

## NOTICE OF MEETING

MEETING	<b>LICENSING ACT 2003 SUB-COMMITTEE</b>
DATE:	<b>WEDNESDAY 26 MAY 2010</b>
TIME:	<b>9.30 am</b>
VENUE:	<b>COUNCIL CHAMBER - TOWN HALL</b>
CONTACT:	<i>Alex Daynes</i> <i>Telephone: 01733 452447</i> <i>e-mail address alexander.daynes@peterborough.gov.uk</i>
<i>Despatch date:</i>	<i>18 May 2010</i>

### AGENDA

### PAGE NO

1. **Apologies**
2. **Declarations of Interest**
3. **Application for Expedited Summary Review of Premises Licence** 1 - 46  
To consider an expedited review application for Shooters Bar.



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Alex Daynes on 01733 4522682447.

This page is intentionally left blank

<b>LICENSING ACT 2003 SUB COMMITTEE</b>		<b>AGENDA ITEM No 3</b>	
<b>26 May 2010</b>		<b>PUBLIC REPORT</b>	
Contact Officers:	Adrian Day, Licensing Manager Terri Martin, Regulatory Officer Licensing	Tel: 454437 Tel. 453561	

<b>APPLICATION:</b>	Expedited Summary Review of Premises Licence
---------------------	--

<b>PREMISES:</b>	Shooters Bar 29 New Road, Peterborough, PE1 1FJ
------------------	--

<b>REFERENCE NUMBER:</b>	MAU 059285
--------------------------	------------

<b>GLOSSARY OF TERMS:</b>	Attached at <b>Appendix A</b> on <b>Page 4</b>
---------------------------	--

## 1. PURPOSE OF REPORT

- 1.1 To consider and determine an application made by Cambridgeshire Constabulary for an expedited summary review of a Premises Licence under Section 53A of the Licensing Act 2003 for the above premises. A summary review is applicable for premises experiencing serious crime or disorder.

## 2. BACKGROUND INFORMATION

- 2.1 On the 27 June 2005 an application was made to Peterborough City Council to apply for a conversion and variation of an existing justices licence to a premises licence as per schedule 8 of the Licensing Act 2003. As no representations were received from any of the responsible authorities or from any interested party, the premises licence was granted on the 22 August 2005. At that time the premises was operating as a members only Pool and Snooker Hall with membership rules, with the provision for late night refreshment, indoor sporting events, and the sale of alcohol.
- 2.2 On the 7 November 2007 a variation application was received to remove the membership restriction, to include films, recorded music, anything of a similar description, to provide facilities for entertainment, to include and remove conditions and a variation to the plan to remove the snooker tables and reposition the bar serving area.
- 2.3 The police made representation and a short term mediated condition was added to the licence which restricted the sale of alcohol from 06.00 to 04.00am for three months to evaluate if the change in operating style increased issues of crime and disorder. This mediated condition was removed 5 March 2008, therefore sale of alcohol was permitted until 06.00.
- 2.4 No other representations were received from any other responsible authority or interested party and the licence was granted 7 December 2007. A copy of the current premises licence is attached at **Appendix B Page 7**.

- 2.5 A review application was served by Cambridgeshire Constabulary on the 18 February 2010, under the prevention of public nuisance, public safety and prevention of crime and disorder objectives.
- 2.6 An application to vary the Designated Premises Supervisor (DPS) was received on 4 March 2010, this application was to remove Mr Graham McMillan as the DPS and make Mr Thomas Pick the current DPS with immediate effect.
- 2.7 The review application (mentioned in 2.3) was determined by the licensing sub committee on 28 April 2010, the sub committee's decision was to revoke the premises licence. A copy of the decision notice is attached at **Appendix C Page 21**.

### **3. APPLICATION**

- 3.1 In accordance with section 53A of the Licensing Act 2003 following the submission of an application for a summary review of the premises licence and the certificate signed by a superintendant from Cambridgeshire Constabulary, the licensing authority must consider if it is necessary to take interim steps within 48 hours.
- 3.2 A consideration hearing took place on the 5 May 2010 where the licensing sub committee determined the interim steps to be applied as per section 53B of the Act. The sub committee's decision was to suspend the premises licence. A copy of this decision is attached at **Appendix D Page 29**.
- 3.3 The holder of the premises licence made representations appealing the decision of the interim step to suspend the premises licence. The appeal letter can be found at **Appendix E Page 33**.
- 3.4 The licensing sub committee met again on 7 May 2010 to consider the representations of the premises licence holder to appeal the suspension. The sub committee determined that no modification to the original decision to suspend the licence was required. A copy of this decision can be found at **Appendix F Page 37**.
- 3.5 A copy of the application for summary review and the accompanying certificate under section 53A, which was received at these offices on 30 April 2010 is attached at **Appendix G Page 39**.
- 3.6 A copy of the 'Notice' that was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (as amended by the Violent Crime Act 2006 and Statutory Instruments 2007 No 2502) is attached at **Appendix H Page 45**.

