

APPLICATION FOR THE REVIEW OF A PREMISE LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003

1. DETAILS OF APPLICATION

PREMISES: Yates's Wine Lodge

LOCATION: 14/16 Ironmarket, Newcastle under Lyme, Staffordshire
ST5 1RF

APPLICANT: Sgt 4037 David Wright, Licensing Manager, Northern
Licensing Unit, Stoke Police Station, Boothem Road,
Stoke on Trent, Staffordshire ST4 4AH

APPLICATION FOR: Review of the Premise Licence on the grounds of the
Prevention of Crime and Disorder and the Protection of
Children from Harm

2. GROUNDS FOR REVIEW

This application to review relates to the failure of the premises to meet the Licensing Objectives for the Prevention of Crime and Disorder and the Protection of Children from harm.

3. APPLICANT FOR REVIEW

The Police Review and Social Responsibility Act 2011 amended the Licensing Act 2003 to remove the term "Interested Party" so that anyone "likely to be affected by the application" is able to make representation or bring a review. There is no longer a vicinity test. However, any such representations must relate to one or more of the licensing objectives.

4. BACKGROUND

The premise was the subject of a compliance check operation on Wednesday 19th February 2014, where a young person of 16 years old was sent to the premises to see if they could purchase alcohol. The volunteer was not asked for identification and did purchase alcohol.

5. POLICY CONSIDERATIONS

a). Licensing Objectives

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives;

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

b). Policy Statement

The Licensing Act 2003 required the Council to publish a “Statement of Licensing Policy” that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council made a number of policy decisions in its Statement of Licensing Policy. The following policy decisions are relevant to this application;

- The Prevention of Children from Harm – (paragraphs 2.10 – 2.11 and 4.3)
- The Prevention of Crime and Disorder – (paragraphs 2.12 and 4.4)

c). Statutory Guidance

- (i) National guidance which promotes best practice ensuring consistent application of licensing powers and promotes fairness and equal treatment and proportionality came into force in June 2014.
- The Review Process – (paragraph 11.1 to 11.28).

Copies of the Council’s Statement of Licensing Policy and the Government’s Statutory Guidance will be available at the Sub-Committee meeting.

6. COMMENTS

In making their decision on the application, the Sub-Committee are obliged to have regard to Statutory Guidance and the Council’s own Statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However the Sub-Committee must disregard any objections that do not relate to the promotion of the four licensing objectives.

The Sub-Committee may take such of the following steps as they consider appropriate for the promotion of the licensing objectives as set out in paragraph 5 (a) above:-

- (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.

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.

The Sub-Committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be appropriate in order to promote the licensing objectives

Date of hearing: Thursday 26th June 2014