

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Monday, 21 August 2014

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence Exeter Arms, Helpston
3.1 Application Reference	069745
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Davidson
3.3 Officers	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer Terri Martin, Licensing Regulatory Officer
3.4 Applicant	Mr George Sakkalli
3.5 Nature of Application	<u>Application Type</u> New Premises Licence. <u>Summary of Review Application</u> The Sub-Committee was asked to consider and determine the application for a new premises licence for the Exeter Arms, Church Lane, Helpston, Peterborough, PE6 7DT, taking into account the representations received from seven local residents and one local Councillor who were all, under the Licensing Act 2003, defined as 'other persons.'
3.6 Licensing Objective(s) under which representations were made	1. Prevention of Crime and Disorder 2. Prevention of Public Nuisance 3. Protection of children from harm 4. Public Safety
3.7 Parties/Representatives and witnesses present	<u>Applicant / Responsible Authority</u> Terri Martin, the Licensing Regulatory Officer, who presented the case on behalf of the Council. <u>Licensee / Representative</u> Mr George Sakkalli.
3.8 Written representations	None

and supplementary material taken into consideration	
3.9 Facts/Issues in dispute	<p><u>Issue 1</u></p> <ul style="list-style-type: none"> • Whether the correct application procedure had been followed.
3.10 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><u>Responsible Authority</u></p> <ul style="list-style-type: none"> • Regulations required that applications for a new premises license should be advertised at the premises and in a local newspaper, however the premises license had not been advertised in the local newspaper. • The application process had not been completed fully, therefore representations could not be taken into account. • Any representations would need to be re-submitted in the new consultation period.
3.11. Decision	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>The application would have to be resubmitted as the correct application procedure had not been followed.</p>
4. Application	Review of Premises Licenses, Mansfield Snooker Club
4.1 Application Reference	069719
4.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Davidson
4.3 Officers	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer Terri Martin, Licensing Regulatory Officer
4.4 Applicant	Cambridgeshire Constabulary
4.5 Nature of Application	<p><u>Application Type</u></p> <p>Review of Premises License</p> <p><u>Summary of Application</u></p> <p>To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for Mansfield Snooker</p>

	<p>Club, taking into account the representation made by Cambridgeshire Constabulary in their capacity as a Responsible Authority and the representation in support of the review by Peterborough City Council's Pollution Control Team, also a Responsible Authority. There had also been representations in support of the review from the Millfield and New England Regeneration Partnership (MANERP) and a local Councillor in their capacity as 'other persons'. The review was brought under the Prevention of Crime and Disorder and Public Safety objectives.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • Police had concerns that alcohol related violent crime and anti-social behaviour had increased remarkably over the 6 months prior to the serving of the review documentation. • The Constabulary requested that the hours of the club be restricted to 08:00-23:00. • Police believed that the premises was not managed effectively by the licence holder during the early hours of the day when he was not present and the staff on duty were ineffective in preventing crime and anti-social behaviour. • Although no recent noise complaints had been received, the Pollution Control Team noted that the licence conditions should be updated to prevent any noise issues arising in the future.
4.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> 1. Prevention of Crime and Disorder 2. Public Safety
4.7 Parties/Representatives and Witnesses present	<p><u>Responsible Authorities</u></p> <p>Sgt. Haley Richardson, Cambridgeshire Constabulary Dorothy Poecock, Pollution Control Officer Karen Woods, Trading Standards</p> <p><u>License Holder and Representative</u></p> <p>Gohar Darr, License Holder Alan Aylott, License Holder Representative</p> <p><u>Ward Councillor</u></p> <p>Councillor Khan</p> <p><u>Other Persons</u></p> <p>Brian Gascoigne, Millfield and New England Regeneration Partnership</p>
4.8 Written Representations	<p><u>Other Persons</u></p> <p>Consideration was given to the written representation from Brian Gascoigne, attached to the report at Appendix D.</p>
4.9 Facts/Issues in Dispute	<p><u>Issue 1</u></p> <p>Whether the update of the premises license conditions would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p>

	<p><u>Issue 2</u></p> <p>Whether the update of the premises license conditions would further support the 'Public Safety' Licensing Objective.</p>
4.10 Oral Representations	<p>The Regulator Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in the address included the Prevention of Crime and Disorder and the Public Safety.</p> <p><u>Responsible Authorities</u></p> <p>Sgt. Haley Richardson, representative for Cambridgeshire Constabulary, addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee and License Holder and his representative, were as follows:</p> <ul style="list-style-type: none"> • The request for a review came after a significant increase in instances of alcohol-related anti-social behaviour at the premises. • The snooker club had the most recorded instances of violent crimes out of all similar establishments in the zone. • Compliance visits had failed to improve the situation and the licensing objectives were not being upheld. • There had been nine violent crimes recorded in six months, and the CCTV at the premises was of poor quality, however since the review application the CCTV quality had improved. • The extensive crime notes had made it clear that staff working at the bar were unaware which customers were in the premises, and membership was not being enforced, making it hard to identify individuals immediately after the crime had been committed. • Officers had not had access to the membership log book. • According to crime statistics, there had been reports from earlier than 03:00, even though the majority were between 03:00 and 07:00. • The Constabulary were supportive of the venue being run correctly during the day time. • The exhibit provided by the license holder and the data contained therein was inaccurate and contradicted police statistics. <p><u>License Holder & License Holder Representative</u></p> <p>Gohar Darr, the License Holder, and Alan Aylott, the License Holder representative, addressed the Sub-Committee. The key points raised during his address, and questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> • The police had not had issues with the CCTV since the upgrade of the cameras. • There was a membership list available, and all names of people involved in incidents and membership numbers had been handed to police when requested. • The license holder has not worked in the club for several years, but was always available if there were any problems in the club. Many troublemakers were banned in the first instance. • Other staff were trained in how to handle customers that were difficult. • Most customers finish their drinks inside the club.