### **4. Summary of issues raised by Cambridgeshire Constabulary**

The summary review has regard to serious disorder occurring on the 30 April 2010, involving between 15 and 20 people where 4 persons were arrested. Cambridgeshire constabulary were concerned that further incidents of serious disorder would continue to take place during the appeal period and recommended that the interim step should be to suspend the premises licence.

### **5. LICENSING OFFICERS COMMENTS**

- 5.1 The decision of the committee to revoke the premises licence on 28 April 2010 does not have effect until the end of the period given for appealing against the decision (21 days), or if the decision is appealed against, until the appeal is disposed of, therefore the premises may remain open.
- 5.2 If the premises licence holder does not appeal the licensing sub committee's decision (made on 28 April 2010) to revoke the premises licence on or before 21 May, the committee's decision will stand and the premises licence will be revoked.

## **6. POLICY & GUIDANCE IMPLICATIONS**

6.1 The following sections/paragraphs are applicable to this application:

### **6.2 Council's Statement of Licensing Policy**

- Other legislation: *Section 10 on Page 14*
- Fundamental Principles: *section 6 on Page 9*
- Reviews: *section 15 on Page 18*
- Delegation / Decision Making / Administration: *Section 16 page 18*

### **6.3 Guidance Issued under Section 182 of the Licensing Act 2003 (March 2010)**

- The licensing objectives: *Section 2 pages 16 to 23*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

## **7. LEGAL OFFICER'S COMMENTS**

7.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a summary review of a premises licence following the application by Cambridgeshire Constabulary (Responsible Authority) to review the premises licence made under section 53A of the Licensing Act 2003.

7.2 In this case, the application was received at these offices on 30 April 2010. It is very unusual for a Licensing Authority to conduct a summary review of a premises licence whilst that licence is under suspended revocation due to a previous review within the 21 day appeal period. In this case, it may be the position that the licence holder does not wish to appeal, therefore the committee will still meet to make a determination over a licence that effectively does not exist due to revocation. In a recent High Court judgment, the court determined that a licensing sub-committee once their discretion is invoked and a hearing is to take place, there can be no inherent power to stay proceedings under the Act. This means that the sub-committee must convene and must make a determination.

7.3 The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

7.4 The committee will take such of the steps as it considers that action is necessary for the promotion of the licensing objectives. The steps are –

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence
- (f) to adhere to the decision of 5<sup>th</sup> and 7<sup>th</sup> May 2010 or amend that decision.

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## LICENSING ACT 2003 GLOSSARY OF TERMS

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

### **‘Child’**

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

**DCMS:** Department for Culture Media and Sport

**‘Designated Premises Supervisor’** means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

### **‘Interested parties’:**

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, e.g. a residents association;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business e.g. a trade association.

**‘Late Night Refreshment’** means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

**‘Licensable Activities’** means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

**‘Licensing Authority’:** - is the licensing function of Peterborough City Council

**‘Licensed Premises’** includes club premises and events unless the context otherwise requires.

### **‘Licensing Objectives’**

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

**‘Operating Schedule’** means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises

- The steps being taken to promote the Licensing Objectives

**'Rateable Value'**: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

**'Regulated Entertainment'** (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

**Or** the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

**'Relevant Licensing Authority'**: is the Authority in the area the premises are situated.

**'Responsible Authority'** means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children's Services – Child Protection & Review Manager
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

**'Supply of alcohol'**:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

**'Temporary Event Notice'** means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used; and

- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year, and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

**‘the Act’**: means the Licensing Act 2003

**‘Vicinity’**: Given the normal everyday meaning of being ‘near to’ when considering the relevance of representations received from individual’s residence or business.

Licensing Act 2003\glossary of terms 13 March 2007



**PART A**

**Premises Licence**

**Peterborough City Council, Environmental Services,  
 Bridge House, Town Bridge, Peterborough, PE1 1HU**

**Premises Licence Number**

058752

**Part 1 - Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Shooters Bar  
 29 New Road

**Post Town** Peterborough

**Post Code** PE1 1FJ

**Telephone Number** 01733 568554

**Where the licence is time limited the dates**

Start Date N/A  
 End Date N/A

**Licensable activities authorised by the licence**

**Provision of regulated entertainment**

**Films**

The exhibition will take place indoors

**Recorded Music**

The recorded music will take place indoors

**Anything of a similar description to that of live music, recorded music or performances of dance**

The entertainment will take place indoors

**Provision of entertainment facilities**

**Entertainment of a similar description to that of making music or dancing**

The activity will take place indoors

**Provision of late night refreshment**

The provision of late night refreshment will take place both indoors and outdoors

**Sale by retail of alcohol**

The supply of alcohol will be for consumption on the premises both on and off the premises.

