

DELEGATED

AGENDA NO.

**REPORT TO THE
STATUTORY LICENSING
COMMITTEE**

22 OCTOBER 2020

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISE LICENCE
THE PENNY BLACK, LANGTHORNE GROVE, STOCKTON-ON-TEES, TS18 5PU**

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, prevention of public nuisance and public safety objectives.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for a review of the premise licence in respect of The Penny Black, Langthorne Grove, 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, prevention of public nuisance and public safety. A copy of the application and supporting evidence is attached at Appendix 1.
2. A copy of the current premises licence showing licensable activities and hours is attached at Appendix 2.
3. A map showing the location of the premises is attached at Appendix 3.

RESPONSIBLE AUTHORITIES

4. A representation on the grounds of the prevention of public nuisance objective has been received from Environmental Health and is attached at Appendix 4.
5. A representation on the grounds of the prevention of crime and disorder and prevention of public nuisance objectives has been received from the Licensing Authority and is attached with supporting documents at Appendix 5.
6. A representation on the grounds of public safety objective has been received from Public Health and is attached at Appendix 6.
7. A representation on the grounds of public safety and prevention of public nuisance objective has been received from ward Cllr Hall and is attached at Appendix 7.
8. A representation has been received from Flint Bishop Solicitors acting on behalf of Star Pubs & Bars Ltd and is attached at Appendix 8.

POLICY CONSIDERATION

9. 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 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. Details regarding the full range of powers available to members can be found at Paragraphs 11.16 to 11.28 of the Guidance.

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 11.28 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."

10. Copies of these documents can be found at:

<https://www.stockton.gov.uk/our-people/licensing/licensing-act-2003-premises-licences/>

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

MEMBERS OPTIONS

11. 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 –
- that the ground is not relevant to one or more of the licensing objectives, or
 - in the case of an application made by a person other than a responsible authority, that-
 - the ground is frivolous or vexatious, or
 - the ground is a repetition

12. 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 –

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

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

ASSOCIATED PAPERS

14. The following appendices are attached for information:

Appendix 1	Application for review and supporting documents
Appendix 2	Copy of the existing licence
Appendix 3	Location Map
Appendix 4	Representation from Environmental Health
Appendix 5	Representation from Licensing
Appendix 6	Representation from Public Health
Appendix 7	Representation from Cllr Hall
Appendix 8	Representation Flint Bishop Solicitors acting for Star Pubs & Bars Ltd

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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
- 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 –

- ✓ the end of the period given for appealing against the decision, or
- ✓ 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:

Hartburn
Councillor Lynn Hall
Councillor Matthew Vickers