

REPORT TO	DATE OF MEETING
LICENSING PANEL	15 June 2009

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
REVIEW OF PREMISES LICENCE – LANCASHIRE AND YORKSHIRE HOTEL, 249 STATION ROAD, BAMBER BRIDGE PR5 6LD	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 Lancashire and Yorkshire Hotel, 249 Station Road, Bamber Bridge, Preston PR5 6LD

The Police state that there have been a large number of incidents reported to the police which have raised serious concerns regarding the management of the premises and the behaviour of the customers. The incidents in question relate to crimes ranging from assaults, drugs use, and thefts through to criminal damage. There have also been reports that Mr Duncan is not complying with the requirements of the pub watch scheme by allowing clients on the red card scheme to enter the premises and/or purchase alcohol. This has caused problems with the other pub watch members locally.

There have also been complaints regarding the provision of entertainment outside the permitted hours, and issues in relation to public nuisance. Despite warnings given to the current management it has resulted in little or no difference.

Lancashire Constabulary consider that there are fundamental failings in relation to the current management which stem from the premises licence holder – Mr Stanley Iain Duncan rather than the Designed Premises Supervisor (DPS).

Lancashire Constabulary therefore consider that the continued operation of these premises undermines the licensing objectives

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 grounds that the Police have for concern. In addition the Police have provided witness statements and exhibits from various people, a log of incidents, and DVD evidence (the DVD contains confidential information which will only be available to members of the panel at the meeting).

The statements give examples of the aforementioned crime and disorder detailing problems with inappropriate behaviour of customers including violence and drugs issues, possible underage sales, and noise nuisance.

The issue of whether there has actually been an active DPS at the premises is still under investigation.

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

The failures outlined seriously impact on the licensing objectives. The Police therefore ask the panel to revoke the premises licence.

Since the application for Review was received the brewery have applied for the premises licence to be transferred into their name. As it is the premises licence that is up for Review and not the premises licence holder the hearing must continue.

Representations from Responsible Authorities

Environmental Health has made a representation in support of the Police's application. They verify the Police's evidence by confirming that there have been complaints of noise nuisance emanating from music and customers in the beer garden.

Public Health and Housing also support the application for Review but have no further evidence to add to the application.

Representations from Interested Parties

There have been eight representations from Interested Parties. There is one representation in support of the Police's application for Review which is from a local Ward Councillor who is representing a group of residents who live in the vicinity but who have asked that their identity be protected due to fear of repercussions. The remaining seven representations support Mr Duncan. They claim that from their experience the premises are properly run with Mr Duncan spending time and money to improve the premises. They state that he makes every effort to stop crime and disorder and that they have not been disturbed by any noise from the premises.

The 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 panel can also choose to do nothing for example if the application is frivolous, vexatious or repetitive and the panel 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.
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LEGAL	Any party at the hearing has the right of appeal to the Magistrates Court.
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RISK	This application must be determined in line with legal guidelines.
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OTHER (see below)	There are no other risks associated with this proposal
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<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.