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| <b>Report to:</b>        | <b>Licensing Panel</b>                    |
| <b>Relevant Officer:</b> | Sharon Davies, Head of Licensing Services |
| <b>Date of Meeting :</b> | 6 March 2017                              |

## APPLICATION TO REVIEW A LICENCE – Osprey Hotel

### 1.0 Purpose of the report:

1.1 To consider an application by Health and Safety to review the Premises Licence issued in respect of Osprey Hotel, 27 Charnley Road.

### 2.0 Recommendation(s):

2.1 The panel is requested to determine the review application.

### 3.0 Reasons for recommendation(s):

3.1 This application must be determined by a panel.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

**None, once a review application is submitted**

### 4.0 Background Information

4.1 The Osprey Hotel, 27 Charnley Road, has the benefit of a Premises Licence authorising the sale of alcohol 24 hours a day to residents and their bona-fide guests.

4.2 On 15 December 2016, the Licensing Service received an application from Health and Safety to review this licence on the grounds of the prevention of crime and disorder and public safety. A copy of the application is attached at Appendix 4a.

4.3 This review was initially cancelled on 19 December 2016 when the licence was surrendered by the Licence Holder but was reinstated on 6 January 2017 when the licence was reinstated by an application to transfer the licence back into the original licence holder's name. The outstanding licence fees were also paid on 6 January 2017.

4.4 The licence holder is Dinesh Modi

4.5 On 17 January 2017, Mr Modi confirmed that the tenants Mr and Mrs Nottage were no longer running the business and he intended to re-let the hotel. Mr Modi further confirmed that he would transfer the licence to the new tenant when they took possession. As a result of this Mr Marshall, Licensing and Health and Safety Manager, confirmed that he no longer believed that it was necessary to revoke the licence. At the time of writing this report no new transfer application has been received.

4.6 **Local policy considerations**

None

4.7 **National policy considerations**

Section 11 reviews is relevant in particular:

11.20 – 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 that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

If a suspension or revocation is being considered 11.23 should be taken into account "it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

The panel have the following powers:

1. Take no action
2. Modify the conditions of the licence (by adding removing or varying conditions)
3. Exclude a licensable activity from the licence
4. Remove the DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

4.8 **Observations**

This licence has not been varied since it was converted from a Magistrates' Court licence therefore it only has the mandatory conditions endorsed upon

4.9 Does the information submitted include any exempt information? No

4.10 **List of Appendices:**

Appendix 4a: Application

Appendix 4b Email correspondence between Mark Marshall and the Licence Holder

5.0 **Legal considerations:**

5.1 Please see local and national policy in the background information.

6.0 **Human Resources considerations:**

6.1 None

7.0 **Equalities considerations:**

7.1 None

8.0 **Financial considerations:**

8.1 None