

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No. 3
28 APRIL 2010		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Terri Martin, Regulatory Officer Licensing	Tel: 454437 Tel. 453561

APPLICATION:	Review of Premises Licence
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PREMISES:	Shooters Bar 29 New Road, Peterborough, PE1 1FJ
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REFERENCE NUMBER:	MAU 058675
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GLOSSARY OF TERMS:	Attached at Appendix A on Page 5
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1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for a review of a Premises Licence under Section 51 of the Licensing Act 2003 for the above premises, taking into account the representation made by Cambridgeshire Constabulary in their capacity as a Responsible Authority, and letter of support of the review by children services. The review was bought under the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance objectives.

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.

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.

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 9**

2.3 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.

3. APPLICATION

3.1 In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Cambridgeshire Constabulary, a Responsible Authority, the licensing authority must hold a hearing.

3.2 A copy of the application to review, which was received at these offices on 18 February 2010 is attached at **Appendix C – Page 23**

3.3 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 is attached at **Appendix D – Page 43**

3.4 A letter of support for the review has been received from children services, but not from any of the other remaining Responsible Authorities, or interested parties. The letter of support from Children’s Services is attached at **Appendix E – Page 45**

4. RESPONSIBLE AUTHORITY

LICENSING OBJECTIVE:	REPRESENTATIVE:
<p>Public Safety</p> <p>Prevention of Crime and Disorder</p> <p>Prevention of Public Nuisance</p>	<p>Responsible Authority: Cambridgeshire Constabulary</p> <p>As per the application for review attached at Appendix C – Page 23</p> <p><i>To comply with the Data Protection Act all letters have been distributed to Committee Members and the applicant, but are not for public circulation</i></p>

4.1 Summary of issues raised by Cambridgeshire Constabulary

The application for review lists a summary of fifty nine (59) incidents relating to violence, anti-social behaviour and disorder at the premises from 14 February 2009 to 15 February 2010. From these incidents 20 crime files were raised.

5. LICENSING OFFICERS COMMENTS

5.1 Mediation has taken place and was attended by representatives of the licence holder and their solicitor (Mr A Heeler from Hegarty LLP) and representatives from Cambridgeshire Constabulary and a member of the licensing department.

5.2 At the mediation meeting the licence holders disputed some of the incidents contained in the review application. The list of the 30 disputed incidents is attached at **Appendix F – Page 47**

5.3 The licence holder offered to reduce the hours for the sale of alcohol from 06.00 to 05.00, however did also state that the premises usually closes at 04.50 currently.

- 5.4** The licence holder stated that the DPS would also be varied. This application has been received, please refer to section 2.3 of this report.
- 5.5** The licence holder also confirmed that there would be a new CCTV system installed which would increase the amount of CCTV cameras from 8 to 15. They said that they have replaced all door staff except one and would be in agreement for all their door staff to receive extra training in conflict resolution.
- 5.6** The licence holder did also explain that they were trying to get approval from the landlord of the building to put up a physical barrier outside the front of the premises to create a perimeter to avoid the contact of the premises customers and persons in the street. As they consider this to be a flashpoint for some disorder issues.
- 5.7** Upon receipt of the disputed incidents Cambridgeshire Constabulary have agreed to withdraw eleven (11) of the incidents from the review. This agreement is attached at **Appendix G – Page 51**
- 5.8** Cambridgeshire Constabulary believed that the reduced hours offered by the applicant were insufficient as it offered no real change to the current operation of the premises. They also stated that a change to the DPS would not necessarily reduce the amount of incidents as it was more of a ‘culture and reputation’ attributed to the late night operation of the premises which was causing the amount of incidents which was a chronic problem.
- 5.9** For ease of reference the application has been marked by one * if the incident is disputed by the licence holders and two ** where the police have agreed to withdraw the incident from the review application, all other incidents remain unchallenged by the licence holder.

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 review of a premises licence following the application by Cambridgeshire Constabulary (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

7.2 In this case, the application was received at these offices on 18 February 2010.

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

7.5 In addition the guidance issued under section 182 of the Licensing Act 2003 states:

‘The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. But, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvements – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.