

LICENSING ACT 2003 SUB-COMMITTEE		AGENDA ITEM No. 3
20 JUNE 2012		PUBLIC REPORT
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APPLICATION:	Summary Licence Review
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PREMISES:	Coco, 11 – 13 Broadway, Peterborough, PE1 1SQ
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REFERENCE NUMBER:	MAU 064353
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GLOSSARY OF TERMS:	Attached at Appendix A – Page 4
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1. PURPOSE OF REPORT

- 1.1 To consider and determine an application made by Cambridgeshire Constabulary for a 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 12th June 2006 an application was made to Peterborough City Council to apply for a premises licence for Coco which is situated at 11-13 Broadway, PE1 1SQ. As no representations were received from any of the responsible authorities or from any interested party, the premises licence was granted on the 11th July 2006. At that time the premises opened the premises licence holders were 'The Blue Room Ltd' and the designated premises supervisor (DPS) was Miss Tahira Andleeb.
- 2.2 On the 7th August 2008 a variation application was received to change the designated premises supervisor from Miss Andleeb to Mr Erjon Pjezergjokaj. As there were no Police representations this variation was granted on 22nd August 2008. A premises licence holder variation was applied for on 7th October 2009 and was granted on 22nd October 2009. The new licence holders were Havana Leisure Limited.
- 2.3 A review application was served by Cambridgeshire Constabulary on the 24th June 2011, under the prevention of crime and disorder and protection of children objectives. This review was brought about after an incident involving an under age youth party at the venue. After a period of mediation the review was withdrawn by the Police after the licence holders agreed to submit a minor variation to place further conditions on the licence. This variation was applied for on 30th June 2011 and granted on 15th July 2011.
- 2.4 An application for a further minor variation to the premises licence was made on 24th November 2011. This application was add the licensable activity of dancing to the premises

licence and also to modify a number of conditions on the licence. This application was granted on 8th December 2011. A copy of this current premises licence is attached at **Appendix B – Page 7**.

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 via email on the 25th May 2012 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.
- 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 C - Page 21**.
- 3.4 The licensing sub committee met on 29th May 2012 to consider the representations of the premises licence holder to appeal the suspension. The sub committee determined that the suspension should be removed and additional conditions placed upon the licence with immediate effect. A copy of this decision, including the additional conditions, can be found at **Appendix D – Page 25**.
- 3.5 A copy of the application for summary review and the accompanying certificate under section 53A, which was received at these offices on 24th May 2012 is attached at **Appendix E – Page 27**.
- 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 F – Page 31**.

4. Summary of issues raised by Cambridgeshire Constabulary

- 4.1 The summary review has regard to an incident of serious disorder occurring on the 21st May 2012, involving a number of males involved in serious disorder both inside and outside the premises. Two of the males were severally beaten and one is currently (as of 28/5/12) still in a coma at Addenbrookes Hospital. Five other males have been charged in connection with the disorder and assaults. 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. POLICY & GUIDANCE IMPLICATIONS

- 5.1 The following sections/paragraphs are applicable to this application:

5.2 Council's Statement of Licensing Policy

- Other legislation: *Section 7 on Page 7*
- Fundamental Principles: *section 6 on Page 6*
- Reviews: *section 16 on Page 12*
- Delegation / Decision Making / Administration: *Section 17 page 13*

5.3 Guidance Issued under Section 182 of the Licensing Act 2003 (April 2012)

- The licensing objectives: *Section 2 pages 8 to 18*
- Reviews: *Section 11 pages 90 to 96*
- Determining applications: *Section 9 pages 68 to 75*

6. LEGAL OFFICER'S COMMENTS

- 6.1 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.
- 6.2 In this case, the application was received at these offices on 24th May 2012.
- 6.3 The application before this committee will consider –
- (i) The application to review the licence,
 - (ii) Any relevant representations
- 6.4 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
- 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

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