

LICENSING SUB-COMMITTEE

DATE	14 February 2023
REPORT OF	Sharon Wroot – Executive Director for Place and Resources
SUBJECT	Receipt of representations regarding an application for a new Premises Licence at 2 – 4, St Peters Avenue, Cleethorpes
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 duty has been delegated to the Licensing Sub-Committee. **This case involves representations made by local residents and business owners on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance.**

RECOMMENDATIONS

To determine the application for a Premises Licence and consider any relevant representations under s18 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 Linda Milner, Licensing Enforcement Officer.

2. **RISKS AND OPPORTUNITIES**

Crime and Disorder – If the Sub-Committee finds that the grant of this new application would undermine 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 on 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 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:

- Grant the licence with modified conditions. This means the proposed conditions could be altered or omitted or new conditions added.
- Exclude any licensable activity to which the application relates.
- Refuse to specify the named DPS
- Reject the application

If none of these steps is considered appropriate the application should be granted in the form it was made.

4. **REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

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

5. FINANCIAL CONSIDERATIONS

This report relates to a determination required in response to a 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. 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 to be 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.

7. LEGAL IMPLICATIONS

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

8. HUMAN RESOURCES IMPLICATIONS

There are no Human Resource Implications.

9. WARD IMPLICATIONS

10. BACKGROUND PAPERS

Please refer to the Index of Members Papers

11. CONTACT OFFICER

Linda Milner – Licensing Enforcement Officer

**SHARON WROOT
EXECUTIVE DIRECTOR PLACE AND RESOURCES**