

DELEGATED

AGENDA NO.

**REPORT TO LICENSING SUB
COMMITTEE**

30 July 2018

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISE LICENCE
LEZA'S LOCAL (Formerly Express Drinks)
14 BOWESFIELD LANE, STOCKTON-ON-TEES**

SUMMARY

The purpose of this report is for Members to consider an application for a review of a premise licence from Trading Standards in relation to the prevention of crime and disorder objective.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for a review of the premise licence in respect of Leza's, 14 Bowesfield Lane, Stockton-On-Tees has been received from Trading Standards and a copy is attached at Appendix 1, together with supporting evidence.
2. Members are advised that these premises currently have the benefit of a premise licence that permits the supply of alcohol off the premises.

The opening hours of the premises are:

Monday to Sunday 07.00 until 23.00

A copy of the Premise Licence is attached at Appendix 2

RESPONSIBLE AUTHORITIES

3. Representation has been received from Cleveland Police together with emails from Environmental Health and Councillor Louise Baldock supporting Trading Standards with their application for a review of these premises. The representation relates to the prevention of crime and disorder, prevention of public nuisance and public safety objectives. Copies of these documents are attached at Appendix 3.

ADDITIONAL INFORMATION

4. Attached at Appendix 4 is a map showing the location of the premise.

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 2018 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 and should take this into account when considering what further action is appropriate."

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 or storage of smuggled tobacco and alcohol."

Paragraph 11.28 of the Guidance states:

"It is envisaged that licensing authorities, the police, The Home Office (Immigration Enforcement) 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."

7. 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 –

- (c) to modify the conditions of the licence;
- (d) to exclude a licensable activity from the scope of the licence;
- (e) to remove the designated premise supervisor;
- (f) to suspend the licence for a period not exceeding three months;
- (g) 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:

- Appendix 1 – The application for review
- Appendix 2 – Copy of the existing licence
- Appendix 3 – Representation & Emails supporting the application
- Appendix 4 - Location map

Assistant Director Administration Democratic and Electoral Services Contact Officer: Telephone No. Email Address: Financial Implications: Environmental Implications: Legal Implications:	Margaret Waggott Sandra Percival (01642) 526601 sandra.percival@stockton.gov.uk None None Where an application for the review of a premises licence is decided under Section 52, an appeal may be made against that decision to the Magistrates Court within 21 days by: a) the applicant for the review b) the holder of the premise licence, or c) any other person who made relevant representation in relation to the application
Community Safety Implications:	The Licensing Act 2003 requires the licensing authority to have regard to: <ul style="list-style-type: none">• The prevention of crime and disorder• The prevention of public nuisance• Public safety• The protection of children from harm
Background Papers:	Stockton Borough Council Licensing Policy Statement and revised Section 182 Guidance April 2018
Human Rights Implications:	As a licence is deemed to be a personal possession Members should have regard to the Human Rights Act when determining what action to take in this matter.
Ward(s) and Ward Councillors:	Parkfield & Oxbridge Councillor Baldock Councillor Hewitt