

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Wednesday, 11th May, 2022.

Present: Cllr Eileen Johnson (Chair) Cllr Marilyn Surtees, Cllr Bill Woodhead (M.B.E)

Officers: Natalie Hodgson, Jonathan Nertney, Sarah Whaley, (D o CS), Leanne Maloney - Kelly (D o A&H)

Also in attendance:

Apologies: None

**SLS
17/21** **Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS
18/21** **Declarations of Interest**

There were no declarations of interest.

**SLS
19/21** **Previously agreed minutes from the Statutory Licensing Sub Committee meetings for signature by the Chair as follows:**

3rd March 2020

26th May 2020 x 2

8th June 2020

7th July 2020

28th July 2020

14th September 2020

22nd October 2020

RESOLVED that the minutes be signed by the Chairman.

**SLS
20/21** **LICENSING ACT 2003
APPLICATION TO VARY DESIGNATED PREMISES SUPERVISOR
THE PORKY PINT, 40 MILL LANE, STOCKTON-ON-TEES, TS23 1HF**

Members of the Statutory Licensing Sub Committee of the Councils Statutory Licensing Committee were asked to consider an application to vary the Designated Premises Supervisor at The Porky Pint, 40 Mill Lane, Stockton on Tees TS23 1HF, where an objection had been made by Cleveland Police on the grounds of the prevention of crime objective.

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

A copy of the report and supporting documents had been provided to all persons present and to members of the Committee.

Members heard that Section 39(3) of the Licensing Act 2003 allowed them to determine such an application on paper where the Applicant and the Police agreed that a hearing was unnecessary. Cleveland Police had explicitly

confirmed that the hearing was unnecessary. Mr Henderson did confirm that a hearing was not required, however no response was received to contact asking for Mr Henderson's agreement that the hearing was not necessary in accordance with section 39(3) of the Act. As the Applicant's explicit agreement was not received, the Statutory Licensing Sub-Committee agreed that that the hearing should therefore proceed and determine the Notice.

It was noted that Cleveland Police and the Applicant, Mr Henderson, were not in attendance. Cleveland Police had submitted their apologies and requested that their written submissions and supporting evidence appended to the report be considered by the Sub-Committee. Mr Henderson had not responded to the Hearing Notice, nor had he confirmed his attendance/sent his apologies. The Committee heard the background to this matter. The Porky Pint Limited, Premises Licence was revoked by the Licensing Sub-Committee on 6 July 2021. This decision was appealed to the Magistrates' Court. The appeal was determined on 16 March 2022, where District Judge Hood dismissed the appeal and upheld the revocation of the Premises Licence. District Judge Hood's written Judgement was set out within the Officers report of the Statutory Licensing Sub-Committee papers.

The Statutory Licensing Sub-Committee hearing considered Mr Henderson's application to vary the Premises Licence to specify himself as the Designated Premises Supervisor (DPS) of the Porky Pint Limited. Cleveland Police had lodged an Objection Notice setting out their concerns. Cleveland Police could only do this where they believed there were exceptional reasons to do so, and only on the basis that the Crime Prevention Objective would be undermined.

The Committee were advised that the legislation required that they must determine the Notice unless it was withdrawn, or another application be received to specify a different DPS; neither of which had occurred.

The Sub-Committee heard that Mr Henderson had confirmed that he wished to pursue an appeal by way of case stated to the High Court. If that appeal progressed, Mr Henderson may invite the High Court to suspend the revocation pending the outcome of that appeal. The Council as the Licensing Authority had not, to date, received any notification from the High Court in this regard. The Committee noted that the Premises Licence was revoked, and that decision was appealed by Mr Henderson. The Committee understand that the appeal was determined on 16 March 2022, by District Judge Hood, at Teesside Magistrates' Court, where the appeal was dismissed. The Premises Licence was therefore currently revoked.

Members had regard to the witness statements provided by Cleveland Police, and the extensive written Judgement of District Judge Hood.

Members also noted that Mr Henderson had not submitted any representations or evidence in response to the Cleveland Polices Notice or the Statutory Licensing Sub Committee hearing. Mr Henderson did not attend the Sub-Committee hearing, despite being aware of it.

The Committee further noted that Cleveland Police had not attended, however they had submitted their apologies and invited the Sub-Committee to consider their Notice and evidence in support of it in their absence.

The Committee confirmed that it was satisfied that Mr Henderson's application should be rejected as that was appropriate for the promotion of the crime prevention licensing objective., The Sub Committee attached weight to the findings of District Judge Hood that the Porky Pint Limited, for which Mr Henderson was the sole Director, had been found to have acted in a manner which undermined that objective.

RESOLVED that the application to vary the Designated Premise Supervisor at The Porky Pint 40 Mill Lane, Stockton on Tees TS23 1HF, be refused for the reasons as detailed above.