

DELEGATED

AGENDA NO.

**REPORT TO LICENSING
COMMITTEE**

11 September 2018

LICENSING ACT 2003

**APPLICATION TO VARY A PREMISE LICENCE TO SPECIFY AN INDIVIDUAL AS A
DESIGNATED PREMISES SUPERVISOR (DPS)
LEZA'S LOCAL (FORMERLY EXPRESS DRINKS)
14 BOWESFIELD LANE, STOCKTON-ON-TEES TS18 3EP**

SUMMARY

The purpose of this report is for Members to determine an application to vary the premises licence to specify an individual as a designated premises supervisor under the Licensing Act 2003. A notice of objection from Cleveland Police has been received, they are satisfied that there are exceptional circumstances and that granting of the application would undermine the crime prevention objective.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application to vary the premise licence to specify an individual as a Designated Premises Supervisor of a premise licence has been received from Mr Shorsh Rasoul Ismail in relation to Leza's Local, 14 Bowesfield Lane, Stockton-On-Tees. A copy of the application is attached at Appendix 1.

A copy of the existing licence is attached at Appendix 2 for information.

RESPONSIBLE AUTHORITIES

2. A notice of objection has been received from Cleveland Police. The Chief Officer of Cleveland Police is satisfied that the exceptional circumstances of the case are such that granting this application would undermine the crime prevention objective.

A copy of the notice of objection is attached at Appendix 3.

INTERESTED PARTIES

3. None

POLICY CONSIDERATION

4. Members must carry out their 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
5. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and the Section 182 Revised Guidance issued April 2018 under the Licensing Act 2003 when determining this application.

The guidance states

- 4.39 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, A DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises give rise to exceptional concerns
- 4.40 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post of DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.
- 4.41 The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.

MEMBERS OPTIONS

6. Under Section 39 (3) of the Licensing Act 2003 Members must:
 1. hold a hearing to consider the objection notice, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
 2. having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.

ASSOCIATED PAPERS

7. The following appendices are attached for information:
 - Appendix 1 - Application Form
 - Appendix 2 - Copy of Existing Licence
 - Appendix 3 - Notice of Objection from Cleveland Police
 - Appendix 4 - Location Map

**Assistant Director Administration
Democratic and Electoral Services
Contact Officer:
Telephone No.
Email Address:**

Margaret Waggott

Sandra Percival
(01642) 526601
sandra.percival@stockton.gov.uk

Financial Implications:

None

Environmental Implications:

The Licensing Act 2003 requires the licensing authority to have regard to:

- The Prevention of Crime and Disorder

Legal Implications:

i) Where a licensing authority rejects an application to vary the DPS the applicant may appeal against that decision.

ii) Where an application to vary the DPS is granted where the chief officer of police gave an objection notice, the chief officer of police may appeal against the decision to grant the application.

Community Safety Implications:

The Licensing Act 2003 requires the licensing authority to have regard to:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Human Rights Implications:

As a licence is deemed to be a personal possession Members should have regard to the Human Rights Act when determining this application.

Background Papers:

Stockton Borough Council Licensing Policy Statement and revised Section 182 Guidance April 2018

Ward(s) and Ward Councillors:

Parkfield & Oxbridge
Councillor Baldock
Councillor Hewitt

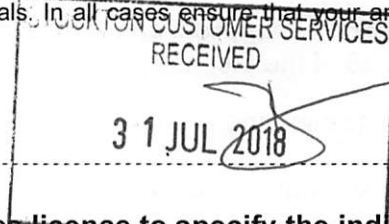
Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.



I / we Shorsh Ismail
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

122142

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

LEZAS LOCAL
14 BOWSFIELD LANE
STOCKTON - ON - TEES

Post town

Post code (if known)

TS 18 3EP

Telephone number (if any)

0742604773

Description of premises (please read guidance note 1)

OFF LICENCE.

Part 2

Full name of proposed designated premises supervisor

Shalaw Ali Hassah

Nationality

IRAN

Place of birth

SARDASHT

Date of birth

07-10-1988

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

M'BR O/PL1541/093383.

