

LICENSING SUB-COMMITTEE

DATE	25 October 2022
REPORT OF	Sharon Wroot – Executive Director for Environment, Economy & Resources
SUBJECT	Review of Premises Licence in respect of premises known as Cartergate News & Wine, 84a Cartergate, Grimsby, DN31 1RT
STATUS	Open

CONTRIBUTION TO OUR AIMS

Stronger Economy:

Support for premises that promote the licensing objectives through appropriate action against those that do not.

Stronger Community:

Reduce incidence of crime, anti-social behaviour and public nuisance associated with licensed premises

Promotion of public safety and child protection in relation to licensed premises.

EXECUTIVE SUMMARY

The Licensing Authority under the Licensing Act 2003 (“the Act”) has a duty to determine applications for any Licence under the Act where relevant representations have been made. This includes reviews. This duty has been delegated to the Licensing Sub-Committee. This case involves an application for a review of a premises licence by **Alison Saxby, Licensing Officer on behalf of the Chief Constable of Humberside Police** who assert that:-

The Licence Holder, Mrs Jeyathevi Rameshkumar, is undermining the Prevention of Crime and Disorder and the Public Safety objectives of the Licensing Act 2003 by repeatedly breaching the conditions of the premise licence that have been placed on the licence by the Licensing Committee or the Magistrates Court.

RECOMMENDATIONS

To determine the application for a review of the Premises Licence and consider any relevant representations under s.52 of the Act. To take such steps as considered **appropriate** for the promotion of the licensing objectives.

REASONS FOR DECISION

Must have regard to:-

- North East Lincolnshire Council’s Statement of Licensing Policy.
- Guidance issued by the Secretary of State under s.182 of the Act.

Steps taken must be **appropriate** for the promotion of the Licensing Objectives, namely:-

- the prevention of crime and disorder;
- public safety
- the prevention of public nuisance; and
- the protection of children from harm.

1. BACKGROUND AND ISSUES

These are fully contained in the report of Jo Bennett, Licensing Officer.

2. RISKS AND OPPORTUNITIES

Crime and Disorder – If the Sub-Committee finds this licensed premises has undermined the licensing objectives, it must consider what, if any, steps are appropriate to prevent this. If appropriate steps are not taken there is a risk that the licensing objectives will not be promoted.

Human Rights – The premises licence holder is entitled to a fair hearing; article 6 of the European Convention of Human Rights applies. Article 8, the right to respect for private and family life, also applies as the “licence” is crucial to the livelihood of the premises licence holder. The Human Rights of the wider community are also engaged.

Equality and Diversity – No direct effects

Value for Money – The aim must be to take action that prevents problems persisting and using further licensing resources.

The impact on the Social, Economic and Environmental well-being of the Borough – Action taken to ensure that all licensed premises promote the licensing objectives will have a positive impact in these respects.

Environmental Sustainability Implications - None

3. OTHER OPTIONS CONSIDERED

The steps which may be taken are:-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence.

The conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to 3 months. It may also be decided that no action is necessary and consideration given to whether a warning should be issued to the licence holder and/or recommend

improvement within a particular period of time.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

There are potential positive reputational implications for the Council resulting from the decision where appropriate action has been taken. An action plan has been agreed with the Council's communications service covering information requirements and communications channels to be utilised.

5. FINANCIAL CONSIDERATIONS

This report relates to a determination required in response to an application made under the Licensing Act 2003. The process is governed by statutory regulations and the fees involved are statutory. There are no direct resource or funding implications in the first instance but there may be on appeal (see Section 5).

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Not applicable

7. FINANCIAL IMPLICATIONS

The premises licence holder, the responsible authorities and any relevant person have a right of appeal against the decision made to the Magistrates and/or High Court. If the Licensing Sub-Committee takes a step which is considered unnecessary or unlawful by a higher court there is a risk that an award of costs may be ordered against the Council in favour of the successful appellant. Such costs are difficult to quantify or estimate.

8. LEGAL IMPLICATIONS

These are covered in the body of the report of the Licensing Officer.

9. HUMAN RESOURCES IMPLICATIONS

There are no Human Resource Implications.

10. WARD IMPLICATIONS

West Marsh

11. BACKGROUND PAPERS

Please refer to the index of Members Papers.

12. CONTACT OFFICER(S)

Jo Bennett, Licensing Enforcement Officer, Tel: 01472 323826

Sharon Wroot
Executive Director for Environment, Economy & Resources

