

REPORT OF THE EXECUTIVE DIRECTOR FOR NEIGHBOURHOODS

LICENSING SUB-COMMITTEE – 10 SEPTEMBER 2021

LICENSING ACT 2003 – CONSIDERATION OF POLICE OBJECTION TO THE TRANSFER OF A PREMISES LICENCE

JUNGLE BAR, 20 VINE PLACE, SUNDERLAND, SR1 3NA

Applicant – Miss Jade Mulley

1.0 PURPOSE OF REPORT

- 1.1 To consider an objection from the Police to an application for the transfer of a premises licence for the above-mentioned premises.

2.0 DESCRIPTION OF DECISION

- 2.1 When determining the application, the Sub-Committee is requested to have regard to the notice given by Northumbria Police referred to in paragraph 4.0 below and to reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.

3.0 INTRODUCTION/BACKGROUND

- 3.1 A copy of the application form to transfer the premises licence submitted on 30 July 2021 is attached as Appendix 1.

4.0 CURRENT POSITION

- 4.1 Northumbria Police have notified the Council that it is their belief that the granting of the application would undermine the crime prevention objective. A copy of the objection notice is attached as Appendix 2.
- 4.2 On 30 July 2021, Miss Jade Mulley submitted an application to vary the premises licence to specify Mark Morrison as the Designated Premises Supervisor. The Police have raised no objections to this application.

5.0 REASONS FOR THE DECISION

- 5.1 To determine the application as required by section 44(5) of the Licensing Act 2003.

6.0 ALTERNATIVE OPTIONS

- 6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

- 7.1 The provisions of sections 8.100 to 8.102 of the Secretary of State's Guidance (Transfer of premises licence) apply to this matter and are set out below.

8.100

In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police or Home Office (Immigration Enforcement) raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the holder.

8.101

In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

8.102

Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or the Home Office (Immigration Enforcement).

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 LIST OF APPENDICES

Appendix 1 – Transfer Application form.

Appendix 2 – Northumbria Police objection notification.

10.0 BACKGROUND PAPERS

10.1 None.