

REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS

LICENSING SUB-COMMITTEE – 19 JANUARY 2022

LICENSING ACT 2003 – CONSIDERATION OF APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR

JOSEPHS BAR, 29 HOLMESIDE, SUNDERLAND, SR1 3JF

1.0 PURPOSE OF REPORT

- 1.1 To consider an application to vary the premises licence to specify an individual as a designated premises supervisor of the above-mentioned premises.

2.0 DESCRIPTION OF DECISION

- 2.1 The Sub-Committee is requested to have regard to the representation detailed in paragraph 4.1 below and to reject the application if they consider it appropriate for the prevention of the crime prevention objective to do so.

3.0 INTRODUCTION/BACKGROUND

- 3.1 On 19 November 2021 an application was received from Tony Shipley the premises licence holder in respect of Josephs Bar to vary the premises licence to specify Mr Mark Morrison as the designated premises supervisor under section 37 of the Licensing Act 2003. A copy of the application form is attached at Appendix 1.
- 3.2 Mr Morrison currently holds a Personal Licence issued by Sunderland City Council.

4.0 CURRENT POSITION

- 4.1 On 30 November 2021 a letter was received on behalf of the Chief Officer of Northumbria Police stating that they wished to object to the application to vary the premises licence to specify Mark Morrison as the designated premises supervisor. A copy of the objection letter received from the Police is attached at Appendix 2.
- 4.2 The Secretary of State's Guidance issued under the Licensing Act at Section 4.39 includes that "the police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to particular premises gives rise to exceptional concerns."
- 4.3 In Section 4.40 the Guidance further states that "where the police do object, the licensing authority must arrange a hearing at which both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up the post as DPS immediately and, in such cases,

the issue would be whether the individual should be removed from his post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.”

5.0 REASONS FOR THE DECISION

- 5.1 To determine the application as requested by section 39(3) of the Licensing Act 2003.

5.0 ALTERNATIVE OPTIONS

- 6.1 None submitted.

6.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

- 7.1 There are no other considerations that require the attention of the Sub-Committee.

8.0 GLOSSARY

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

9.0 LIST OF APPENDICES

- 9.1 Appendix 1 – Application form.
9.2 Appendix 2 - Objection from Northumbria Police.

10.0 BACKGROUND PAPERS

None.