

## **DELEGATED**

## **AGENDA NO.**

### **REPORT TO THE STATUTORY LICENSING COMMITTEE**

**21 October 2019**

#### **LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISE LICENCE THE GEORGE, 102 HIGH STREET, STOCKTON-ON-TEES TS18 1BD**

#### **SUMMARY**

The purpose of this report is for Members to consider an application for a review of a premise licence from Cleveland Police on the grounds of the prevention of crime and disorder.

#### **RECOMMENDATION**

That Members determine the application.

#### **THE APPLICATION**

1. An application for a review of the premise licence in respect of The George, 102 High Street, Stockton-On-Tees has been received from Cleveland Police. The application to review the premises licence relates to the undermining of the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm. A copy of the application and supporting evidence is attached at Appendix 1.
2. Members are advised that this premise currently has the benefit of a licence that permits the supply of alcohol on & off the premises, provision of regulated entertainment and late night refreshment.

The opening hours of the premises are:

Monday to Sunday                      11.00 until 01.30

A copy of this premise licence is attached at Appendix 2.

A map showing the location of the premises is attached at appendix 3.

#### **RESPONSIBLE AUTHORITIES**

3. A representation on the grounds of the prevention of crime and disorder and public safety objectives has been received from Public Health this is attached as Appendix 4 together with supporting documents.
4. A representation on the grounds of the prevention of crime and disorder and the protection of children from harm objectives has been received from Trading Standards which is attached as Appendix 5.
5. A representation on the grounds of the prevention of crime and disorder and public safety has been received from Licensing which is attached as Appendix 6 together with supporting documents.

## ADDITIONAL INFORMATION

### POLICY CONSIDERATION

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

7. 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. 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."*

8. 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.

### MEMBERS OPTIONS

9. 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

10. 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.

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

## ASSOCIATED PAPERS

12. The following appendices are attached for information:

- |            |                                                     |
|------------|-----------------------------------------------------|
| Appendix 1 | The application for review and supporting documents |
| Appendix 2 | Copy of the existing licence                        |
| Appendix 3 | Location Map                                        |
| Appendix 4 | Representation from Public Health                   |
| Appendix 5 | Representation from Trading Standards               |
| Appendix 6 | Representation from Licensing                       |

  
**Contact Officer:**  
**Telephone No.**  
**Email Address:**

  
None

### 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

### 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 premises 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 Beall