

REPORT TO	DATE OF MEETING
LICENSING PANEL	30 JANUARY 2009

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
REVIEW OF PREMISES LICENCE – PLEASANT RETREAT 2 WATKIN LANE LOSTOCK HALL PRESTON, PR5 5RD	LEISURE & CULTURAL SERVICES	KAY GRAY	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been received from Lancashire Constabulary for a Review of the Premises Licence at Pleasant Retreat, 2 Watkin Lane, Lostock Hall, Preston PR5 5RD.

The Police state that there have been a number of incidents and crimes associated with the premises since the Designated Premises Supervisor (DPS) has been in place. The Police state that some of the disturbances have had the potential to escalate into major public order situations.

The incidents have caused local officers serious concerns. The Officers felt that the problems seemed to stem from customers who have drunk too much. Attempts have been made to assist the DPS in managing the premises in the hope that the number of incidents would reduce. Despite this the Police state that the recommendations have not been implemented and they have in fact seen an increase in the number of incidents and disorder.

Lancashire Constabulary feel that there are fundamental failings in relation to the current management and as such have asked that the current DPS is removed and that additional conditions are put on the premises licence. The Police hope that such conditions would promote the licensing objectives whilst at the same time offer support and protection to customers and staff at the premises.

Lancashire Constabulary therefore consider that the current operation of these premises undermines the crime prevention licensing objective.

RECOMMENDATIONS

That the panel conduct the hearing in accordance with the hearing procedure and decide accordingly.

DETAILS AND REASONING

Attached is a copy of the Application form detailing the reasons for concern. In addition the Police have provided witness statements and exhibits including a statement from Niky Barrett – Licensing Enforcement Officer SRBC.

The statements give examples of the aforementioned crime and disorder detailing problems with inappropriate behaviour of customers and incidents of disorder including an incident when beer barrels were used as missiles. Explanations of the attempts to assist the DPS have been provided. Despite 3 months passing from the original advice the DPS seemed to have done little if anything to rectify the situation. The DPS stated that the cost of implementing the measures was

too much given the economic climate. That said it would appear that even the simplest of tasks for example, securing the beer barrels has not been done.

The statements show that after advice was provided there was in fact an increase in reported incidents regarding the premises.

The premises licence holder and the Designated Premises Supervisor is named as Lynn Birtwistle. The property is actually owned by West Register (Public Houses III) Ltd aka Scottish & Newcastle.

The Police do not have confidence in Ms Birtwistle's ability to operate the premises, this is despite advice and warnings being given previously.

The failures outlined seriously impact on the Crime Prevention Licensing Objective. The Police therefore ask the Committee to remove the DPS and that new conditions be placed on the licence in accordance with the recommendations outlined in the statement of Sergeant Bushell.

Representations from Responsible Authorities

Environmental Health and Public Health & Housing have made representations in support of the Police's application

Representations from Interested Parties

One representation has been received from an Interested Party which outlines general problems in the area and blames this rather than the management of the premises for the current problems.

Legislation

Under Section 52 Licensing Act 2003 the Authority must have regard to the application and any relevant representations and take such steps ...(as are outlined below)... if any, as it considers necessary for the promotion of the licensing objectives.

The steps are:-

- a. to modify the conditions on the licence
- b. to exclude a licensable activity from the scope of the licence
- c. to remove the designated premises supervisor
- d. to suspend the licence for a period not exceeding 3 months
- e. to revoke the licence.

Obviously the Committee can also choose to do nothing for example if the application is frivolous, vexatious or repetitive and the Committee must ensure that any action they take is proportionate to the four licensing objectives.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

FINANCIAL	There are no financial implications for the authority.		
LEGAL	Any party at the hearing has the right of appeal to the Magistrates Court.		
RISK	This application must be determined in line with legal guidelines.		
OTHER (see below)	There are no other risks associated with this proposal		
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Efficiency Savings</i>	<i>Equality, Diversity and Community Cohesion</i>
<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>
<i>Respect Agenda</i>	<i>Staffing</i>	<i>Sustainability</i>	<i>Training and Development</i>

BACKGROUND DOCUMENTS

Hearing Procedure
Application Form & additional information supporting the Application.