**The times the licence authorises the carrying out of licensable activities**

**Films**

Monday to Sunday      Between 00.00hrs and 00.00hrs

**Recorded Music**

Monday to Sunday      Between 00.00hrs and 00.00hrs

**Anything of a similar description to that of live music, recorded music or performances of dance**

Monday to Sunday      Between 00.00hrs and 00.00hrs

**Entertainment of a similar description to that of making music or dancing**

Monday to Sunday      Between 00.00hrs and 00.00hrs

**Provision of late night refreshment**

Monday to Sunday      Between 23.00hrs and 05.00hrs

**Sale by Retail of Alcohol**

Monday to Sunday      Between 10.00hrs and 06.00hrs

**The opening hours of the premises**

Monday to Sunday      Between 00.00hrs and 00.00hrs

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

The supply of alcohol will be for consumption on the premises both on and off the premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Graham R McMillan

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXXXX

**Registered number of holder, for example company number, charity number (where applicable)**

Information not provided

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Thomas J F Pick

XXXXXXXXXX

XXXXXXXXXX

XXXXXXXXXX

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence Number                      049063

Issuing Authority                    Peterborough City Council

## **Annex 1 - Mandatory conditions**

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

### **Exhibition of films**

This registration authorises the exhibition of films subject to the following conditions:

1. I will not exhibit any film unless –
  - (a) it has received a "U", "PG", "12", "12A", "15" or "18" certificate from the British Board of Film Classification; or
  - (b) it is a current newsreel which has not been submitted to the British Board of Film Classification.
  
2. Where films are classified by the film classification body, (British Board of Film Classification) I will make sure that children (persons under 18) are only admitted in accordance with the classification of the film:  
  
U – Universal – suitable for audiences aged 4 years and over;  
PG – Parental Guidance – some scenes may be unsuitable for young children;  
12 – viewing by persons aged 12 years and over;  
12A – viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult;  
15 – viewing by persons aged 15 years and over;  
18 – viewing by persons aged 18 years and over.
  
3. Where the Licensing Authority has made a recommendation on the restriction of admission of children to a film, I will make sure that notices are displayed both inside and outside the premises so that persons are aware of the classification.

### **Supply of alcohol (Premises Licence)**

This registration authorises the supply of alcohol subject to the following conditions:

4. No supply of alcohol may be made at a time when
  - (a) there is no designated premises supervisor in respect of the premises licence, or
  - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

5. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Door Supervision (where supervisors are engaged this condition applies)**

6. All door supervisors will be Security Industry Authority registered.

## Annex 2 - Conditions consistent with the Operating Schedule

### Crime and Disorder

7. **Sale of alcohol, will initially be limited to 04.00hrs. If there has not been an increase in crime and disorder after three months and the Police are in agreement the timings will be adjusted to those within the operating schedule.**
8. Video/CCTV equipment shall be installed inside/outside the premises and maintained in working order.
9. Video/CCTV equipment will be set to record from the time that the premises open to the public until the premises close and all members of the public have left.
10. Monitoring digital images shall be retained for one month and shall be produced to an authorised officer on demand.
11. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
12. Door supervisors will be used or employed at all times when a licensable activity is being carried out when considered necessary to:
  - Prevent the admission and ensure the departure from the premises of drunk and disorderly persons, without causing further disorder;
  - Keep out excluded individuals (subject to court or pub watch bans)
  - Search and exclude persons suspected of carrying illegal drugs or offensive weapons; or
  - Maintain an orderly queue outside the venue.
13. Door Supervisors used shall be registered by the Security Industry Authority
14. At least two door supervisors will be used or employed on each floor or tier, in addition to those located in any access/egress point, during the whole of the time any licensable activity takes place.
15. A means of two way communication shall be provided between the premises and the local police or CCTV monitoring centre to report incidents.
16. Video/CCTV equipment shall be installed inside/outside the premises and maintained in working order.
17. Video/CCTV equipment will be set to record from the time that the premises open to the public until the premises close and all members of the public have left.
18. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
19. Drinks shall only available for consumption from plastic vessels or toughened glass.

20. Where glass bottles are used, they will be retained or disposed of on the premises.
21. No customers will be admitted, or permitted to leave when carrying opened bottles or glasses.
22. The maximum occupancy of the licensed premises is restricted at any one time to: 300
23. Door Supervisors are to be used or employed to ensure that the capacity limit is enforced when SIA are on duty
24. Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 18 years of age.
25. A secure deposit box is to be kept on the premises for the retention of confiscated items and ensure that the Police are advised of any items which require safe disposal.
26. Notices relating to any restrictions on the admittance of individuals according to age (*e.g. Children*) shall be displayed on or immediately outside the premises.
27. The premises licence holder shall ensure participation in the local pubwatch / nightsafe scheme operating in the area.
28. Any alarms installed at the licensed premises shall be maintained in working order.
29. The premises license holder shall be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.
30. The premise license holder shall not participate or encourage flyposting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter.

