

DELEGATED

AGENDA NO.

**REPORT TO THE
STATUTORY LICENSING
COMMITTEE**

DATE: 8 September 2017

**LICENSING ACT 2003
APPLICATION FOR VARIATION
BLACKWELL'S BUTCHERS LIMITED, 122 HIGH STREET, NORTON, STOCKTON ON TEES**

SUMMARY

The purpose of this report is for Members to determine an application for the variation of a premise licence under the Licensing Act 2003. This application was originally considered at a Licensing Committee Hearing on Wednesday 14 June 2017 when the applicant and committee members agreed to defer the hearing for an amended version of the application to be considered.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for a variation has been received from Blackwell's Butchers Limited, in relation to Blackwell's Butcher, 122 High Street, Norton, Stockton on Tees. A copy of the original committee report will be available for members information.
2. An agreement was reached during the Licensing Committee hearing on Wednesday 14 June 2017 to amend the application and circulate the amendments to interested parties for consideration.
3. A letter detailing the proposed amendments to the application was hand delivered to all addresses which had made a representation against the variation application. A copy of the letter which includes the details of proposed amendments is attached as Appendix 1.

INTERESTED PARTIES

4. Two replies were received from interested parties, including a reply from Mr Bosomworth who was also in attendance at the Licensing Committee hearing on Wednesday 14 June 2017. These comments are attached as appendix 2 & 3.

POLICY CONSIDERATION

5. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and the Section 182 Guidance issued under the Licensing Act 2003 when determining this application.
6. 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

MEMBERS OPTIONS

7. Members may consider the following options:
 1. To reject all or part of the application for variation.
 2. To modify the conditions of the licence.

ASSOCIATED PAPERS

8. The following appendices are attached for information:
 - Appendix 1 Letter detailing amendments to Interested Party
 - Appendix 2 Replies from Interested Party
 - Appendix 3 Replies from Interested Party

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Financial Implications: None

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

- Public safety; and
- The prevention of public nuisance

Any conditions imposed should reduce the potential for environmental harm.

Legal Implications:

i) Where a licensing authority rejects (in whole or in part) an application to vary a premises licence the applicant may appeal against that decision.

ii) Where an application to vary a premises licence is granted (in whole or in part) the applicant may appeal against any decision to modify the conditions of the licence; and where a person who made relevant representation in relation to the application desires to contend -

- a) that any variation made ought not to have been made, or
- b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, he may appeal against that decision.

Community Safety Implications:

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

- The prevention of crime and disorder

Any conditions imposed should reduce the potential for crime and disorder.

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 Section 182 Guidance

Ward(s) and Ward Councillors:

Norton North Ward
Councillor K Nelson
Councillor S Nelson