

NORTHUMBERLAND COUNTY COUNCIL

LICENSING HEARING

At a meeting of the **Licensing Sub-Committee** held in Committee Room 1, County Hall, Morpeth, Northumberland, NE61 2EF at 2:00 pm on Thursday 29 August 2019

PRESENT

Councillor I Hutchinson
(in the Chair)

COUNCILLORS

T Cessford
K Stow (Reserve)

W Pattison

OFFICERS IN ATTENDANCE

H Bowers
T Hardy
N Masson

Democratic Services Officer
Licensing Manager
Solicitor, Regulation

ALSO IN ATTENDANCE

Ms K M Long
Mr J M Vincent

Applicant
Applicant

S Cochrane

Licensing Coordinator, Northumbria
Police

Mrs H Hebb
PC D Robson

Legal Adviser, Northumbria Police
Northumbria Police

1. ELECTION OF CHAIR FOR THE MEETING

RESOLVED that Councillor Ian Hutchinson be elected as Chair for the duration of the meeting.

Ch.'s Initials.....

2. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:-

(a) that under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as they involved the likely discussion of exempt information as defined in Part 1 of the Schedule 12(A) of the 1972 Act, and
(b) that the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Item 4, Paragraph 1 of Part 1 of Schedule 12A

"information relating to any individual."

PART II

3. REPORTS OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

Application for the variation of a premises licence in respect of Highfield Stores, 4 Ayton House, North Road, Berwick upon Tweed, TD15 1PR (the Premises)

Tasmin Hardy, Licensing Manager, advised that the application was before the Subcommittee to determine the application of the variation of a premises licence in respect of Highfield Stores. A copy of the application was attached to the report.

An objection had been received from Northumbria Police on the grounds of crime and disorder.

Members were informed that following consideration of the report, representations and verbal submissions, the Subcommittee was required to determine the application on the conclusion of the hearing.

Members were reminded that they could only reject the application if they considered it appropriate for the promotion of crime prevention objective to do so or, grant the application.

All parties present confirmed that they had received and read the copy of the application and supporting documentation within the agenda.

Representatives from Northumbria Police then gave a verbal submission in support of their objection.

Members then asked questions of the objector.

The applicants then gave a verbal submission in support of their application.

Members then asked questions of the applicant.

Members of the Subcommittee and the legal adviser then left the room to deliberate and make their decision.

When all returned to the meeting the Chair informed the applicant of the Subcommittee's decision:

The Subcommittee has taken into consideration all written and verbal representations before them and also the Licensing Guidance (Paragraphs 4:39; 4:40 and 4:41) and the Council's Statement of Licensing Policy.

The Subcommittee has determined to **REFUSE** your application as they conclude that the variation and appointment of a new DPS would undermine the crime prevention licensing objective.

Reasons:

1. The proposed DPS was aware of drug use at her home and has not given a sufficient account of how she would remove herself from this.
2. The proposed DPS has worked for a number of years at the premises where the cigarettes were found and has not given a satisfactory account of whether she was aware of their presence in the premises.
3. Therefore the Subcommittee consider that on the balance of probabilities, the proposed DPS was aware of illegal activity and has not satisfied the Subcommittee that she has distanced herself from these activities in the past or would do so in the future.
4. There is therefore a significant possibility that these circumstances may occur again in the future and the Subcommittee therefore find that there are exceptional circumstances to conclude that the proposed appointment would undermine the crime prevention objective.

If the applicant is aggrieved by the decision of the Subcommittee they may appeal to the Magistrate's Court within the period of 21 days beginning with the day on which they receive formal written notification of the decision.

CHAIR _____

DATE _____