Full name of existing designated premises supervisor (if any)

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Lost Both Parts

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature



Date

31-07-2018

Capacity

owner shop

For joint applicants signature of 2nd applicant 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (**please read guidance note 5**)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

STOCKTON CUSTOMER SERVICES
RECEIVED
31 JUL 2018

Consent Of Individual To Being Specified As Premises Supervisor

I, (insert full name of prospective premises supervisor)

Shakaw Aii HASSAN

of (home address of prospective premises supervisor)

6 Southwell Court
Middlesbrough TS1 5NP

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation the application for

Type of Application	DPS VARY DPS
Name of Applicant	Shorsh RASOUL ISMAIL
Existing Licence Number (if any)	122142
Name and Address of Premises to which the application relates	Lezas Local 14 Bowersfield Lane STOCKTON-ON-TEES TS18 3EP

and any premises licence to be granted or varied in respect of this application made by


Name of Applicant	SH SHORSH RASOUL ISMAIL
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concerning the supply of alcohol at

Name and Address of premises to which application relates	as above
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I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal Licence Number (insert personal licence number, if any)	MBRO/PL1541/093383
Personal Licence Issuing Authority (insert name, address & telephone number of personal licence issuing authority, if any)	MIDDLESBROUGH

Signed			
Print Name	Shakaw Aii HASSAN	Dated	31/07/2018

LICENSING ACT 2003

PREMISES LICENCE SUMMARY (PART B)

PREMISES LICENCE NUMBER: 122142

PREMISES DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

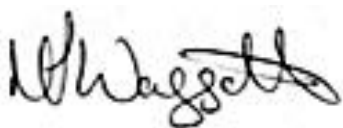
Express Drinks
14 Bowesfield Lane, Stockton-On-Tees, TS18 3EP

WHERE THE LICENCE IS TIME LIMITED THE DATES

N/A

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

SUPPLY OF ALCOHOL



.....
Margaret Waggott
Assistant Director
(Administration, Democratic & Electoral Services)

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

SUPPLY OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES

MONDAY: 07.00 until 23.00
TUESDAY: 07.00 until 23.00
WEDNESDAY: 07.00 until 23.00
THURSDAY: 07.00 until 23.00
FRIDAY: 07.00 until 23.00
SATURDAY: 07.00 until 23.00
SUNDAY: 07.00 until 23.00

THE OPENING HOURS OF THE PREMISES

MONDAY: 07.00 until 23.00
TUESDAY: 07.00 until 23.00
WEDNESDAY: 07.00 until 23.00
THURSDAY: 07.00 until 23.00
FRIDAY: 07.00 until 23.00
SATURDAY: 07.00 until 23.00
SUNDAY: 07.00 until 23.00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Supply Of Alcohol OFF The Premises

PART 2

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mr Shorsh Rasoul Ismail
62 St Bernard Road, Stockton-On-Tees, TS18 1HL

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

N/A

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Awaiting Details Of New DPS

STATE WHETHER ACCESS TO PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

ANNEX 1

MANDATORY CONDITIONS

MANDATORY CONDITIONS

- **No supply of alcohol may be made under the premises licence:**
 - (a) at any time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at any time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- **Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
- **Any alcohol supplied for consumption off the premises must be in a sealed container.**
- **(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**
 - (2) The designated premise supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-**
 - (a) a holographic mark, or**
 - (b) an ultraviolet feature.**
- **A. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price**
 - B. For the purposes of the condition set out in paragraph A -**
 - (a) "duty" is to construed in accordance with the Alcoholic Liquor Duties Act 1979;**
 - (b) "permitted price" is the price found by applying the formula -**
 - $P=D+(D \times V)$**
 - Where-**
 - (i) P is the permitted price**
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if duty were charged on the date of the sale or supply of the alcohol, and**

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premise supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

C. Where the permitted price given by Paragraph (b) of paragraph B would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny

D. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph B on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

PREVENTION OF CRIME & DISORDER

- A digital Closed Circuit Television system (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with data protection legislation.
CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
There will be a minimum of 14 days recording.
The system will have a minimum of a simplex multiplexing facility and be recording for 24 hours a day.

The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.

The digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images. There will be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or less if urgently required for investigation of serious crime.

In the event of a technical failure of the CCTV equipment the Premise Licence Holder/DPS must report the failure to Police on contact number 01642 302360 immediately.

- Up to date staff training records shall be maintained on the premises.
- A bound hard backed incident book should be maintained at the premises which should include details of incidents, time and date and any action taken as a result. This should be maintained at the premises and be made available to Licensing Officers and Responsible Authorities on request.
- Incidents of crime and disorder on the premises shall be reported to Cleveland Police immediately and details shall be recorded in an incident book that shall be maintained at the premises.
- Persons appearing intoxicated or being disorderly shall not be served.
- All staff shall be trained and re-trained at least every 6 months not to sell alcohol to the underage or to those whom they think may be underage, and the nature of acceptable identification as proof of age.