## **Public Safety**

31. Escape routes and exits, including external exits, shall be maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
32. Where chairs and tables are provided, internal gangways are to be kept unobstructed.
33. All exit doors shall be easily openable and shall not require the use of a key, card, code or similar means.
34. Doors at exits shall be regularly checked to ensure that they function satisfactorily and a record of the check will be kept.
35. All fire doors shall be maintained as effectively self-closing and not held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).

36. Edges of the treads of steps and stairways are maintained so as to be conspicuous.
37. Safety checks are to be carried out before the admission of the public or club members and guests; and details of such checks are to be kept in a Log-book.
38. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
39. Temporary electrical wiring and distribution systems shall not be provided without prior inspection by a suitably qualified electrician
40. The following systems shall be maintained and inspected by suitably qualified professional persons in accordance with any British Standards and at intervals recommended in national guidance, and records kept of such inspections available for inspection by authorised officers on request:  
  
Building Electrical Installation  
Emergency Lighting System  
Fire Warning System  
Suspended ceilings  
Portable fire fighting equipment  
Temporary Electrical Installation
41. Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.
42. Free drinking water shall be available at all times the premises is open to the public.
43. A "hot line" to a local taxi firm shall be installed
44. The regulatory reform (Fire Safety) Order 2005 will be complied with

### **Public Nuisance**

45. Doors and windows shall be kept closed (except for ingress and egress) to reduce noise nuisance from the premises.
46. Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with.

### **Protection of Children from Harm – None**



## **Annex 2A – Embedded Restrictions**

### **Embedded Restrictions:**

Licensees should note that the under enclosed embedded restrictions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

### **ALCOHOL ON LICENCES**

Alcohol shall not be sold or supplied except during permitted hours as listed above and below.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31<sup>st</sup> December).

**Annex 3 - Conditions attached after a hearing by the licensing authority - NONE**

**Annex 4 – Plans**

**PART B**

**Premises licence summary**

**Peterborough City Council, Licensing Section,  
 Bridge House, Town Bridge, Peterborough, PE1 1HU**

**Premises Licence Number**

058752

**Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Shooters Bar 29 New Road	
<b>Post Town</b> Peterborough	<b>Post Code</b> PE1 1FJ
<b>Telephone Number</b> 01733 568554	

<b>Where the licence is time limited the dates</b> Start Date N/A End Date N/A
--

<p><b>Licensable activities authorised by the licence</b></p> <p><b>Provision of regulated entertainment</b></p> <p><b>Films</b> The exhibition will take place indoors</p> <p><b>Recorded Music</b> The recorded music will take place indoors</p> <p><b>Anything of a similar description to that of live music, recorded music or performances of dance</b> The entertainment will take place indoors</p> <p><b>Provision of entertainment facilities</b></p> <p><b>Entertainment of a similar description to that of making music or dancing</b> The activity will take place indoors</p> <p><b>Provision of late night refreshment</b> The provision of late night refreshment will take place both indoors and outdoors</p> <p><b>Sale by retail of alcohol</b> The supply of alcohol will be for consumption on the premises both on and off the premises.</p>
---

<b>The times the licence authorises the carrying out of licensable activities</b>	
<b>Films</b>	
Monday to Sunday	Between 00.00hrs and 00.00hrs
<b>Recorded Music</b>	
Monday to Sunday	Between 00.00hrs and 00.00hrs
<b>Anything of a similar description to that of live music, recorded music or performances of dance</b>	
Monday to Sunday	Between 00.00hrs and 00.00hrs
<b>Entertainment of a similar description to that of making music or dancing</b>	
Monday to Sunday	Between 00.00hrs and 00.00hrs
<b>Provision of late night refreshment</b>	
Monday	Between 23.00hrs and 05.00hrs
<b>Sale by Retail of Alcohol</b>	
Monday to Sunday	Between 10.00hrs and 06.00hrs

<b>The opening hours of the premises</b>	
Monday to Sunday	Between 00.00hrs and 00.00hrs

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b>	
The supply of alcohol will be for consumption on the premises both on and off the premises.	

<b>Name, (registered) address of holder of premises licence</b>	
Mr Graham R McMillan	
XXXXXXXX	
XXXXXXXXXX	
XXXXXXXXXX	

<b>Registered number of holder, for example company number, charity number (where applicable)</b>	
Information not provided	

<b>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
Mr Thomas J F Pick	

<b>State whether access to the premises by children is restricted or prohibited</b>	
Restricted	

This page is intentionally left blank

**PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE**

<b>DATE OF HEARING</b>	Wednesday, 28 April 2010
<b>PANEL MEMBERS</b>	Councillor Dobbs (Chair) Councillor Thacker Councillor Swift
<b>APPLICATION TYPE/REF</b>	Review of Premises Licence MAU 058675
<b>LICENSEE</b>	Mr Graham McMillan
<b>ADDRESS</b>	146 Oxney Road, Peterborough, PE1 5NG

