

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
PRIORY NEWS, PRIORY LANE, SCUNTHORPE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To determine an application to review the premises licence for Priory News, 72a Priory Lane, Scunthorpe.

2. BACKGROUND INFORMATION

- 2.1 On 18 January 2012 this Sub-Committee agreed to defer the hearing to review the premises licence for the Priory News, 72a Priory Lane, Scunthorpe until a later date following a request by the respondent's solicitor.
- 2.2 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for the review of a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.3 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
- The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 2.4 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 2.5 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-

Committee should not hear or decide on any applications for premises licences in their own ward.

2.6 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided, which is relevant to the licensing objectives.

2.7 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

2.7 Members of the Sub-Committee should be advised that the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

3.1 The application for review of a premises licence for the Priory News was received on 1 December 2011. A copy of the application is attached to the report at Appendix 1.

3.2 A copy of the application and accompanying documents have been given to the licence holder and to each of the responsible authorities. The copies were served by the applicant on the same day as the day that the application for review was given to the licensing authority.

3.3 A notice under Regulation 38(a) of the Licensing Act 2003 (Advertisement of review by licensing authority) Regulations 2005, was prominently displayed for 28 consecutive days dated 2 December 2011. This notice is attached to this report as Appendix 2.

3.4 A notice under Regulation 38(b) of the Licensing Act 2003 (Advertisement of review by licensing authority) was published on the North Lincolnshire Council Website for 28 consecutive days starting on the day after the day on which the application was given to the licensing division.

3.5 No other representations have been made other than the applicant's.

3.6 The premises licence holder has been made aware of the representation.

3.7 A copy of the current Premises Licence is attached to this report at Appendix 3.

4. **OUTCOMES OF CONSULTATION**

4.1 An applicant wishing to review a Premises Licence has to serve a copy of the application form and accompanying documents on the premises licence holder and statutory consultees the same day as the Licensing Authority receives its copy.

4.2 The table below provides details of any comments received:

Responsible Authority	Representations
Humberside Police	No Representation Received
Humberside Fire & Rescue Service	No Representation Received
Environmental Health	No Representation Received
Health & Safety	No Representation Received
Health and Safety Executive (if applicable)	N/A
Trading Standards	Applied for review – see Appendix 1 for details
Child Protection	No Representation Received
Planning	No Representation Received
Interested Parties	No Representation Received
Premises Licence Holder	No Representation Received

5. **OUTCOMES OF MEDIATION**

5.1 Mediation is not possible when considering an application to review a licence.

6. **LICENSING OBJECTIVES & STATUTORY PROVISIONS**

6.1 Prevention of Crime & Disorder

6.1.1 Further information regarding this objective can be found in the Licensing Policy, pages 27-29.

6.1.2 One representation has been received raising concerns with regard to this objective.

6.2 Protection of Children from Harm

6.2.1 Further information regarding this objective can be found in the Licensing Policy, pages 36-39.

6.2.2 One representation has been received raising concerns with regard to this objective.

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix 4.

8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s183 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant, the premises licence holder and the authorised body making relevant representation.

8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.7.

8.3 That the Sub-Committee provides the reasons for its decision.

DIRECTOR OF NEIGHBOURHOOD & ENVIRONMENTAL SERVICES

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Background Papers used in the preparation of this report Nil