PUBLIC SAFETY

- Adequate fire alarms, fire extinguishers, emergency lighting and illuminated exit signs shall be provided on the premises and maintained in a satisfactory working order.
- All escape routes and external exits from the premises shall be maintained in good repair, correct working order and free from obstruction when the public are on the premises.
- Fire fighting equipment shall be maintained in satisfactory working order.

PREVENTION OF PUBLIC NUISANCE

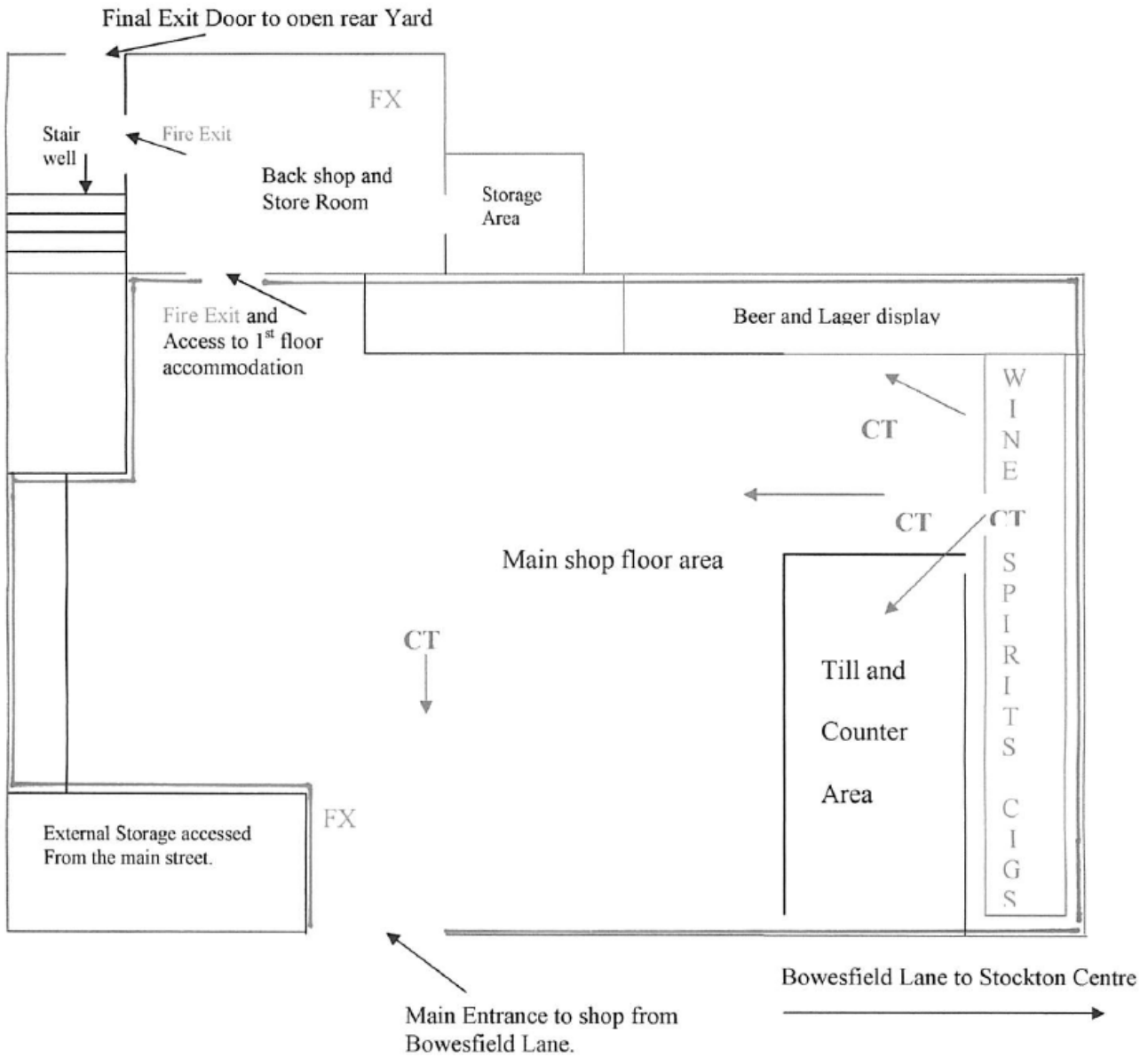
- Notices shall be erected at all exits from the premises, in a place where they can be seen and easily read by the public, requiring customers to leave the premises and the area quietly and with consideration to neighbours.
- Litter shall be collected from the area immediately outside the premises at the end of operating hours and disposed of in your own litter bins.

