



LICENSING SUB-COMMITTEE

22 August 2016

PREMISES LICENCE SUMMARY REVIEW APPLICATION HEARING

Application Ref	009412		
Licence Holder's Name	Mr Peter Daniels (at the time of the application)		
Premises Address	The Carlton, 564 London Road South, Lowestoft	Ward	Pakefield
Date Application Received	28 th July 2016	Determination by	25 th August 2016

SUMMARY OF APPLICATION

- This is an application for an expedited review of premises licence WPREM2059 relating to the Carlton.
- Suffolk Constabulary, in its capacity as a responsible authority, has called for this review under section 53A of the Licensing Act 2003, issuing a certificate, under section 53A (1)(b) of the Act, stating that in their opinion the premises were associated with serious crime.

1. THE APPLICATION

- 1.1 The application for a summary review of the premises licence was made by Suffolk Constabulary. The Application Form is attached as Appendix A and the Certificate as Appendix B.
- 1.2 As part of the application, the Suffolk Constabulary requested that interim steps be applied immediately; and for these steps, namely the suspension of the premises licence, to be in place until the full review hearing.
- 1.3 During a meeting of the Sub-Committee on Friday 29th July 2016, it was concluded that it was necessary, in order to prevent crime and disorder, for the premises licence to be suspended immediately, pending the determination of this application for a summary review.
- 1.4 The Sub-Committee was satisfied that there were no other interim steps available that would deal adequately with this situation.

1.5 The application has been forwarded to the relevant Responsible Authorities, as prescribed by the Licensing Act 2003 and advertised, as required by legislation, for a seven day period; inviting representations within ten working days (period ending 11th August 2016).

2. ADDITIONAL REPRESENTATIONS IN OBJECTION

2.1 At the time of this report being submitted for publication there had been no additional representations.

2.2 Any representations received within the statutory period will be presented to the Sub-Committee members electronically and reported at the meeting.

3. POINTS FOR CONSIDERATION

3.1 On 2nd August 2016 the Licensing Team received an application to 'TRANSFER' the premises licence for The Carlton to Mr William Carr, the owner of the building.

3.2 There is no named DPS on the licence at this time; this is not a requirement as the premises licence is currently suspended.

3.3 Mr Carr hopes to be able to preserve the licence at this time with a view to getting new tenants to run the premises in the future.

3.4 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will 'consider the direct impact of the licensable activities on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority wishes to safeguard the amenity of residents and other businesses from the potential adverse consequence of the operation of licensed premises whilst recognising the valuable contribution that such premises make to the local economy as well as their social and cultural significance.'

3.5 The attention of the Sub-Committee is drawn to the following:

a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:

- Guidance Issued under Section 182 of the Licensing Act 2003.
- The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

b) Human Rights Act 1998

- The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.
- It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

3.6 The relevant notices about this hearing have been served on the applicant and the licence holder and they have until 17th August 2016 to confirm whether or not it is their intention to attend and give notice if they wish to call witnesses.

RECOMMENDATION:

The Sub-Committee will be asked to determine this application and has the option to:

a) **Modify the conditions of the licence**

This could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives;

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

b) **Exclude a licensable activity from the scope of the licence**

The Sub-Committee may decide that it is proportionate and relevant to the licensing objectives to;

c) **Remove the Designated Premises Supervisor**

d) **Suspend the licence for a period not exceeding three months**

e) **Revoke the licence**

Depending on the decision of the Sub-Committee, the licence holder and the applicant have rights of appeal to the Magistrates Court.

When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES

Appendix A – Application for Review.

Appendix B – Certificate.

BACKGROUND PAPERS

The Waveney District Council Statement of Licensing Policy, The Licensing Act 2003 (“the Act”) and the Guidance issued under section 182 of the Act.