

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

16th June 2017

TITLE:	Application for a Review of the Premises Licence for Stanleys, 23-25 St Edward Street, Leek, ST13 5DR
PORTFOLIO:	Environment
OFFICER:	Mike Towers, Senior Officer (Housing, Public Health & Licensing)

Attached documents

Appendix 1 – Location Plan of Premises

Appendix 2 – Application for Review from Staffordshire Police, and supporting Documents

Appendix 3 – Additional Evidence from Police and supporting documents

Appendix 4 – Current Premises Licence for Stanley's, 23-25 St Edward Street, Leek, ST13 5DR

Appendix 5 – Minutes of Licensing Sub-Committee 19th May 2017

Recommendations

- 1.1 That Members determine the application for a review of a premises licence for Stanleys, 23-25 St Edward Street, Leek, ST13 5DR.

Executive Summary

- 2.1 An application was received on 30th March 2017 from PC4613 James Finn of the Staffordshire Police Northern Licencing Unit based at Stoke Police Station, reproduced at Appendix 2, requesting the premises licence for Stanleys, 23-25 St Edward Street, Leek, ST13 5DR be called for review on the grounds of the following Licensing Objectives:

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

Relevant Representations

2.2 Responsible Authorities

Fire Officer – None received
 Planning Officer – None received
 Health and Safety Authority – None received
 Child Protection Body – None received
 Staffordshire County Council Trading Standards – Representation received 13th April 2017
 Staffordshire Public Health - None received
 Staffordshire Police – Application for Review and supporting evidence received and reproduced as Appendix 2.
 Environmental Health Officer – None received.

2.3 Other Persons

None received.

Local Policy Consideration

2.4 In carrying out its duties under the Act, the Licensing Authority will actively promote the licensing objectives, namely: -

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

2.5 The Licensing Authority will view each objective with equal importance and pay due regard to any guidance issued by the Secretary of State under section 182 of the Act and the local statement of policy.

2.6 The Licensing Authority has the ability to deviate from both the guidance issued by the Secretary of State and/or this statement of licensing policy where the facts of a case merit it. If such an occasion does arise then full reasons for such reasons for such deviation will be given as part of the published decision.

2.7 The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

2.8 The Sub-Committee must take such of the following steps, as it considers appropriate for the promotion of the licensing objectives:

The steps 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;
- (e) to revoke the licence.

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

The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

2.9 In accordance with the requirements of the Licensing Act 2003, public notices have been placed in the immediate vicinity of the premises, and at the offices of Staffordshire Moorlands District Council giving details of the application and a notice has been placed on the premises allowing a twenty-eight day period for representations.

2.10 The applicant and premises licence holder have the right of appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant and premises licence holder are notified in writing of the Licensing Sub-Committee's decision.

The grounds for review are as follows:

2.11 Staffordshire Police, as a Responsible Authority for the purposes of the Licensing Act 2003, are applying for a Review of the current Premises Licence in respect of the premises known as 'Stanleys' 23-25 St Edward Street, Leek, ST13 5DR, pursuant to section 51 of the said Act, on the grounds that

2.11.1 The Operation and Management of the

premises is undermining three of the four Licensing Objectives (The Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm).

2.11.2 There is reported evidence of persistent controlled drug use at the premises, along with other incidents of crime and disorder.

2.11.3 There is evidence to show an underage sale of alcohol during a Police test purchase operation.

2.11.4 There are continued breaches of the Premises Licence conditions in relation to CCTV provision, customers on the premises after permitted hours, and no Refusals Book provided.

