

LICENSING SUB-COMMITTEE

AGENDA

**Meeting to be held in Civic Centre, Council Chamber on
Wednesday, 20th December, 2006 at 10.00 a.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Licensing Act 2003 – Review of Premises Licence – The Regale Tavern, East Hendon Road, Sunderland	1
	Report of the Director of Community and Cultural Services (copy herewith).	

**R.C. RAYNER,
City Solicitor.**

Civic Centre,
SUNDERLAND.

8th December, 2006

**This information can be made available on request in other languages.
If you require this, please telephone 0191 553 7994**

REPORT BY THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

LICENSING SUB COMMITTEE – 20 DECEMBER 2006

LICENSING ACT 2003 - REVIEW OF PREMISES LICENCE

THE REGALE TAVERN, EAST HENDON ROAD, SUNDERLAND

Mr. Thomas Ratcliffe
26 Stratford Avenue
Grangetown
Sunderland

1.0 Introduction

- 1.1 An application has been received from Northumbria Police under Section 51 of the Licensing Act 2003 applying for a review of the above premises licence on the grounds of the prevention of crime and disorder (see Appendix 1 for copy of the application). At the time the application for review was made the premises licence was held by Mr. Thomas Ratcliffe and the Designated Premises Supervisor was Mrs Lesley Ratcliffe.
- 1.2 Once such an application has been received, the Council, in its role as the Licensing Authority, must advertise on, at or near the premises the fact that a review is to take place and invite representations from both Responsible Authorities and Interested Parties. This notice was displayed at the premises for the statutory period of 28 days commencing 31 October 2006.
- 1.3 Applications have since been received to vary the designated premises supervisor to James Smith and also to transfer the premises licence to Lesley Ratcliffe. As no objections have been received in respect of either of these applications they have both been granted. Therefore, the premises licence holder is now Mrs Lesley Ratcliffe and the designated premises supervisor is now Mr James Smith.

2.0 Representations

- 2.1 No representations have been received from either a responsible authority or interested party.

3.0 Policy Consideration

- 3.1 For Members' information, part 8 of the Licensing Act 2003 applies to this matter.

3.2 For Members' information, the provisions of sections 5.107 to 5.111 of the Secretary of State's Guidance (powers of a licensing authority on the determination of a review) apply to this matter:

'The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

Where the licensing authority considers that action under its statutory powers are 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, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- 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;
- to revoke the licence.

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response. For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the

cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Accordingly temporary changes or suspension of the licence for up to three months may be imposed. This could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. Accordingly, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for a review.'

4.0 Conclusion

4.1 Members are requested to consider the above matter.

Appendix 1

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

CITY OF SUNDERLAND ENVIRONMENTAL HEALTH & CONSUMER PROTECTION	
30 OCT 2006	COPIES TO
FILE REF	FOR ACTION

I Northumbria Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Regale Tavern, East Hendon Road,	
Post town Sunderland	Post code (if known) SR1 2NP

Name of premises licence holder or club holding club premises certificate (if known) Thomas Ratcliffe

Number of premises licence or club premises certificate (if known) 00CMPREM252
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Northumbria Police Sunderland Area Command Gillbridge Avenue Sunderland SR1 3AW
Telephone number (if any) 0191-5636655
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Thomas Ratcliffe is the Premises Licence holder & owner of the Regale Tavern licensed premises located at 4 East Hendon Road, Hendon in Sunderland.

His wife, Lesley is the Designated Premises Supervisor for the premises.

It is the intention of Northumbria Police to request that the City of Sunderland Licensing Authority, remove the Premises Licence from The Regale Tavern and also to remove Lesley Ratcliffe as the DPS at the premises on the grounds that the licensing objective relating to crime and disorder, has been clearly undermined after the police arrests of Mr & Mrs Ratcliffe, in connection with possessing two firearms with intent to endanger life.

Please provide as much information as possible to support the application
(please read guidance note 2)

In the early hours of Monday 17th April 2006 a shotgun was fired at the front door of an address in Ford Estate Sunderland, in the address at the time were two women and two children. Although there were no injuries caused the door was destroyed and the occupants were moved to a secret location. This shooting began a large and complex police investigation which resulted in the arrest of a man for possessing a firearm with intent to endanger life.