- When the license was first applied for, there weren't as many residential areas nearby.
- The detailed crime reports had not been supplied by the police, therefore the results of allegations and reports were not available to the committee.
- Some accusations were shown by CCTV to be unsubstantiated.
- Oftentimes crimes linked to the club had not occurred on the club premises.
- Mediation should have been taken prior to the matter being referred to licensing.
- CCTV footage had never been deleted.
- Were live music to be played on the premises, a noise limiter could be installed.
- No residents had complained to the club directly.
- Any steps taken must be proportionate and appropriate to ensure the licensing objectives are reached.
- The condition regarding CCTV was inappropriate as the CCTV had been already upgraded.
- Many other conditions are dealt with by other legislation.
- Very few people come to the club in the early hours of the morning, therefore hiring door staff for such a small amount of people was not financially viable.
- Few of the people who come in the early hours of the morning were drinking. Most were restaurant owners, taxi drivers, etc. who came in after finishing work.

Responsible Authorities

Dorothy Poecock, the Pollution Control Officer outlined the points with regard to the application. The key points raised during her address, and questions from the Sub-Committee, the License Holder and his representative were as follows:

- No noise complaints had been received since 2012.
- Some licensing conditions on various premises around the city needed updating if they were imprecise or difficult to uphold.

Ward Councillor

Councillor Khan, the ward councillor, addressed the Sub-Committee. The key points made during his address, and questions from the Sub-Committee, the License Holder and his representative were as follows:

- Many residents had simply grown tired of complaining about noise complaints, as they felt nothing was being done, but the ward councillor received complaints personally.
- Residents quality of life had been significantly negatively affected by the noise from the snooker club.
- Cans of alcoholic drinks had been thrown over into residents' gardens.
- There is a log of complaints which Peterborough City Council officers were aware of.

Other Persons

Brian Gascoigne, the Millfield and New England Regeneration Partnership representative, addressed the Sub-Committee. The key points made during his address, and questions from the Sub-Committee, the License Holder and his representative were as follows:

- Brian Gascoigne stated that he had nothing further to add to his written statement.

Summing up

All parties were given the opportunity to summarise their submissions.

License Holder / License Holder's Representative

The License Holder's Representative stated that the website from which the data had been taken for the exhibits was an officially recognised police website. There were other reasons and rationale behind the occurrence of crimes besides the establishment not being managed properly. It was disputed that the club was controlled by criminal elements. Complaints should be made by residents to the club or the environmental health officer. The club's measures were sufficient to support the licensing objectives. There were conditions on the premises for 16 year-olds to not be allowed on the premises after 23:00.

The License Holder added that he was more than willing to co-operate with the council. The club was not the only thing in the area which could have people drinking large amounts of alcohol. The club did not play music, and therefore complaints about music would have to be addressed elsewhere.

Ward Councillor

Councillor Khan stated that the difficulty lay with residents not being able to distinguish where noise complaints came from. When members of the club congregated outside the club to leave or smoke, there was a significant amount of noise, which affected residents' quality of life.

Responsible Authorities

Dorothy Pocock, the Pollution Control Officer stated that this was an opportune moment to update the licensing conditions, which is why it had been brought to the committee.

Sgt. Haley Richardson, representative for Cambridgeshire Constabulary stated there was a significant amount of evidence suggesting staff were not able to control customers and were in fear of their own customers, and that one in particular staff member stated she was willing to make a witness statement. One member staff had called her boyfriend rather than the police to address a customer, but this had not been recorded in the log book. It could not be risked for things to go back to how they were. Whilst small details could be disputed, there had been significant instances of violence at the establishment which could not be ignored.

4.11 Decision

The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-

In their deliberations, the Sub-Committee considered the various options available, these being:

- To modify the conditions of the premises licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor from the licence;
- To suspend the licence for a period not exceeding three months, or; and
- To revoke the licence.

They therefore agreed to reduce the opening hours of the premises, known as Mansfield Snooker Club, 119a Lincoln Road, Peterborough from 8.00am until 3.00am and to modify the conditions of the premises licence to include those conditions as requested by the police and as agreed by the Premises Licence Holder.

Chairman
1:30pm – 2:45pm

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