

REPORT TO	DATE OF MEETING
LICENSING PANEL	6 OCTOBER 2014

Report template revised June 2008



SUBJECT	PORTFOLIO	AUTHOR	ITEM
REVIEW OF PREMISES LICENCE – BARRISTERS PUBLIC HOUSE, 63-65 TOWNGATE, LEYLAND, PR25 2LR	REGENERATION, LEISURE AND HEALTHY COMMUNITIES	TASNEEM SAFDAR	

SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been received from Lancashire Constabulary for a Review of the Premises Licence at the Barristers Public House, 63-65 Towngate, Leyland, PR25 2LR.

The Police state that the application for review of the premises licence has arisen as a result of incidents associated with the premises since the beginning of the year. They state that over half of the crimes reported in association with the premises were incidents of assault and that the vast majority of such incidents occur at the weekend and are reported after midnight. These incidents seem to have increased since April 2014, when there was a change of the Premises Licence Holder (PLH) to Ravenstone North West Ltd.

The Police raised their concerns over the issue of public nuisance and crime and disorder with the Designated Premises Supervisor (DPS) Alison Guyan and the Director of the PLH, Lee Smurthwaite. The DPS and operator were informed that a review would be considered with a view to reducing the hours of operation, if issues were not addressed. The Police are of the opinion that despite assurances by the DPS and the operator to resolve the issues, there has been no positive outcome, which has raised doubts with the Police as to the ability of the DPS to run the premises in line with the Licensing Act 2003 and four licensing objectives.

The Police believe that that the licensing objectives of preventing crime and disorder and the prevention of public nuisance are being undermined. The Police consider that their attempts to redress the balance through mutual agreement have failed, and that therefore they have been left with no other alternative but to bring a Review.

The application could have an impact on several of the Council's Corporate Priorities. It should be borne in mind however, that the application must be determined in accordance with the Licensing Act 2003, Council's Licensing Policy Statement and the statutory guidance issued under Section 182 of the Licensing Act 2003.

RECOMMENDATIONS

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.

The application form and statements give examples of the aforementioned crime and disorder and public nuisance and details concerns regarding the running of the premises.

At the beginning of May this year, the premises licence was transferred to Ravenstone North West Ltd, the Director being Lee Smurthwaite. The DPS at the time was Alison Guyan who remained the DPS despite the change to the PLH. The Police state that it is their understanding that the premises were being operated by this company from the beginning of April.

The Police confirm that they met with the DPS on the 7th May and raised concerns in relation to the incidents at the premises and of complaints received of public nuisance from local residents living within the vicinity. The concerns and observations can be found within the witness statement of PC Thompson, which can be viewed at Appendix 2 of the Application for Review. The DPS was advised to ensure that the appropriate policies were in place, particularly around the dispersal of customers and in relation to drunkenness. The DPS was also advised of the importance of documented staff training.

A further meeting took place between the Police, licensing officers, the current operator Lee Smurthwaite and his legal representative on the 28th May 2014. During the meeting, the issue of residents being disturbed during the night by what they believed were customers from the premises was discussed along with other issues. The operator reassured the Police that they had ideas around tackling the dispersal of customers during the night. Nevertheless, the Police state that they have not been provided with any information.

Subsequently, the Police say that they contacted the operator by telephone and e-mail requesting a meeting to discuss further incidents on 22nd July 2014, but no response was received. A meeting was eventually arranged with the DPS and held on the 13th August 2014, between the operator and the Police. The DPS was not in attendance due to ill health. As part of their enquiries, the Police say they were unable to obtain CCTV footage or documentation from the operator as he was unable to work the CCTV or locate the documentation.

The Police comment that there is evidence of an increase of reported crimes since the beginning of April. Of the 19 reported crimes, 13 relate to assaults of which 11 have occurred after the change of operator. Further, with regard to incidents relating to the premises, the Police state that the majority of these incidents have occurred after midnight.

The Police observe that there seems to be a common theme of persons involved in the incidents either as offenders or victims being drunk or affected by drink. It is their opinion that the premises are no longer effectively being managed. The Police are also of the view that there are no constraints in place for the serving of alcohol to persons already drunk or the entry onto the premises of persons who are intoxicated. It is understood that there has been a reduction in the level of door staff at the premises, which the Police believe is an inadequate security provision for the size and nature of the premises. This in turn is leading to the incidents of crime and disorder and public nuisance.

The Police believe that that the licensing objectives of preventing crime and disorder and the prevention of public nuisance are being undermined. In the circumstances the Police considered that they had no option but to bring a Review as all other attempts to resolve the problems had failed in their assessment. The Police believe appropriate and proportionate steps to redress the balance are that the panel remove Miss Guyan as DPS and a fresh DPS is put in place to manage the premises. In addition, they have asked that the panel reduce the hours of operation at the premises until midnight between Monday to Sunday, but that the premises be allowed to remain open until 00:30 hours Monday to Sunday, with an extra 1 hour to the above into the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend.

Representations from Responsible Authorities

There were two representations from Responsible Authorities, one from the Licensing Authority and the other from Environmental Health.

1.Licensing Authority

The Licensing Authority is in support of the Review Application. The representation refers to details of a joint working visit by the Licensing Authority and the Police to the premises on the 7th May 2014, 28th May 2014 and 13th August 2014. These visits were made following reports of disorder, assault and complaints from the public about regular disturbance in the early hours of weekend mornings. The Licensing Authority also noted that the majority of incidents reported to the police were not recorded in the incident book, despite this being a condition of the licence. A copy of the incident book can be found at Appendix A of the representation.

2. Environmental Health

Environmental Health are also in support of the Police's application. They confirm that 2 complaints of noise and anti-social behaviour have been lodged since the change of Premises Licence Holder. Both complaints related to noise nuisance and anti-social behaviour during the weekend periods.

Representations from "Other Persons"

There were three representations from people who support the application for review. They state that there has been crime and disorder such as damage to vehicles, private property and public buildings and littering, by people who they believe are customers of the premises. Further, they have also observed that there is public nuisance such as noise nuisance, foul language and urinating in the street by customers of the premises in the early hours of the morning.

All three representations wish for the licensing hours to be reduced.

Licensing Act 2003

The Council must carry out its licensing functions with the intention of promoting the licensing objectives.

The licensing objectives are:-

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

The Council must also have regard to:

1. Its own Policy Statement;
2. Secretary of State guidance (Section 182 of the Licensing Act 2003).

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.

FINANCIAL	There are no financial implications
LEGAL	The Licensing Authority are under a statutory duty to facilitate the Review Hearing. Any party to the proceedings have the right to appeal the decision to the Magistrates Court
RISK	The full risk assessment forms part of the background papers to this report. The main points for consideration are summarised. Also refer to the legal risks identified above.
THE IMPACT ON EQUALITY	There is no impact on equality. No one is barred on equality reasons from either making an application or a representation either for or against an application

OTHER (see below)			
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

Risk Assessment