

REPORT TO	ON
Licensing and Public Safety Committee	11 June 2019



TITLE	REPORT OF
Use of Standing Order 35	Interim Monitoring Officer/ Legal Services Manager

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

1.1 To provide an update on the recent use of Standing Order 35

2. RECOMMENDATIONS

2.1 To note the contents of the report and the action taken

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

4. BACKGROUND TO THE REPORT

4.1A Licensing Act 2003 panel hearing was re-convened on the 27th November 2018, consisting of three members, Councillor Mort (Chair), Councillor Bell and Councillor Wharton, to determine a review application in respect of Moss Lane Convenience Store, pursuant to the provisions of S52 of the Licensing act 2003.

4.2In the circumstances the panel felt that the only appropriate measure was to revoke the licence. Serious criminal activity had taken place at the premises and it was considered that revocation was warranted. Such action was considered to be in the public interest having regard to the twin considerations of prevention and deterrence. Revocation of the premises licence was an appropriate and proportionate response in terms of promoting the licensing objectives

4.3The Licence holder submitted an Appeal to the Magistrates against the Licensing Authorities decision.

4.4 In early January 2019 the Department was contacted by an interested party who wished to take over the business, his client was an operator from Liverpool who had 2 (off licensed) premises. His intention was to transfer the licence.

4.5 It was explained that clear severance would be needed, in the form of a new lease which demonstrated that the previous licence holder had no interests in the business before any settlement of the Appeal could even be considered. The new licence holder was from Liverpool and had at least a 4 year trading history in that area which was confirmed by the Police in Liverpool.

4.6 A copy of the Standing Order used to authorise the agreement to enter into a Consent Order with the side is attached as Appendix 1

5. PROPOSALS

None applicable

7. FINANCIAL IMPLICATIONS

There are no direct financial implications.

8. LEGAL IMPLICATIONS

8.1 As a result of the standing order, the parties entered into a Consent Order which set aside the decision of the panel and which has been approved by the Court.

9. COMMENTS OF THE STATUTORY FINANCE OFFICER

The report is for information and has no financial implications.

10. COMMENTS OF THE MONITORING OFFICER

Please see the comments at 8.1 above.

11. OTHER IMPLICATIONS:

<ul style="list-style-type: none">▶ HR & Organisational Development▶ ICT / Technology▶ Property & Asset Management▶ Risk▶ Equality & Diversity	
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12. BACKGROUND DOCUMENTS (or There are no background papers to this report)

13. APPENDICES

Appendix 1

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