PROTECTION OF CHILDREN FROM HARM

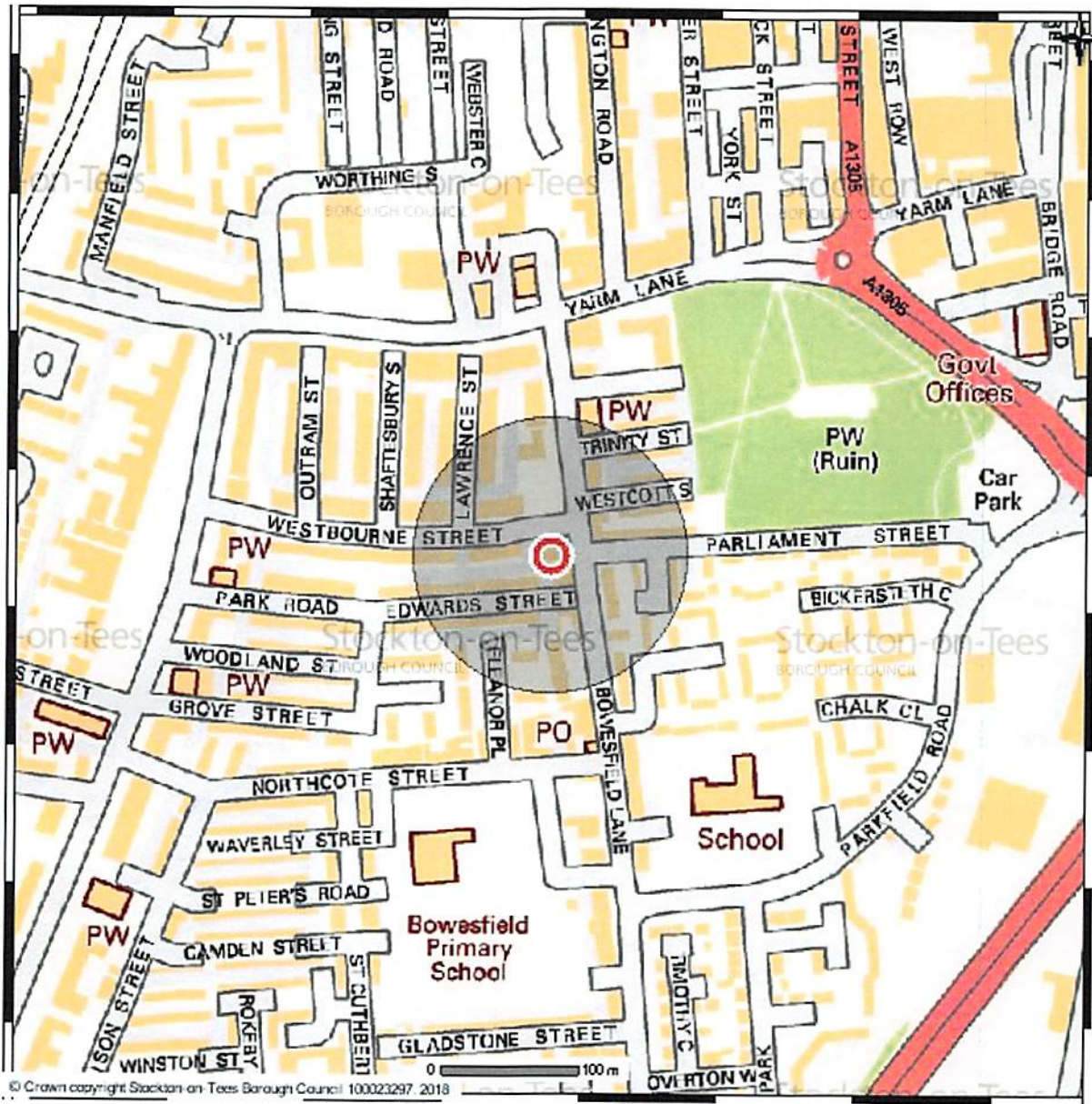
- **All staff will be trained with regard to the law concerning the sale of alcohol and also the operation of the associated "Challenge 25" policy. Staff will receive refresher training at least every 6 months.**
- **A "Challenge 25" verification of age policy, supported by signage displayed in the store, shall be in operation to ensure no person under the age of 18 years is sold intoxicating liquor.**
- **All staff shall be trained to inspect identification on all people appearing to be under 25.**
- **All cashiers shall be instructed, through training, to enter in a refusal book (or electronic equivalent) details of any refusal to make a sale of alcohol to a customer.**

ANNEX 4
PLANS (NOT TO SCALE)

Express Drinks. Bowesfield Lane Stockton on Tees
 TS18 3EP



KEY
 FX Fire Extinguisher
 CT CCTV Camera.
 — S.O.A.



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