

LICENSING SUB-COMMITTEE

14th August 2019

REPORT OF THE HEAD OF HOUSING & PUBLIC PROTECTION

Licensing Act 2003

1. SYNOPSIS

To determine the review of a club premises certificate from Northumberland County Council's Public Health Protection Unit with regards to Haltwhistle & District Working Men's Club and Institute Ltd, Bank House, Main Street, Haltwhistle, Northumberland, NE49 0BZ (the premises). The application to review, relates to the following licensing objective:

- the prevention of public nuisance

2. DETERMINATION OF REVIEW

Having considered the report, all relevant representations and verbal submissions from those persons entitled to speak at the hearing, the Sub-Committee are required to make the determination at the conclusion of the hearing.

In this particular case, the Sub-Committee **may**:-

- 1) Modify the conditions of the certificate subject to conditions consistent with the operating schedule to such extent as the Sub-committee considers necessary for the promotion of the licensing objectives. All conditions should be precise and capable of being interpreted and applied by the applicant. (Conditions may be modified if any of them is altered or omitted or any new condition is added);
- 2) Exclude a qualifying club activity from the scope of the certificate;
- 3) Suspend the certificate for a period not exceeding three months or;
- 4) Withdraw the certificate

Members are reminded that they may only attach conditions:

- In respect of those matters that are subject to the review and in respect of which a relevant representation has been made; and
- that are appropriate and proportionate for the promotion of the licensing objectives.

3. Appeals

If the applicant, responsible authority or interested party who may have made a representation is aggrieved by the decision of the Licensing Sub-Committee in respect of:

- the decision to modify the licence or any part of it as set out in the attached document, or
- failure to exclude from the licence any of the licensable activities requested, or
- the decision to impose the specified conditions, or
- failure to modify or attach different or additional conditions necessary for the promotion of the licensing objectives.

They may appeal to the Magistrates' Court within the period of twenty-one days beginning with the day on which they receive formal written notification of the determination.

4. CONSULTATION

In accordance with the requirements of the Licensing Act 2003 and regulations made there under, the applicant has undertaken the following consultation in respect of the application:

A copy of the review has been sent to all Responsible Authorities as defined in the Licensing Act 2003 Section 13 (4).

A notice setting out details of the application has been displayed at the premises for a minimum period of 28 consecutive days starting on the day after the application was received by the licensing authority.

5. REPORT

Background

Under the Licensing Act 2003, Section 51, a responsible authority or interested party may apply for the review of a club premises certificate if they regard that the licensing objectives are not being met. The four licensing objectives being:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

A copy of the application to review the club premises certificate from Northumberland County Council's Public Health Protection Unit is attached at **Appendix B**.

Application History

The Haltwhistle & District Working Men's Club and Institute Ltd, Bank House, Main Street, Haltwhistle, Northumberland, NE49 0BZ currently runs under the Club Certificate NCP/2 (**Appendix A**).

An application for the review of the club premises certificate was received from Northumberland County Council's Public Health Protection Unit on 19th June 2019 (**Appendix B**).

On 17th July 2019 a letter of response was received on behalf of Haltwhistle & District Working Men's Club and Institute Ltd from the Treasurer, Mr Stratton (**Appendix C**).

On 26th July 2019 supporting documentation and information was received from Northumberland County Council's Public Health Protection Unit by way of a copy responding letter to Haltwhistle & District Working Men's Club and a chronology of events with copies of correspondence between the two parties which led to the review of the current club premises certificate (**Appendix C**).

Details of Representations

Representations to the Review application:

Responsible Authorities

| | |
|---|-------------------|
| Chief Officer of Police | None |
| Trading Standards Authority | None |
| The Fire Authority | None |
| Body Responsible for Health and Safety Enforcement | None |
| Local Planning Authority | None |
| Body Responsible for Minimising or Preventing the Risk of Pollution of the Environment or of Harm to Human Health | Appendix B |
| Northumberland Area Child Protection Committee | None |
| Interested Parties | None |
| Representations in support of the application | None |

6. Licensing Policy

Premises Licences and Club Premises Certificates

| | |
|---|-------------|
| Introduction | 3.1 – 3.1.6 |
| Club premises certificates - applications | Schedule 3 |
| Decision making process | Schedule 5 |
| The Prevention of Public Nuisance | Appendix C |

7. Guidance – Licensing Act 2003 – Section 182

In considering the application, Elected Members are also directed to have regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003; specifically:

| | | |
|-----------|--------------------------|-------------------|
| Section 2 | The Licensing objectives | 2.1-2.5, .21-2.30 |
|-----------|--------------------------|-------------------|

| | | |
|------------|--------------------------------------|---------------|
| Section 11 | Review of club premises certificates | 11.1 – 11.11 |
| Section 11 | Determining applications | 11.16 – 11.23 |

8. BACKGROUND PAPERS

- Appendix A Current Club premises certificate
- Appendix B Application to review club premises certificate
- Appendix C Letter of response from Haltwhistle & District
Working Men's Club
- Appendix D Supporting documentation from Northumberland
County Council's Public Health Protection Unit

The Licensing Act 2003 and secondary legislation there under
The Council's Statement of Licensing Policy
The Guidance issued by the Home Office under Section 182 of the Licensing
Act 2003 (issued April 2018)

9. CONTACT OFFICER(S)

This report has been prepared by:

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