

LICENSING SUB-COMMITTEE

19th November 2020

REPORT OF THE HEAD OF HOUSING & PUBLIC PROTECTION

Licensing Act 2003

This report contains exempt information of the description in paragraph 1 of Schedule 12A of the Local Government Act 1972 in that it contains information relating to any individual.

1. SYNOPSIS

To determine the review of a premises licence from Northumbria Police with regards to The South Beach Public House, Fulmar Drive, Blyth, Northumberland, NE24 3RJ (the premises).

The application to review, relates to the following licensing objectives:

- the prevention of crime and disorder
- the protection of children from harm

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 licence 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)

And

Any mandatory conditions which must be under section 19, 20 or 21 of the Act be included in the licence

- 2) Exclude any of the licensable activities from the scope of the licence to which the review relates if it is not possible to promote one or more of the licensing objectives by any other means.
- 3) Remove the person named as the Designated Premises Supervisor if it is believed that the nominated premises person does not promote one or more of the licensing objectives.
- 4) Suspend the premises licence for a period not exceeding three months.
- 5) Revoke the Premises Licence.

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 premises licence 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 premises licence from Northumbria Police is attached at **Appendix B**.

Application History

On the 10th December 2013 an application to vary the designated premises supervisor (DPS) was received from Marstons Plc (licensee) to Mr Colin Royal. The current premises licence NPR/405 is attached at **Appendix A**.

On 2nd September 2020, an application for the review of the premises licence was received from Northumbria Police with regards to The South Beach Public House, Fulmar Drive, Blyth, Northumberland, NE24 3RJ which is attached at **Appendix B**.

Supporting documentation and information with regards to the review is attached as **Appendix C**.

A representation was received from an interested party on the 7th September 2020 in support of the of the operators position (**Appendix D**).

On 14th October 2020 a meeting was held with Northumbria Police and Marstons together with their representatives from John Gaunt and Partners. Following a full and frank discussion, it was agreed that Marstons and their representatives would have a further conversation and would send

Northumbria Police an enhanced management plan for the premises and a suite of conditions to consider.

On the 26th October 2020 John Gaunt & Partners sent two documents to Northumbria Police with regards to operational steps to be undertaken at the premises, and proposed conditions to be added to the licence to support the operational steps and to modernise its content.

Following the submission of the documents to Northumbria Police, a decision was taken by the Chief Officer of Police on 28th October 2020 that the position remains the same regarding the application to review of the premises licence.

Agreements were not met on this occasion with Northumbria Police and Marstons.

Details of Representations

Representations to the Review application:

Responsible Authorities

Chief Officer of Police	Appendix B
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	None
Northumberland Area Child Protection Committee	None
Interested Parties	None
Representations of support	Appendix D

6. Licensing Policy

Premises Licences and Club Premises Certificates

Introduction	3.1 – 3.1.6
Premises Licences - applications	Schedule 2
Decision making process	Schedule 5
The Prevention of Public Crime & Disorder	Appendix A

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 premises licences	11.1 – 11.11
Section 11	Determining applications	11.16 – 11.23

8. BACKGROUND PAPERS

Appendix A	Current premises licence NPR/405
Appendix B	Application to review Premises Licence
Appendix C	Supporting documentation from Northumbria Police
Appendix D	Representation of support from interested party

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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