2.12 A representation in support of the Police Review of the Premises Licence was received by email from Mark Wilson, Principal Trading Standards Officer at Staffordshire County Council on 13th April 2017. The content of the email is reproduced below;

From: Wilson, Mark (F&C)

To: Licensing (SMDC)

Cc: Licensing;

"northstaffs.licensing@staffordshire.pnn.police.uk"

Subject: *****RESTRICTED***** Trading Standards

Representations Stanley's, 23-25 St Edward Street, Leek, ST13 5DR

Date: 13 April 2017 15:25:23

Staffordshire County Council Trading Standards acts as a Responsible Authority, insofar as it is a Local Weights and Measures Authority designated under Section 13(4) of the Licensing Act 2003 and Regulation 7 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

Staffordshire County Council Trading Standards hereby submits the below representation in connection with review of the premise licence of Stanley's, 23-25 St Edward Street, Leek, ST13 5DR, concerning the promotion of the Protection of Children from Harm licensing objective.

Trading Standards support Staffordshire Police's review of the premise licence on the basis that the activities at this

premise are undermining the protection of children licensing objective and request that the appropriate weight be attached to the incidents that have been detailed in this review linked to the premise's trading operations.

Furthermore Trading Standards confirms that Officers visited Stanley's on the 23/3/2016 during a joint licensing visit with both police licensing and the local authority licensing team at SMDC. As part of that visit Trading Standards provided advice and guidance contained within Trading Standards on-licence Pack. This pack was not only explained in full to Ranvir Singh Gill but also left with him to implement. The pack contained detailed information on preventing underage sales in an on licence setting. Please refer to the attachment which details the contents page of what was contained in the pack.

A copy of the attachment will be available at the hearing.

- 2.13 The Police, as a responsible authority, have not provided information regarding the specific nature of the sanction or sanctions that they wish to be applied in respect of the current Premises Licence. The Applicant invites the Licensing Authority to consider all options up to and including revocation of the existing Premises licence.
- 2.14 A Location Plan showing the licensed premises and immediate environment is provided as Appendix 1.
- 2.15 The full application for review and supporting documentation can be seen at Appendix 2.
- 2.16 Additional evidence submitted by the Police on 18th May 2017 in support of their application to review the Premises licence is attached as Appendix 3.
- 2.17 A copy of the current Premises Licence is at Appendix 4 of the report.
- 2.18 The Police have provided a copy of CCTV footage on DVD in support of their application which relates to a public order offence on 27th November 2016. This is referred to in Sections 2 and 16 of the Evidence Section at Appendix 2. The DVD Footage will be available to view at the hearing.

- 2.19 The Police submitted a further DVD containing additional CCTV footage which relates to an assault on 12th May 2017. This is referred to as Section 17 of the additional Evidence Section at Appendix 3. The DVD Footage will be available to view at the hearing.
- 2.20 The original Review Hearing for this case was scheduled for 19th May 2017. The Sub-Committee heard a representation from the Premises Licence holder Ranvir Singh Gill that he had not received the case bundle for the hearing nor had he been notified of the date of the hearing. He stated that he had only heard about it via the local press and that whilst he had received a copy of the Police evidence he had not seen the Council Report and Appendices. Mr Gill stated that if he had known about the date of the hearing he would have arranged for legal representation. It had not been possible to arrange such representation for this hearing. The Sub-Committee decided that Mr Gill should be allowed to seek legal representation and the hearing was re-arranged to take place on 16th June 2017 with the agreement of all parties. A copy of the minutes of the hearing is attached as Appendix 5.

Implications

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| 3.1 | <u>Community Safety - (Crime and Disorder Act 1998)</u> | Continuing crime and disorder associated with the premises. |
| 3.2 | <u>Employees</u> | None. |
| 3.3 | <u>Equalities</u> | This report has been prepared in accordance with the Council's Equal Opportunities policy. |
| 3.4 | <u>Financial</u> | None. |
| 3.5 | <u>Legal</u> | N.B. All parties have the right of appeal to the Magistrates Court. |
| 3.6 | <u>Sustainability</u> | None. |

Alicia Patterson
Operations Manager – Environmental Health

Background Papers

Review Application

Location

Licensing Section

Contact

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