

## LICENSING SUB-COMMITTEE

<b>DATE</b>	<b>3<sup>rd</sup> July 2023</b>
<b>REPORT OF</b>	Sharon Wroot – Executive Director for Place and Resources
<b>SUBJECT</b>	Receipt of representations regarding an application to vary a Premises Licence at <b>Kingsway Kiosk, Kingsway, Cleethorpes</b>
<b>STATUS</b>	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 **Neil Robinson** on the grounds of **Public Nuisance**.

### RECOMMENDATIONS

To determine the application for a variation of the Premises Licence and consider any relevant representations under s35 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 application would undermine the licensing objectives, it must to 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**

If considered necessary, the steps which may be taken are:-

- Modify the conditions of the licence (i.e. the operating schedule for the application). Existing conditions can be altered or omitted or new conditions added.
- Reject the whole application
- Reject part of the application

(The conditions of the licence are modified if any of them are altered or omitted or any new condition is added.)

If no steps are deemed necessary, the variation of the licence should be granted in the form that 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 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. 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. ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

No implications

**10. WARD IMPLICATIONS**

Croft Baker

**11. BACKGROUND PAPERS**

Please refer to the Index of Members Papers

**12. CONTACT OFFICER**

Linda Milner, Licensing Enforcement Officer

**Sharon Wroot – Executive Director for Place and Resources**