

LICENSING ACT SUB-COMMITTEE AGENDA



Thursday 17 May 2012

at 10.00am

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors: Brash (Chair), G Lilley and Shields

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Application to Transfer Licence and Appoint an Individual as a Designated Premises Supervisor – The Mowbray, Mowbray Road, Hartlepool – *Assistant Director, Regeneration & Planning*

Licensing Act 2003

Chair's Procedure for Hearings

Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
 - a) **Will the officers and parties present please introduce themselves.**
 - b) **Has everyone received the papers and copies of the procedure.**
 - c) **This is an application for a new licence for**
2. **Representative of the Assistant Director for Community Safety and Protection**

outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. **Members ask any questions of the representative of the Assistant Director for Community Safety and Protection**
4. **Applicant presents their case (either personally or via legal representation) and introduces witnesses where appropriate.**
5. **Questions by Members to applicant and/or applicant's witnesses.**
6. **Representations by responsible bodies and members of the public submitted in accordance with the regulations. I will take these in the following order: -**
7. **Any further questions by Members to the interested parties.**
8. **Do any of the interested parties have any questions or need any issues clarifying?**
9. **Do any of the interested parties wish to briefly sum up?**

10. Does the applicant wish to sum up?

11. Do the Members have any points they wish to have clarified.

Are all parties are satisfied they have said all they wish to?

12. The Members will now go into closed session to reach our decision. We will be accompanied by the Council's legal representative and the Democratic Services Officer who will assist and advise us during that process. We will return to the meeting with our decision as soon as we can.

(Members to leave room)

13. Chair informs parties of their decision, with reasons.

Report of: Assistant Director, Regeneration & Planning

Subject: APPLICATION TO TRANSFER LICENCE AND
APPOINT AN INDIVIDUAL AS A DESIGNATED
PREMISES SUPERVISOR – THE MOWBRAY,
MOWBRAY ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider two simultaneous applications for (1) The Transfer of a Premises Licence and (2) The appointment of a new Designated Premises Supervisor in respect of The Mowbray public house, Mowbray Road, Hartlepool.

2. SUMMARY OF APPLICATIONS

- 2.1 Applicant: Mrs Joanne Diggle

Premises: The Mowbray
Mowbray Road
Hartlepool

- 2.2 Applications have been submitted by Mrs Diggle to transfer the premises licence into her name and also for her to become the Designated Premises Supervisor (DPS) in relation to the above named premises.

3. BACKGROUND

- 3.1 As required by the Licensing Act 2003, copies of the applications were served on Cleveland Police. The Licensing Act states that where the chief officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application(s) would undermine the crime prevention licensing objective he must give the Licensing Authority a Notice.
- 3.2 In this case Cleveland Police have given such Notice and therefore the Licensing Authority must hold a hearing to consider the objection and determine whether the applications should be granted or refused. A copy of the Police's objection Notice is attached as **Appendix I**.

4. ISSUES

- 4.1 Applications to transfer the premises licence and vary the DPS into Mrs Diggle's name were submitted to the licensing authority on 10th April 2012 and, as these applications have immediate effect, Mrs Diggle has been acting in these capacities since that date.
- 4.2 A relevant objection Notice has been submitted by Cleveland Police within the prescribed time period. The Police Notice states that Mrs Diggle is currently the DPS of a licensed premise in the Stockton area where there have been reports of after hours drinking, opening beyond the hours allowed, drugs found on the premises during a Police operation, a positive test purchase and a report of Mrs Diggle being violent towards a customer.
- 4.3 A hearing must therefore be held for Members to consider the Notice unless the licensing authority, the applicant and Cleveland Police who gave the Notice, agree that a hearing is unnecessary. At the time of writing this report no such agreement had been reached.
- 4.4 Members must consider the facts detailed in this report and any other evidence presented and take any of the following steps for the promotion of the crime and disorder licensing objective:
- i) Grant both applications
 - ii) Grant one application but refuse the other
 - ii) Refuse both applications
- 4.5 Should Members decide to refuse either or both of the applications then Mrs Diggle will be deemed to be no longer the holder of the premises licence and/or DPS and responsibility will automatically revert back to the previous licence holder and/or DPS.

5. RECOMMENDATIONS

- 5.1 That Members consider the objection submitted by Cleveland Police and determine whether to reject or grant (i) The Transfer of a Premises Licence application and (ii) The Variation of the Designated Premises Supervisor application to Mrs Joanne Diggle.

Your Ref:
Our Ref: LICE/20/793/MN

When telephoning please use
(01642) 301231 to contact
Marie Nevison
Marie.Nevison@cleveland.pnn.police.uk

19th April 2012

Dear Sirs

Re:- Application to Transfer Premises Licence and Vary the DPS from Patricia Watson to Joanne Diggle. The Mowbray, Mowbray Road, Hartlepool

I write to inform you that Cleveland Police give notice of objection against the variation of the DPS and the application to transfer the premises licence from Patricia Watson to Joanne Diggle on the grounds that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective. The reasons for the notice are as follows:

The Mowbray already suffers from alcohol related crime and disorder and after hours drinking. Cleveland Police have found it necessary to speak to the current DPS, Patricia Watson on numerous occasions and indeed, it was deemed necessary for the hours of opening to be reduced in order to address the problems.

Joanne Diggle has spoken to PC Hussain in relation to this application and advised that she is currently a bar maid at a certain premises in Stockton. However, after speaking to officers in the Stockton area, it has become apparent that Joanne Diggle is currently the DPS at another premises in Stockton.

Whilst Joanne Diggle has been the DPS at this premises in Stockton, there have been reports of after hours drinking, opening beyond the hours allowed, drugs found on the premises during an Operation (Lumberjack) a positive test purchase and also a report of Diggle being violent towards a customer.

Mr Harrison
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

In the event that this application is not withdrawn, further evidence will be provided by Cleveland Police

Yours faithfully

Marie Nevison
On behalf of Legal Services

When telephoning please use
(01643) 301231 to contact
Marie Nevison
Marie.Nevison@cleveland.gov.uk

19th April 2012

Dear Sir

Re: Application to Transfer Premises Licence and Vary the DPS from Patricia Weston to Joanne Diggle, 10a Montrose, Moorpark Road, Hatfield

I write to inform you that Cleveland Police give notice of objection against the variation of the DPS and the application to transfer the premises licence from Patricia Weston to Joanne Diggle on the grounds that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective. The reasons for the notice are as follows:

The Montrose already suffers from alcohol related crime and disorder and after hours drinking. Cleveland Police have found it necessary to speak to the current DPS Patricia Weston on numerous occasions and indeed, it was deemed necessary for the hours of opening to be reduced in order to address the problems.

Joanne Diggle has spoken to PC Hume in relation to this application and advised that she is currently a barmaid at a certain premises in Stockton. However, after speaking to officers in the Stockton area, it has become apparent that Joanne Diggle is currently the DPS at another premises in Stockton.

Whilst Joanne Diggle has been the DPS at this premises in Stockton, there have been reports of after hours drinking, opening beyond the hours allowed, drugs found on the premises during an inspection (unpacked), a positive test purchase and also a report of Diggle being violent towards a customer.

Yours faithfully
Marie Nevison
Marie.Nevison@cleveland.gov.uk
19th April 2012