

Minutes of the meeting of the Licensing and Appeals Hearings Panel held at 9.30 am on Tuesday, 24th May, 2022 at Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor R Kirk (in the Chair)

Councillor P Bardon

Councillor D B Elders

LAHP.1 **Application for the Grant of a Premises Licence - The Leven, High Street, Stokesley**

Stokesley Ward

**The subject of the decision:**

The Director of Law and Governance submitted a report seeking consideration of an application for a premises licence in respect of The Leven, 27 High Street, Stokesley. According to Council records, the premises was already subject to an existing premises licence authorising the sale of alcohol and various forms of regulated entertainment between the hours of 11am and 12.30am. The new application sought to authorise a 'shadow premises licence to mirror the existing licence.

**Alternative options considered:**

The Panel considered all of the options in paragraph 7.2 of the officer's report. The Panel did not consider it necessary to reject the application or to impose any additional conditions beyond those already contained within the applicant's operating schedule. The Panel therefore concluded that the alternative options were not appropriate in this instance.

**The reason for the decision:**

The Panel noted that three local residents had initially objected to the grant of a new premises licence but one had withdrawn prior to the hearing. The Panel considered the two remaining representations from local residents, the written and oral submissions made on behalf of the applicant, the relevant case law provided on behalf of the applicant, the Licensing Act 2003 as amended, the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

The applicant informed the Panel that the purpose of the application was to protect his company's interests as the owner of the premises. The Panel was informed that the existing premises licence was held by the leaseholder and a shadow licence would provide some security in the event that the primary licence lapses following the death, incapacity or insolvency of the existing licence holder.

The applicant made reference to a High Court case involving Extreme Oyster/Star Oyster Limited and Guildford Borough Council to demonstrate that applications by landlords for 'shadow licences' are compliant with the Licensing Act 2003 and must be determined in the usual way.

The Panel gave appropriate weight to two representations submitted by local residents in relation to alleged drug use on the premises, loud music, customers urinating in nearby gardens, customers fighting and aggressive behaviour in close proximity to local residents.

The applicant invited the Panel to consider paragraph 9.12 of the statutory guidance issued under s182 of the Licensing Act 2003, which states "*it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective ... The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective*". The applicant indicated that any concerns relating to noise nuisance and crime and disorder would generally be the responsibility of Environmental Health and North Yorkshire Police.

The Panel acknowledged that none of the responsible authorities had made representations and, whilst the Panel was unable to draw reliable conclusions with regards to any current concerns based on the information provided by the local residents, it noted that the licence review process provides a mechanism to address any existing adverse impacts on the licensing objectives. According to Council records, the premises in question had not been subject to any review proceedings.

The Panel acknowledged that, in this instance, it was required to consider the likely impact that granting the application would have on the licensing objectives. The Panel noted that, in terms of the proposed activities and conditions, the applicant sought to replicate the current authorisation exactly and therefore the Panel was not satisfied that granting a shadow licence could have any adverse impact that doesn't already exist.

The Panel was satisfied that the relevant authorities would already have adequate powers (in addition to the powers of review under the Licensing Act 2003) to address any legitimate concerns now or in the future. The Panel was confident that appropriate action would be taken to resolve any concerns if it was necessary but, in any case, this application did not provide an opportunity to review the existing licence.

The applicant informed the Panel that he was an experienced licensee with a number of premises in Middlesbrough and he had chaired the local Pubwatch meetings for around seven years. The Panel noted that no responsible authority or interested party had raised any concerns relating specifically to the applicant and therefore concluded that there were no grounds to believe that granting the application was likely to have any adverse effect on the licensing objectives.

**The decision:**

The Panel resolved to grant the application as applied for subject to the relevant mandatory conditions and the conditions consistent with the applicant's operating schedule.

The meeting closed at 10.09 am

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Chairman of the Panel