

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No 3
17 APRIL 2014		PUBLIC REPORT
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APPLICATION:	Expedited Summary Review of Premises Licence
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PREMISES:	The Solstice / Radius Northminster, Peterborough, PE1 1YN
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REFERENCE NUMBER:	MAU 069060
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GLOSSARY OF TERMS:	Attached at Appendix A on Page 6
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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 9th August 2005 an application was made to Peterborough City Council to convert an existing justice's licence to a premises licence under 'grandfather rights' for The Solstice / Tara Suite which is situated at Northminster, Peterborough, PE1 1YN. The original name of the premises was The Solstice / Tara Suite and this was subsequently later changed to The Solstice / Radius. As no representations were received from any of the responsible authorities or from any interested party, the premises licence was granted on the 5th September 2005. At that time the premises licence was granted the premises licence holders were 'Woodglen Leisure Limited'.

2.2 Between the initial grant of the premises licence and the service of the expedited review on 3rd April 2014 there have been three variations to the premises licence. Two concerned the addition and subsequent plan change of an external garden area and the third variation was to allow all licensable activities to finish at 4.30am and to remove all outdated conditions and replace them with an up to date manageable set of conditions. This variation was granted on 18th May 2011 after receiving no representations from any of the responsible authorities nor interested parties. A copy of this current premises licence is attached at **Appendix B Page 9**.

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 11th March 2014 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 restrict the licensable hours back to 2am and to impose additional licence conditions. A copy of the decision of the Licensing Committee 2003 Sub Committee can be found at **Appendix B Page 26**.
- 3.3 A copy of the application for summary review and the accompanying certificate under section 53A, which was received at these offices on 10th March 2014 is attached at **Appendix B – Page 29**.
- 3.4 A 'Notice' 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).

4. Summary of issues raised by Cambridgeshire Constabulary

- 4.1 The summary review has regard to an incident of serious disorder occurring on the 9th March 2014, involving a member of the public and four SIA registered door supervisors employed by Woodglen Leisure Limited who are the premises licence holders of the Solstice / Radius. A detailed account of the incident can be found in the summary review application which is attached at **Appendix B Page 29**. Both the Police and Local Authority have on numerous occasions over the previous 12 months of the incident been in contact with the management of the premises. The Police and Local Authority had been concerned with the apparent ineffectiveness of the door supervisors employed at the premises and there were also a number of accusations of excessive force made against the door staff.

5. MEDIATION

- 5.1 Mediation has taken place between all parties since the service of the expedited review and is currently ongoing. It is anticipated that before the date of the review hearing an agreement to a set of conditions and licensable hours will be agreed upon by all parties. The committee will be sent this mediated agreement prior to the hearing date for their consideration.

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 7 on Page 7*
- Fundamental Principles: *section 6 on Page 6*
- Reviews: *section 16 on Page 15*
- Delegation / Decision Making / Administration: *Section 17 page 16*

6.3 Guidance Issued under Section 182 of the Licensing Act 2003 (June 2013)

- The licensing objectives: *Section 2 pages 11 to 17*
- Reviews: *Section 11 pages 75 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 10th March 2014.
- 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.

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.

‘Other Persons’:

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

‘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
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- 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 168 hours (7 days);
- 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 21 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