<b>PREMISES DETAILS</b>	Shooters Bar, 29 New Road, Peterborough, PE1 1FJ	
<b>LICENSEE HEARD</b>	<b>Yes</b>	
<b>LICENSEE REPRESENTED</b>	<b>Yes</b>	
Mr John Snell, Counsel, Hegarty LLP Solicitors		
<b>WITNESSES FOR LICENSEE</b>		<b>No</b>
<b>THE FOUR LICENSING OBJECTIVES</b>		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance	Protection of children from harm	
<b>LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE</b>		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance		

Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

**PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE**

<b>REPRESENTATIONS: RESPONSIBLE AUTHORITIES &amp; INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK</b>		
<b>NAME/DETAILS</b>	<b>ATTENDING</b>	<b>SPEAKING</b>
Mr Simon Walsh – Barrister for Cambridgeshire Constabulary	Yes	Yes
PC Ifor Maddox – Northern Licensing Officer, Cambridgeshire Constabulary	Yes	Yes
Ms Debbie Sampson – Community Safety Team Leader, Cambridgeshire Constabulary	Yes	No

Signed            Councillor Dobbs..... Chairman

Date             28 April 2010.....



PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE

The Sub-Committee has read the report and relevant material and listened to all the evidence and submissions. The Sub-Committee has also considered the national guidance and the council's statement of licensing policy.

**FINDINGS OF FACT**

*Note here during hearing facts that have a bearing on the decision*

The Sub-Committee finds the following facts:

1. Violent incidents have occurred in the vicinity of Shooters Bar;
2. Not all incidents can be attributed to the customers of Shooters Bar;
3. Other night clubs or bars are open in the vicinity of the premises;
4. Previous attempts of mediation and advice have been attempted to alleviate the problems;
5. CCTV was not available on all occasions when requested by the Police which is a condition of the current licence;

**IRRELEVANT REPRESENTATIONS**

*Note here irrelevant matters mentioned at hearing and why irrelevant  
e.g. not related to the relevant licensing objective, not related to licensing (e.g. parking issues)*

The Sub-Committee considered the following to be irrelevant Representations:

None

Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE

<p><b>DECISION MADE</b></p> <p><b>Review of Premises Licence</b></p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the three licensing objectives.</p> <p><b>Our decision therefore is:</b></p> <ul style="list-style-type: none"><li>• to revoke the licence</li></ul>
--	--

Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE

**ADDITIONAL CONDITIONS ATTACHED (if any)**

1. *Conditions set out in the operating schedule (as amended or otherwise)*
2. *Additional conditions (if any) proposed by responsible authorities*
3. *Additional conditions proposed by applicant*
4. *Additional conditions arising from issues considered by the Sub-Committee in respect of any relevant representations*
5. *Any further conditions considered necessary for the promotion of the Licensing Objectives*

**None.**

Signed            Councillor Dobbs..... Chairman

Date             28 April 2010.....

**PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE**

**REASONS FOR DECISION, LINKED TO FINDINGS OF FACT**

In view of the Findings of Fact and submissions made the Sub-Committee when considering all the circumstances agreed that the premises licence be revoked. It was considered by the sub-committee that a reduction in the operating hours, hours for licensable activities and proposed conditions would be insufficient in effectively promoting the licensing objectives of Public Safety, Prevention of Crime and disorder and Prevention of Public Nuisance.

This decision is suspended to allow an appeal to the magistrate's court for 21 days, and allowing for the delivery of the notice if the decision is not appealed revocation will have effect on Friday 21 May 2010 from midnight.

**SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE COMMITTEE'S DECISION:**

**Council's Statement of Licensing Policy**

- Other legislation: *Section 10 on Page 14*
- Fundamental Principles: *section 6 on Page 9*
- Reviews: *section 15 on Page 18*
- Delegation / Decision Making / Administration: *Section 16 page 18*

**Guidance issued under Section 182 of the Licensing Act 2003**

- The licensing objectives: *Section 2 pages 16 to 23*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

Signed            Councillor Dobbs..... Chairman

Date             28 April 2010.....

PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE

**LEGAL ADVICE GIVEN DURING DELIBERATION**

*(to be read out by Legal Officer when decision is given to the hearing)*

Legal advice was sought on the government guidance regarding the options available to the sub-committee.

Signed            Councillor Dobbs..... Chairman

Date             28 April 2010.....

**PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE**

<b>CRIME AND DISORDER ACT 1998</b>	<b>Were there any implications under this Act? If so give details</b>
<i>Section 17 imposes a duty to have due regard to the likely effect of the exercise of its functions and to do all it can to prevent crime and disorder.</i>	None.
<b>Human Rights Act 1998</b>	<b>How were the following articles considered</b>
<b>Article 1</b> – <i>Every person is entitled to the peaceful enjoyment of his possessions.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
<b>Article 6</b> – <i>Everyone is entitled to a fair trial</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
<b>Article 8</b> – <i>Everyone has the right to respect for his private and family life, his home and his correspondence.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
<b>DATE OF SUB-COMMITTEE HEARING</b>	28 April 2010

The applicant, together with relevant authorities and interested parties who made representations, has the right to appeal against this determination. There is a period of 21 days from the notification of this decision to commence an appeal by giving notice to the Justices’ Chief Executive for the Magistrates’ Court. Details will be sent to the relevant parties with the written notice of this decision forthwith.

