

Report of	Meeting	Date
Director of Planning and Development (Introduced by )	Licensing Panel	Monday, 13 September 2021

## Review of Premises Licence - The Hunters

Is this report confidential?	No
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Is this decision key?	No
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### Purpose of the Report

1. To provide an overview of the application and inform Members of the relevant parts of statute and guidance relating to the review application.

### Recommendations to Council

Members are requested to:

2. note the content of the report; and
3. conduct the hearing in accordance with the hearing procedure and,
4. determine what steps are appropriate to promote the Licensing objectives.

### Reasons for recommendations

5. At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

### Corporate priorities

6. The report relates to the following corporate priorities: (please bold all those applicable):

<b>An exemplary council</b>	Thriving communities
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<b>A fair local economy that works for everyone</b>	Good homes, green spaces, healthy places
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## Background to the report

7. Historically the Hunters have been local premises that offers food and beverages.
8. In August 2019 the premises licence holder, applied for a full variation application to extend the outside area for more seating and to include an outside bar.
9. On 15th July 2021 a review application was received from Lancashire Constabulary regarding the premises, The Hunters, Hennel Lane, Walton Le Dale.
10. The review by the Police is on the grounds that the following licensing objectives have not been enforced or promoted at the premises.
  - **The prevention of crime and disorder**
  - **Public safety**
  - **The prevention of public nuisance**
  - **The protection of children from harm**
11. The specifics in question are that following a disturbance that happened before the screening of the European Cup final between England and Italy on Sunday 11th July 2021, which was being screened at the premises via a large screen and multiple individual screens scattered around the outside area of the premises, complaints were received from members of the public with relation to activities within the outside area of the premises.
12. Lancashire Constabulary also have concerns about the poor management of the premises, Covid-19 regulation breaches, and the implications the disturbance had on Police resources.
13. The grounds to the review can be found in more detail within the review application, attached to this report as Background Document 1.
14. Footage taken by The Police Evidence Gathers has been provided by the police and can be accessed by following the link [REDACTED]
15. The police have provided logs of complaints they have received, regarding various issues at the premises since reopening following the Covid lockdown. This can be found attached to the report as background document 3.
16. A letter has also been provided by the police that was shared between premises before the start of the Football tournament, regarding safety measures expected to be in place if England matches were being screened. This was shared with all premises within the pub watch scheme. This can be found attached to the review application as background document 4.

## **Representations from Responsible Authorities**

17. Chris Ward - Interim Licensing Team Leader, on behalf of The Licensing Authority, has submitted a written representation supporting the review by Lancashire Constabulary, stating that he feels all 4 of the licensing objectives have been undermined at the premises. This is attached to the report as Appendix 1.
18. He has attached to the representation various documents titled;
19. Exhibit CW1 – Video advert from the Hunters – [REDACTED]  
  
Attached to the report as Appendix 2
20. Exhibit CW2 - Facebook complaint to the local Ward Councillor - Attached to the report as Appendix 3
21. Exhibit CW3 - Email complaint to the local Ward Councillor - Attached to the report as Appendix 4
22. Exhibit CW4 - Video of a fight at the venue on 11th July 2021 - Attached to the report as Appendix 5.
23. Alison O’Sullivan - Health Protection Practitioner, on behalf of the Environmental Health Department has submitted a written representation supporting the review by Lancashire constabulary, on the grounds that the premises have undermined the licensing objective, public safety. Attached to this report as Appendix 6.
24. Andrew Howard - Senior Environmental Health Officer, on behalf of the Environmental Health Department has submitted a written representation supporting the review by Lancashire constabulary, on the grounds that the premises have undermined the licensing objective, public safety. Attached to this report as Appendix 7.

## **Representations from Members of The Public**

25. One representation was received from a member of the public in support of the review brought by Lancashire constabulary this can be found attached to the report as Appendix 8.
26. 8 representations have been received in support of the premises from members of the public, these can be found attached to the report as Appendices 9 to 17.

## **Decision to be made by The Licensing Panel**

27. The Panel are asked to consider the seriousness of the issues disclosed and determine this application by taking account of Its own policy and Secretary of State Guidance (section 182 of the Licensing Act 2003).
28. In Determining the review application under Section 52 of the Licensing Act 2003 the committee have the following options;

- make no changes to the premises licence
- to modify the conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence;

29. Numerous paragraphs of the Section 182 Guidance are worthy of mention;

*11.19 - Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

*11.20 - In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.*

*11.23 - Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.*

*11.27 - There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*

- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- *for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs*
- *for the organisation of racist activity or the promotion of racist attacks;*
- *for employing a person who is disqualified from that work by reason of their immigration status*
- *in the UK;*
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol.*

### **Climate change and air quality**

30. None

### **Equality and diversity**

31. None

### **Risk**

32. Please summarise the key risks identified in any risk assessments.

### **Comments of the Statutory Finance Officer**

33. No comment

### **Comments of the Monitoring Officer**

34. When considering what decision to make in respect of this review members need to take into account the provisions of the Licensing Act 2003, the council's own Licensing Policy and the statutory Section 182 guidance (quoted in the report). Members of course have received training on such issues but one of the council's solicitors will be present to advise accordingly.

35. Members must also give careful consideration to all representations made in this regard whether in support for the request of the review of the licence or any comments made by the licence holder or in support of their position.

36. If the Licensing Panel decide to take any action then they must ensure that it is appropriate and proportionate.

37. Officers from the council's Legal and Democratic teams will ensure that proper process and procedure is following at the hearing.

## Background documents

Background Document 1 - review application from Lancashire Constabulary

Background Document 2 – [REDACTED]

Background Document 3 – Police Logs

Background Document 4 – Police letter to premises pre-European Cup screening.

## Appendices

Appendix 1 - Chris Ward - Representation on behalf of the Licensing Authority.

Appendix 2 - Exhibit CW1 – Video advert from the Hunters – [REDACTED]

Appendix 3 - Exhibit CW2 - Facebook complaint to the local Ward Councillor

Appendix 4 - Exhibit CW3 - Email complaint to the local Ward Councillor

Appendix 5 - Exhibit CW4 - Video of a fight at the venue on 11th July 2021

Appendix 6 - Representation from Alison O’Sullivan - Health Protection Practitioner, on behalf of the Environmental Health Department.

Appendix 7 - Representation from Andrew Howard - Senior Environmental Health Officer, on behalf of the Environmental Health Department

Appendix 8 - Representation from a member of the public – supporting the review.

Appendix 9 to 17 - Representations received in support of the premises from members of the public.

Jonathan Noad

**Director of Planning and Development**

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