

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
LICENSING PANEL	30 <sup>th</sup> November 2009

Report template revised February 2007



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
REVIEW OF PREMISES LICENCE – FARMERS ARMS, 350 HIGHER WALTON ROAD, HIGHER WALTON, PRESTON PR5 4HT	LEISURE AND CULTURAL SERVICES	KAY GRAY	

## SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been received from Lancashire Constabulary for a Review of the Premises Licence at Farmers Arms, 350 Higher Walton Road, Higher Walton, Preston PR5 4HT

The Police state that the Designated Premises Supervisor at the time (Mr Trevor Vine) had no control over the activities taking place at the premises. The Police believed that Mr Vine was in fact running a licensed premises in Ulverston, Cumbria where he spent most of his time.

The Police stated that the premises had failed a test purchase operation on the 1<sup>st</sup> October 2009 with alcohol being sold to two 14 year old volunteers. At the time the alcohol was sold by one Emma Proctor who claimed to have been in charge of the premises for the previous five weeks

The Police stated that they believed there was no one in effective control of the premises. A criminal offence had been committed and as such in their opinion this meant that the licensing objectives were being undermined. An application for Review was received by the licensing authority on the 14<sup>th</sup> October 2009.

Following receipt of the application for Review the Premises Licence Holder, Punch Taverns Plc, applied to transfer the Designated Premises Supervisor (DPS) to Mr Paul Burrows.

On the 29<sup>th</sup> October 2009 the Police undertook a follow up test purchase operation. During this operation the new DPS, Mr Burrows sold to underage persons. He has since admitted the offence at interview and received a caution.

Lancashire Constabulary consider that there are fundamental failings in relation to the current management. Lancashire Constabulary therefore consider that the continued operation of these premises undermines the licensing objectives

## RECOMMENDATIONS

That the sub-committee 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.

The statements give examples of the aforementioned crime and disorder detailing the test purchase operations and underage sales. There is an issue of whether there has actually been an active DPS at the premises and whether the current DPS has effective control over the sale of alcohol.

The failures outlined seriously impact on the licensing objectives. The Police initially asked the Committee to remove Mr Vine as DPS and add necessary and proportionate conditions to the licence in order to promote the licensing objectives. The Police provided example conditions for consideration.

### **Representations from Responsible Authorities**

Environmental Protection section of the Regeneration and Healthy Communities Department has made a representation in support of the Police's application. They support the Review in all its recommendations and conditions to ensure the licensing objectives are met..

### **Representations from Interested Parties**

There have been no representations from Interested Parties.

### **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 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.

<b>FINANCIAL</b>	There are no financial implications for the authority.		
<b>LEGAL</b>	Any party at the hearing has the right of appeal to the Magistrates Court.		
<b>RISK</b>	This application must be determined in line with legal guidelines.		
<b>OTHER (see below)</b>	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.