Signed            Councillor Dobbs..... Chairman

Date              28 April 2010.....

## **NOTIFICATION OF DECISION OF LICENSING SUB-COMMITTEE**

### **APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE UNDER SECTION 53(A) OF THE LICENSING ACT 2003**

<b>Date of Review:</b>	5 <sup>th</sup> May 2010
<b>Premises:</b>	Shooters Bar, 29 New Road, Peterborough, PE1 1FJ
<b>Applicants:</b>	Cambridgeshire Constabulary (Northern Division)
<b>Decision:</b>	To suspend the premises licence from 12 Noon on 5 <sup>th</sup> May 2010 until a full review hearing can be convened within the statutory period of 28 days from the date of receipt of the application.

#### **OUTLINE OF FINDINGS OF FACT**

1. The Sub-Committee considered representations made by the police contained within the application and certificate in support of summary review. These representations detailed an incident which took place on 30<sup>th</sup> April 2010 between 0330hrs and 0430 hrs. The police made four arrests, one for actual bodily harm, one for a public order offence and two for affray. The police state that between 15 and 20 people were involved in serious disorder. This disorder took place immediately outside the premises and within the vicinity.
2. The Sub-Committee viewed a DVD of this incident. It showed that a number of people, about 11 individuals (count undertaken by committee members), were involved and party to violence which included fighting. The DVD showed sporadic outbursts of fighting and other similar behaviour, and that a crowd had gathered by the door of the premises which did not disperse during the disturbance. The DVD also showed attempts by door staff to deal with the situation which included restraint of some individuals, and intervention by a number of police officers who

- made some arrests. A member of the door staff appears to have been assaulted, as did a police officer.
3. The Sub-Committee formed the opinion that there were insufficient door staff outside dealing with the incident and as such, it was allowed to escalate.
  4. The DVD also showed members of the public gaining access to the premises after 0400hrs whilst the disturbance continued. The Sub-Committee felt that access and egress to the premises should have been controlled whilst the incident was taking place for public safety reasons.
  5. The Sub-Committee contacted by telephone the Community Safety and Licensing Team Leader for the police, Ms D Sampson, to confirm that those engaged in the fighting had come from the bar; this not being apparent from the DVD footage. Ms Sampson confirmed that according to statements made, that some of those involved had been drinking in the bar immediately prior to the disorder outside, but not all those present had been inside Shooters Bar.
  6. Following an email to the Licensing Authority, the Sub-Committee considered further information concerning a fight between two females that took place within the premises on 3<sup>rd</sup> May 2010 at 0440hrs. An arrest for common assault was made and an ambulance called for. Officers who attended state that both females were extremely intoxicated and one of them said that they had been drinking for most of the day and entered Shooters at about 0200hrs.
  7. A DVD of this incident was supplied to the Sub-Committee but for some reason it contained no data and therefore the Sub-Committee were unable to view any footage.
  8. The Sub-Committee were satisfied that they had sufficient information to make a decision and therefore did not speak with the premises licence holder.



## **CONSIDERATIONS BY THE SUB-COMMITTEE**

9. The Sub-Committee considered:

- The licensing objectives of public safety, the prevention of crime and disorder, and the prevention of public nuisance
- The Government Guidance on Expedited/Summary Reviews
- The Council's own Statement of Licensing Policy
- The Human Rights Act
- The interim steps available
- The senior officer's certificate
- The chief officer's representations

10. The Sub-Committee considered it necessary for the promotion of the three licensing objectives as listed above, that the interim step of suspension of the licence is necessary and proportionate.

## **REPRESENTATIONS BY THE PREMISES LICENCE HOLDER UNDER SECTION 53(B)(6) OF THE ACT**

11. The premises licence holder is entitled to make representations on the interim steps taken. If representations are made, the licensing authority must hold a hearing within 48 hours of receipt (excluding non-working days). At the hearing the licensing authority must consider if the interim steps taken are necessary for the promotion of the licensing objectives and determine whether to withdraw or modify the steps taken.

Colin Miles

5<sup>th</sup> May 2010

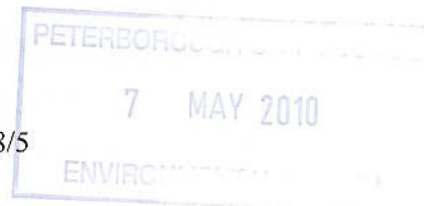
On behalf of the Solicitor to the Council

This page is intentionally left blank



5 May 2010

Our Ref: AH/SLT/M004328/5

Licensing Section  
Peterborough City Council  
Dx 12310  
PETERBOROUGH 1

FAX: 01733 452483

Dear Sirs

**Review of Premises Licence under Section 53A of the Licensing Act 2003**  
**Premises: Shooters Bar of 29 New Street, Peterborough, PE1 1FJ**

We refer to the decision of the Licensing Committee today under Section 53A of the Licensing Act 2003 to impose interim steps pending a review of the Premises Licence.

