The matter was again adjourned on 20 September 2021 for a number of reasons.

2. Summary of Application

On 29 January 2021 an application for the review of the Premises Licence was submitted by the Licensing Manager on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance following concerns in relation to the licence holders unwillingness to implement Covid 19 safety measures at the premises for both staff and customers.

A copy of this application and additional evidence is attached at **Appendix 2**.

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. 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 26 February 2021, a representation was received from the Council's Environmental Health Officer, Mr Mark Kearns, acting in his 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 and an additional statement provided by Mr Kearns is attached at **Appendix 3**.

A statement and photographs provided by Mr Majid on 25 March 2021 are attached at **Appendix 4**.

On 20 May 2021 a further statement was received from Mr Kearns. This is attached at **Appendix 5**.

On 1 June 2021 the Applicant's legal representative requested the provision of additional information. This information is attached at **Appendix 6**.

On 19 July 2021 the licence holders response to the review of the application was received. These documents are attached at **Appendix 7**.

On 22 July 2021 the skeleton argument of the applicant and representor was received. These documents are attached at **Appendix 8**.

5. Background

These premises operate as a convenience store with the provision for the off sale of alcohol. The premises are situated in Middlesbrough Town Centre amongst residential properties.

The premises have had the benefit of a premises licence under the provisions of the Licensing Act 2003 since 2005.

Mr Majid has been the Premises Licence Holder and Designated Premises Supervisor since that time.

Whilst the premises currently has the benefit of a Premises Licence it is understood that Mr Majid is currently not selling alcohol from the premises.

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 |
| Reviews | Pages 47 to 50 |

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 paragraph 2.7 |
| Prevention of Public Nuisance | Starting at paragraph 2.15 |
| Reviews | Starting at paragraph 12.1 |

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

8. 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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