

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

1. DETAILS OF APPLICATION

PREMISES: Limestone Vaults

LOCATION: Pepper Street, Newcastle under Lyme,
Staffordshire, ST5 1PR

APPLICANT: Staffordshire Police

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. APPLICANT FOR REVIEW

An application for a review of the premise licence has been received from Staffordshire Police concerned with the prevention of public nuisance and the protection of children from harm.

3. GROUNDS FOR REVIEW

The premise was the subject of a compliance test operation of Friday 28th February 2014. The result of the operation was that alcohol was sold to a minor. Subsequent enquiries revealed that the member of staff who sold the alcohol had not received the required training.

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).

- (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 the 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 representations that do not relate to the promotion of the four licensing objectives.

The Sub-Committee may, where it considers that action under its statutory powers is appropriate, take any of the following steps 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 take any other steps the merely because they consider it desirable to do so. Any action taken it must actually be appropriate in order to promote the licensing objectives

Date of hearing: THURSDAY 4TH SEPTEMBER 2014