Please take this letter our client's representations under Section 53B(6).

Our client's representations are as follows:

1. The application from Cambridgeshire Constabulary makes reference to evidence that was produced to the Licensing Committee on the 28<sup>th</sup> April 2010. This evidence is irrelevant for the purposes of the application under Section 53A. This latest review is subject of a separate process and the evidence upon which the police are relying under the application that has been put to you specifically relates to the incidents on the 30<sup>th</sup> April and, we believe subsequently on the 2/3<sup>rd</sup> May.
2. The evidence of the police in their application is grossly exaggerated. The CCTV evidence shows the following facts:
  - (a) The incident itself did not start until at least 03:40. It is evidenced from CCTV footage that the door-staff at the bar were aware that an incident may take place and were monitoring the situation very closely.
  - (b) The first punch was thrown at 03:41:03.
  - (c) The door-staff had restrained and separated all of those involved in the incident by 03:41:25 a little over 20 seconds after the incident started.
  - (d) By 03:41:45 the door-staff had substantially moved all of the people involved other than those who had been restrained.
  - (e) At 03:42:17 one other person was restrained by door-staff at the premises.

## Partners

Richard J Hegarty LL.B.  
Timothy A Thompson  
Martin D Bloom LL.B.  
Matthew B Sidebottom LL.B.  
Hugh J H Nicholls LL.B. M.Sc.  
Kalbinder Singh LL.B.  
Sean C Rowcliffe LL.B.  
Andrew Heeler LL.B.  
Greg Baker A.C.I.B. T.E.P.  
Graham J Peebles LL.B.

## Associate Solicitors

Sarah A Acres LL.B.  
Vicki Chilton LL.B.  
Andrew P Hornsby LL.B.  
Joanna L Scales LL.B. T.E.P.

## Staff Solicitors

Julie Murtagh LL.B.  
Jane Tatlock B.Sc.  
Rachel Strong B.A.  
Sarah E A Dawson LL.B.  
Jo Wild LL.B. T.E.P.  
Andrea M Beesley B.A.  
Sara Young LL.B.

Also at Stamford  
Tel 01780 752066

Hegarty LLP is a limited liability partnership registered in England and Wales under Registration Number OC316221. The firm is regulated by the Solicitors Regulation Authority Number 440601.

- (f) At 03:43:37 the police arrived on the scene.
  - (g) At 03:55 the first person who had been arrested was placed in a police van.
  - (h) At 03:56 a person who, our client believes was not a customer of the premises, causes a further incident on the public highway and not on our client's premises and he was restrained by 03:57.
3. There were no more than 5 people involved in throwing punches, although other people were in the area.
    - (a) The police refer to 4 people being arrested, although the CCTV evidence only shows 2 people being arrested.
    - (b) The people who were involved in throwing the first punch, who is well known to the police (as he is a member of the door-staff at another local premises) was allowed to leave the scene.
    - (c) A number of the people involved tried to gain access to our client's premises, but they were refused access.
  4. This incident should be placed in context of an incident that took place earlier in the evening outside Liquid Night Club. At that incident approximately 40 people were involved in a fight. This was caught on CCTV but although a number of arrests were made the time, those individuals were de-arrested and allowed to stay in the vicinity. There is no suggestion that any of those people involved in that fight were customers of our client's premises.
  5. Following the incident referred to above, our client's contacted the City Link via radio to ask who they should be refusing entry to their premises and they were told by the CCTV operators that there were so many people involved in the incident that they could not give proper information. Therefore, this did not assist our client in trying to avoid any later incidents.
  6. Our client's believe that no action has been taken against Liquid Night Club, notwithstanding that a substantially more serious incident took place with customers from their premises.
  7. Notwithstanding the serious nature of the incident that took place with the Liquid Night Club customers and the fact that those customers were left in the area, the police did not maintain a presence in the area despite the bad atmosphere that was clearly left behind.
  8. The police have not substantiated that the people who were involved in the incident on the 30<sup>th</sup> April were customers of our client's premises.
  9. The incident itself does not amount to serious crime or serious disorder as is demonstrated by the relatively few people involved and the duration of the incident itself.
  10. In relation to the incident that took place on the 2/3<sup>rd</sup> May, one of the arresting officers commented to a doorman at our client's premises that it was unusual to have such an incident were one of those involved was not drunk.
  11. The incident took place between two people who were essentially friends who got involved in an altercation where one punched the other. They were properly separated by the door-staff at our client's premises and were dealt with by the police accordingly.
  12. The incident that took place outside our client's premises on the 30<sup>th</sup> April was not dissimilar to incidents that take place outside every other venue in the city centre and, in our client's

view, was properly managed and handled by them, showing that the premises are properly managed.

