

DELEGATED

AGENDA NO.

**REPORT TO THE
STATUTORY LICENSING
COMMITTEE**

5 FEBRUARY 2018

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISE LICENCE
MANHATTANS, 9 HIGH STREET, STOCKTON ON TEES TS18 1UB**

SUMMARY

The purpose of this report is for Members to consider an application for review of a premise licence from Cleveland Police.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for review of the premise licence in respect of Manhattans, 9 High Street, Stockton on Tees has been received from Cleveland Police. A copy of the Review Application is attached at Appendix 1.
2. On the 7 September 2017 an application was received to transfer the premise licence from John Taylor to Eric Hill. Cleveland Police objected to the transfer and the application was referred to this Committee for determination on the 10 October 2017. After giving due consideration to all relevant information the Committee decided reluctantly to approve the application; a copy of the meeting minute which refers is at attached Appendix 2.
3. Members are advised that these premises currently have the benefit of a premise licence that permits the supply of alcohol, provision of regulated entertainment and late night refreshment.

The opening hours of the premises are:

Sunday to Thursday	09:00 until 01:00
Friday to Saturday	09:00 until 02:00

A copy of the existing licence is attached at Appendix 3.

RESPONSIBLE AUTHORITIES

3. No comments

INTERESTED PARTIES

4. Three letters supporting the premises have been received. Copies are attached as Appendix 4.

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 Revised Guidance

issued April 2017 under the Licensing Act 2003 when considering this application for review.

6. Part 11 of the Guidance deals with 'Reviews' and at paragraph 11.18 it states:

".....However, where responsible authorities like the police and environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their approach to concerns, licensing authorities should not merely repeat that approach."

Paragraph 11.27 of the Guidance states:

"There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:"

- A list of activities is given that includes: " for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971

Paragraph 11.28 of the Guidance states:

"It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedure effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership."

7. A copy of the policy documents will be available at the meeting for Members information and details regarding the full range of powers available to members can be found at Paragraphs 11.16 to 11.28 of the Guidance.

8. 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

8. Members are advised that under the provisions of Section 51(4) The Licensing Act 2003 the authority may, at any time, reject any ground for review if it is satisfied –

- (a) that the ground is not relevant to one or more of the licensing objectives, or
- (b) in the case of an application made by a person other than a responsible authority, that-
 - (i) the ground is frivolous or vexatious, or
 - (ii) the ground is a repetition

9. If Members are not minded to reject the application, then under the provisions of Section 52(3) The Licensing Act 2003, the authority must, having regard to the application and any relevant representations take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the four licensing objectives.

The steps are –

- (a) to modify the conditions of the licence which could include reducing opening hours or requiring door supervisors at a particular time;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premise supervisor for example, because they consider that the problems are the result of poor management;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the authority takes a step mentioned in (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

10. The Committee also have the option to leave the licence in its existing state.

ASSOCIATED PAPERS

11. The following appendices are attached for information:

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|------------|---------------------------------|
| Appendix 1 | The application for review |
| Appendix 2 | Minute of previous meeting |
| Appendix 3 | Copy of the existing licence |
| Appendix 4 | Letters supporting the premises |

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Financial Implications:

None

Community Safety Implications:

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

- The prevention of crime and disorder
- The prevention of public nuisance

Legal implications

Any decision made in respect of the review application can be appealed to the magistrate's court within 21 days by –

1. the applicant
2. the premise licence holder
3. any other person who made relevant representations.

Any decision made in respect of the review does not have effect until –

- (a) the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, the time the appeal is disposed of.

Human Rights

Members should have regard to the Human Rights Act when conducting this hearing.

Background Papers:

Stockton Borough Council Licensing Policy Statement and Section 182 Guidance

Ward(s) and Ward Councillors:

Stockton Town Centre
Councillor Kirton
Councillor Hewitt