During the course of this investigation information was received which resulted on Wednesday 19 April 2006 in police officers from Sunderland Area Command executing a magistrates search warrant at 26 Stratford Avenue, Grangetown in Sunderland. This is the home address of Thomas and Lesley Ratcliffe, Thomas Ratcliffe is known by police to be an associate of the man arrested for firing the shotgun at the house.

During the course of this search officers found a pump action shotgun in a cabinet in the dining room of the house, officers then found a "sawn off" shotgun hidden under Thomas and Lesley Ratcliffe's bed. Both Mr & Mrs Ratcliffe were arrested for possessing both firearms with intent to endanger life. Each of these firearms is a prohibited weapons under section 5 of the Firearms Act.

During the police investigation into the possession of the firearms, Thomas Ratcliffe told the interviewing officers, that he was well known in Sunderland for his knowledge of firearms but refused to state who had left these guns at his house, which he stated he had originally hidden in his loft. Although he fully admitted illegally possessing both firearms his wife Lesley Ratcliffe denied knowledge of them.

On Monday 24 October 2006, Thomas Ratcliffe was charged with two separate offences of possessing firearms according to section 5 (1) Firearms act 1968 and is due to appear before Sunderland Magistrates Court on 1st November 2006. Lesley Ratcliffe remains on bail until the 14th November.

The maximum sentence for possessing such firearms is ten years imprisonment for each charge.

Sunderland Police have serious concerns that the DPS for The Regale Tavern has not only a pump action shotgun hidden in her dining room cabinet but also a sawn off shotgun hidden under her bed. In addition to this the husband of the DPS has been charged with possessing these prohibited weapons and is a known associate of the man currently on bail for discharging a shotgun at the door of a house containing two women and two children. Sunderland Police strongly believe that the licensing objective of Crime & Disorder has been clearly undermined by the DPS.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

A. Kouling 21.2.2005

Date

26th October 2006

Capacity

Det Insp Sunderland Police Licensing Unit

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Terminal Name : AA40 Requesting Officer : 0813 1310 24/10/06
Action
Result C46

CHARGE WORDING SCREEN

1309 : 24/10/06

Page 01 of 01

ON WEDNESDAY 19TH APRIL, 2006 AT SUNDERLAND WITHOUT THE AUTHORITY OF THE
SECRETARY OF STATE HAD IN YOUR POSSESSION A PUMP ACTION SMOOTH BORE GUN NAMELY
A 12 GAUGE SQUIRES BINGHAM MODEL 30 PUMP ACTION SHOTGUN CAPABLE OF HOLDING MORE
THAN 2 CARTRIDGES. CONTRARY TO SECTION 1 OF THE FIREARMS ACT 1968.
**** CONTRARY TO SECTION 5(1)(ac) OF THE FIREARMS ACT 1968.

HOC 081/17 CCCJS
Result

Enter CW or CT to Add Charge Wording DE to Delete

Terminal Name : AA40 Requesting Officer : 0813 1243 24/10/06
Action
Result C46

CHARGE WORDING SCREEN

1243 : 24/10/06
Page 01 of 01

ON WEDNESDAY 19TH APRIL, 2006 AT SUNDERLAND WITHOUT THE AUTHORITY OF THE
SECRETARY OF STATE HAD IN YOUR POSSESSION A SMOOTH BORE GUN NAMELY A SHORTENED
BARRELLED 12 GAUGE MANUFRACTURE SIMPLEX SINGLE BARRELLED SHOTGUN WHICH WAS NOT
CHAMBERED FOR 0.22 RIM FIRE CARTRIDGES AND HAD A BARREL LESS THAN 60.96 CM (24
INCHES) IN LENGTH

**** CONTRARY TO SECTION 5(1)(ac) OF THE FIREARMS ACT 1968.

HOC 081/17 CCCJS
Result

Enter CW or CT to Add Charge Wording DE to Delete