

REPORT TO	DATE OF MEETING
LICENSING SUB-COMMITTEE	20 JANUARY 2010

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
REVIEW OF PREMISES LICENCE – BLACK BULL, 353 STATION ROAD, BAMBER BRIDGE PRESTON PR5 6EE	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 Black Bull 353 Station Road Bamber Bridge Preston PR5 6EE

The Police state that the Designated Premises Supervisor at the time (Mr Christopher Conde) had no control over the activities taking place at the premises. Concerns were raised by local officers regarding the behaviour of the clientele at the premises. There were concerns that persons with Red Cards from the Bamber Bridge Pub Watch Scheme were being served and that the premises was being frequented by underage persons.

The Police had severe concerns about the effectiveness of the management of the premises and after speaking with the then DPS Mr Conde it became apparent that Mr Conde was not in control of the premises and in fact worked away. On the 29th October 2009 the premises failed a test purchase operation and sold alcohol to underage persons. In addition, when the officers entered the premises the bar area had been left unattended. The DPS seemed disinterested in the running of the premises and had no procedures in place in relation to underage sales. In addition PS Bushell suspected that due to the demeanour and physical appearance of the barman that he may have been under the influence of drugs.

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.

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 operation and underage sales. There is an issue of whether the DPS at the premises had 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 Conde 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.

Following receipt of the application for Review the Premises Licence Holder, Entreprise Inns Plc, applied to transfer the Designated Premises Supervisor (DPS) to Mr Richard Thwaite. The Committee will see a copy of a letter from Entreprise Inn's solicitors confirming that they have been in discussion with the Police and Conditions to be placed on the licence have been agreed between the parties.

It has become apparent that the premises were subject to a tenancy agreement and the DPS was an employee of the tenant. Following receipt of the Review Papers the Premises Licence Holder has terminated the tenancy agreement and recovered possession of the premises.

Representations from Responsible Authorities

There have been no representations from Responsible Authorities

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.

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.