

Report to	Licensing sub committee 8 January 2018	Item
Report of	Head of citywide services	3
Subject	Licensing Act 2003: Application for review of a premises licence – Burys Newsagents, 159 – 161 Aylsham Road, Norwich, NR3 2AD	

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider an application by Norfolk County Council Trading Standards Service to review the premises licence in respect of Burys Newsagents, 159 – 161 Aylsham Road, Norwich, NR3 2AD.

Recommendation

That members determine the review application in respect of Burys Newsagents, 159 – 161 Aylsham Road, Norwich, NR3 2AD in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Maguire – Safe City Environment

Contact officers

Maxine Fuller, licensing assistant

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Background documents

None

Report

Licensing Act 2003 (The Act): review applications

1. The Act provides a mechanism by which, following the grant of a premises licence, a responsible authority (e.g. trading standards) or any other person (e.g. a resident living in the vicinity of the premises) may ask the licensing authority to 'review' the licence because of a matter(s) arising at the premises in connection with any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm).
2. The licensing authority must advertise the review by displaying a notice at, on or near the site of the premises to which the application relates and at the main offices of the licensing authority. Notification of an application is also sent to properties within the vicinity of the application premises, in accordance with the policy previously agreed by the city council's licensing committee.
3. The Act provides the licensing authority with a range of powers that it may exercise on determining a review, where it considers them appropriate for the promotion of the licensing objectives. However, the licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
4. Where a licensing authority considers that action under its statutory powers is necessary, it may take any of the following steps:
 - To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example by reducing the hours of opening or by requiring door supervisors at particular times;
 - To exclude a licensable activity from the scope of the licence;
 - To remove the Designated Premises Supervisor, for example, because they consider that the problems are the result of poor management;
 - To suspend the licence for a period not exceeding three months; and
 - To revoke the licence.
5. It should be noted that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
6. The following parties have a right of appeal to the Magistrates Court if they are aggrieved by the licensing authorities decision:
 - the applicant for the review;
 - the holder of the premises licence; and
 - any other person who made relevant representations in relation to the application.

Application for review

7. An application to review the premises licence in respect of Burys Newsagents, 159 – 161 Aylsham Road, Norwich, NR3 2AD has been received from Norfolk County Council Trading Standards Service. A copy of the application and accompanying information is attached at Appendix A (not for publication because it would disclose information which is likely to reveal the identity of an individual as in paragraphs 1 and 3 of Schedule 12A to the Local Government Act 1972) to the report.
8. The grounds for review fall under the licensing objectives of the prevention of crime and disorder.
9. A copy of the existing licence and operating schedule is attached at appendix B to the report.
10. The current Premises Licence holder is Mr Mohammed Kawa Sabir, 159 – 161 Aylsham Road, Norwich, NR3 2AD and the Designated Premises Supervisor is Mohammed Hamed Hussein, 3 York Road, Great Yarmouth, NR30 2LZ.

Relevant representations

11. The responses from the Responsible Authorities are as follows:

Police – no representations received.

Environmental Protection – no representations received.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – (applicant for review – see exempt appendix A).

Primary Care Trust – no representations

Norwich City Council Statement of Licensing Policy

12. Attached at appendix C are the elements of the city council's local Licensing Policy which are considered to have a bearing upon the application:

National Guidance (issued under section 182 of the Licensing Act 2003)

13. Attached at appendix D are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

Summary

14. In determining the application with a view to promoting the licensing objectives the Sub-committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
 - the representations (including supporting information) presented by all the parties;
 - the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
 - the council's own statement of licensing policy.
15. The sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - To modify the conditions of the Premises Licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - To exclude a licensable activity from the scope of the licence;
 - To suspend the licence for a period not exceeding three months; and
 - To revoke the licence.
 - To remove the Designated Premises Supervisor, for example, because they consider that the problems are the result of poor management;
16. The sub-committee is asked to note that it should not carry any of the steps set out in paragraph 18 above because it considers it desirable to do so, it must actually be appropriate in order to promote the licensing objectives.