

**DELEGATED**

**AGENDA NO.**

**REPORT TO THE  
STATUTORY LICENSING  
COMMITTEE**

**DATE:**

**LICENSING ACT 2003  
APPLICATION TO TRANSFER LICENCE  
MANHATTANS, 9 HIGH STREET, STOCKTON ON TEES**

**SUMMARY**

The purpose of this report is for Members to determine an application for the transfer of a premise licence under the Licensing Act 2003 to which there has been a notice of objection from Cleveland Police that they are satisfied that the exceptional circumstance of the case are such that granting of the application would undermine the crime and disorder and public nuisance objectives.

**RECOMMENDATION**

That Members determine the application.

**THE APPLICATION**

1. An application for transfer of a premise licence has been received from Mr Eric Hill in relation to Manhattans 9 High Street, 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 and disorder and public nuisance objectives.

The Police strongly believe that Mr Hill is not a suitable candidate to take over the premises.

A copy of the notice of objection, which provides further information to support their objection, is attached at Appendix 3.

**POLICY CONSIDERATION**

3. 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

4. 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 October 2012 under the Licensing Act 2003 when determining this application.

The guidance states:

- 8.94 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receive it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.
- 8.95 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such person are involved in crime (or disorder)
- 8.96 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police are using this mechanism to vet transfer applicants routinely and to seek hearing as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police.

## MEMBERS OPTIONS

5. Under Section 44 (5) 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

6. The following appendices are attached for information:
- Appendix 1 - Application Form
  - Appendix 2 – Copy of Existing Licence
  - Appendix 3 – Objection from Cleveland Police

### Head of Community Protection

**Contact Officer:**

Simon Mills

**Telephone No.**

(01642) 528544

**Email Address:**

[simon.mills@stockton.gov.uk](mailto:simon.mills@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 transfer a premises licence the applicant may appeal against that decision.

ii) Where an application to transfer a premises licence 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
- 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 Section 182 Guidance

**Ward(s) and Ward Councillors:**

Stockton Town Centre  
Councillor Hewitt  
Councillor Kirton

