

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

## **1. DETAILS OF APPLICATION**

**PREMISES:** Cross Heath News

**LOCATION:** 121 Liverpool Road, Newcastle-under-Lyme,  
Staffordshire, ST5 9ER

**APPLICANT:** Public Protection Trading Standards Team,  
Staffordshire County Council

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

## **2. GROUNDS FOR REVIEW**

This application for the review of a premises licence was made due to concerns specifically related, but not limited, to:

- Breaches of premises licence conditions;
- Poorly kept or no records relating to staff training and DPS authorisations;
- Selling alcohol to a volunteer under the age of 18 years

Impacting upon the licensing objectives, namely:

- The Prevention of Crime and Disorder; and
- The Protection of Children from Harm

## **3. THE APPLICATION FOR REVIEW**

An application was received on 2<sup>nd</sup> February 2018 from the Public Protection Trading Standards Team at Staffordshire County Council for a review of the premises licence for Cross Heath News, 121 Liverpool Road, Newcastle-under-Lyme, ST5 9ER. A location plan of the premises is attached at Appendix A.

The application followed an investigation by the Public Protection Trading Standards Team working alongside the Council's Environmental Health Department. It was submitted due to concerns relating to the failure of the Premises Licence Holder and Designated Premises Supervisor to meet the licensing objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm. A chronological summary of the events that led to the review application being submitted is contained within the application form and covers the time period of 17<sup>th</sup> April 2014 to 21<sup>st</sup> December 2017. It also makes reference to the previous Review Hearing from 20<sup>th</sup> July 2012 which resulted in a three month suspension. A copy of the application is attached at Appendix B.

Eleven (11) supporting documents were appended to the application by Public Protection Trading Standards. Within the application form there is a list detailing the reference number and description of the exhibits and information appended, and copies of those documents are attached at Appendix C.

The review application was originally submitted on the 19<sup>th</sup> December 2017 but was withdrawn as further evidence was required. It was re-submitted on the 23<sup>rd</sup> January 2018 but on the 31<sup>st</sup> January 2018 it was noted that the notice had been removed from the front of the premises and on the 1<sup>st</sup> February 2018 that it had been mistakenly removed from display at the Council's Civic Offices. The notices were put back into place on the 2<sup>nd</sup> February 2018 and the consultation period was restarted from this point.

#### **4. REPRESENTATIONS FROM OTHER RESPONSIBLE AUTHORITIES**

On 16<sup>th</sup> February 2018 a further representation was received from the Council's Environmental Health Department in support of the review application. A copy of the representation and supporting exhibits are attached at Appendix D.

#### **5. REPRESENTATIONS FROM OTHER INTERESTED PERSONS**

No representations were received from any other persons.

#### **6. LEGAL 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 requires 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. Copies of the Council's Statement of Licensing Policy and the Government's Statutory Guidance will be available at the Licensing Sub-Committee hearing.

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 the representations made and the evidence heard at the hearing. However, the Sub-Committee must disregard any representations that do not relate to the promotion of the four licensing objectives.

The Sub-Committee, where it considers that action under its statutory powers is appropriate, may take any of the following steps for the promotion of the four licensing objectives. The steps available to the Sub-Committee are:-

- (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; or
- (e) to revoke the licence.

and for this purpose the conditions of the licence are modified if any of them are 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 merely because they consider it desirable to do so. Any action taken must be appropriate in order to promote the licensing objectives

## **7. DETERMINATION REQUIRED**

**The Licensing Sub-Committee must determine what action, if any, is required in order to ensure that the licensing objectives are met at Cross Heath News having regard to the legislation, the four licensing objectives, the Council's licensing policy and the statutory guidance issued by the Secretary of State under s.182 of the Licensing Act 2003.**

**Date of hearing: 28<sup>th</sup> March 2018**