In accordance with Section 53B(b) of the Licensing Act 2003, we look forward to receiving confirmation of the date, time and location of the hearing that must be held within 48 hours of the time of these representations.

Yours faithfully



HEGARTY LLP

E-mail: [andrew.heeler@hegarty.co.uk](mailto:andrew.heeler@hegarty.co.uk)  
Direct Dial: 01733 295661  
Direct Fax: 01733 295688

This page is intentionally left blank

**DECISION NOTICE**

**LICENSING ACT 2003 SUB-COMMITTEE**

**7 MAY 2010**

**APPEAL HEARING AGAINST EXPEDITED REVIEW**

**SHOOTERS BAR, 29 NEW ROAD, PE1 1FJ**

We have considered the representations made on behalf of the premises licence holder, submitted today and those in writing.

We have considered the comments made by Cambridgeshire Constabulary (the responsible authority and applicants for the review).

In our deliberations we considered the various options available, being:

- whether the interim steps are necessary for the promotion of the licensing objectives;
- should the steps be withdrawn or modified.

Given the nature of the two reported incidents and that they took place within a short period of time of the main review hearing, it is our decision that the immediate suspension of the licence must continue until the substantive hearing takes place.



This page is intentionally left blank



**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

Premises<sup>2</sup>:

Shooters 29 New Rd Peterborough

Premises licence number (if known):

Name of premises supervisor (if known): Mr Thomas Pick

I am a Supt<sup>3</sup> in the Northern Division  
Cambridgeshire Police  
police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

The license for Shooters has already been revoked at a licensing hearing on Weds 28<sup>th</sup> April. The premise remains open for 21 days as the premise has appealed the decision. Between 3.30am and 4.30am this morning a serious disorder occurred which resulted in a number of arrests for ABH, Public Order and for affray. There were between 15 and 20 people involved in the incident.

Despite the license being revoked I am concerned that there is still serious disorder occurring both inside and outside the premmise. And therefore ask the licensing authority to suspend the license with immediate effect until the appeal hearing. There is CCTV evidence of the incident.

<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

1605

(Signed)

Sgt 1625 F. Fullwood

(Date)

12:15 pm 20/01/12



## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Peterborough City Council Bridge House Bridge street Peterborough

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Supt Paul Fullwood officer of police for the Cambridgeshire Constabulary area apply for the review of a premises licence under section 53A of the Licensing Act 2003.	[on behalf of] the chief  police
---	--

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Shooters Bar 29 New Rd**

Post town: Peterborough

Post code (if known): **PE1 1FJ**

**2. Premises licence details:**

Name of premises licence holder (if known): Mr Graham McMillan

Number of premises licence holder (if known):

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

The license for Shooters was revoked on Weds 28<sup>th</sup> April by the Licensing committee this was due to ongoing issues at the premises and compelling evidence presented to the committee. The premises are appealing the decision, which means they will remain open for the following 21 days.

On the 30<sup>th</sup> April between 3.30am and 4.30am there was a serious disorder at the premises involving between 15 and 20 people. 4 people were arrested for three separate offences. One for ABH, one for Public order and two for affray. A number of others were involved who could not be identified so were not arrested at the time. There is CCTV evidence of this incident

As the license has already been revoked and further serious disorder continues to occur we therefore believe that serious disorder will continue to occur during the appeal process.

We therefore recommend that the license be suspended with immediate effect.

Signature of applicant:

Date: 30<sup>th</sup> April 2010

Capacity: Supt Northern Division Cambridgeshire Constabulary

Contact details for matters concerning this application:

Address: Bridge Street Police Station Peterborough

Telephone number(s): 01733 424445

Email: debbie.sampson@cambs.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must

explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

This page is intentionally left blank

# LICENSING ACT 2003

## NOTICE OF EXPEDITED REVIEW OF PREMISES LICENCE

Notice is given that Peterborough City Council, as the Licensing Authority, has on the 30<sup>TH</sup> of April 2010 (13.10hrs) been asked to review the Premises Licence for the following licensed premises:

Shooters, 29 New Road, Peterborough

Anyone wishing to make representations concerning this review should do so in writing to:

Peterborough City Council, Licensing Section, Bridge House, Town Bridge, Peterborough, PE1 1HU

Representations in respect to this review must reach the Licensing Authority by 10<sup>th</sup> of May 2010.

Persons wishing to inspect the review application may do so by attending the office of the licensing section during office hours, Monday to Friday. Alternatively the review application may be viewed on the public register section of the Licensing Authorities website,

[http://www.peterborough.gov.uk/business/licensing\\_and\\_permits/licensing\\_act\\_2003/public\\_register.aspx](http://www.peterborough.gov.uk/business/licensing_and_permits/licensing_act_2003/public_register.aspx)

It is an offence knowingly or recklessly to make a false statement in connection with an application, the maximum fine for which on summary conviction is £5000

This page is intentionally left blank