

REPORT TO ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Mark Jones, Community Licensing & Safety Manager

REPORT NO: CSL/025

DATE: 7 December 2012

TITLE:	Review of a Premises Licence, Gravity, 8 Market Place, Grantham	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:		
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith Green, Healthy and Arts Portfolio Holder	
CONTACT OFFICER:	Pam Robinson, Senior Licensing Officer p.robinson@southkesteven.gov.uk 01476 406138	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Statement of Licensing Policy 6 January 2011. http://www.southkesteven.gov.uk/index.aspx?articleid=2955 Guidance issued under Section 182 of the Licensing Act 2003. http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary	

1. RECOMMENDATIONS

- 1.1 It is recommended that the Alcohol, Entertainment and Late Night Refreshment Licensing Committee (“the Committee”) consider the application for a review of the premises licence relating to a premises known as Gravity, 8 Market Place, Grantham and determine either to:
- a. modify the conditions of the licence;
 - b. exclude a licensable activity from the licence;
 - c. remove the designated premises supervisor;
 - d. suspend the licence for a period not exceeding 3 months; or
 - e. revoke the licence.

If the Committee decides that none of the above steps are necessary then it need take no action.

2. PURPOSE OF THE REPORT

- 2.1 The purpose of this report is to provide the committee with information to enable it to consider this application for a review of the premise licence under Section 51 of the Licensing Act 2003 (‘the Act’).
- 2.2 Where a relevant application for a review is received, the Licensing Authority must hold a hearing to determine the application. The options available to the Committee are as detailed item 1 of this report.

The guidance issued under Section 182 of the Act should be read in full but a relevant part is set out below:

“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 which 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.” *(paragraph 11.20 at page 78 of the Guidance Issued under S182 of the Act.)*

- 2.3 The Committee should therefore take a stepped approach to the problem and the Committee should assess the evidence to seek to understand the cause of the problem and focus their powers on addressing the particular cause of selling alcohol to underage persons.

3. DETAILS OF REPORT

- 3.1 On 26 October 2012 Lincolnshire Police submitted an application to review the premises licence for Gravity, 8 Market Place, Grantham. Please see appendix one.
- 3.2 The grounds for review are in relation to the following licensing objectives:
- The prevention of crime and disorder.
 - The protection of children from harm.

- 3.3 The evidence from Lincolnshire Police indicates that the premises have recently failed two test purchases within seven weeks. The test purchases were carried out by Lincolnshire Police, jointly with Lincolnshire Trading Standards.
- 3.4 On 3 August 2012 alcohol was sold to a 16 year old volunteer by bar staff at the venue. The Designated Premises Supervisor (DPS) was present behind the bar at the time of the sale. The bar staff member was issued with a fixed penalty notice for the offence of selling alcohol to a person under 18.
- 3.5 Two other venues within Grantham also sold to the volunteers during this operation. A letter following the operation was sent to the premises licence holders informing them of the sales within the venues.
- 3.6 Lincolnshire Police subsequently met with the DPS of Gravity and she stated they would be implementing measures to prevent further occurrences. Lincolnshire Police also met with the doorstaff of the premises and all parties were clearly informed that further test purchase operations would take place in Grantham.
- 3.7 On 14 September 2012 further test purchases were carried out in Grantham during which all premises that had previously failed on 3 August were re-tested. A member of staff from Gravity sold alcohol to one of the under-age volunteers. The member of staff was issued with a fixed penalty notice for the offence of selling alcohol to a person under 18. Again the DPS was present behind the bar at the time of the sale.
- 3.8 No other premise in Grantham sold to the volunteers that evening. The full details of the police operation can be read in the application attached as appendix one.
- 3.9 This is the first time that the premises have been brought before Committee for review.
- 3.10 Trading Standards have also submitted a representation in support of the Police's application for review and this is attached as appendix two.
- 3.11 The premises have held a licence since the Licensing Act 2003 came into force in 2005 and their alcohol hours are:

Sale by retail of alcohol

11:00 to 03:00 Monday
11:00 to 03:00 Tuesday
11:00 to 03:00 Wednesday
11:00 to 03:00 Thursday
11:00 to 03:00 Friday
11:00 to 03:00 Saturday
12:00 to 03:00 Sunday

Non standard timings

Christmas Eve until 4.00
New Years Eve until 5.00

The full licence and conditions is attached as appendix three.

4. OTHER OPTIONS CONSIDERED

There are no other options available.

5. RESOURCE IMPLICATIONS

There is no resource implications associated with this report

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls

7. ISSUES ARISING FROM IMPACT ANALYSIS

N/A

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 Crime and disorder implications will be considered in accordance with the licensing objective and the duty to consider in accordance with s.17 of the Crime and Disorder Act 1998

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 There are no specific financial implications associated with this report however in the event of an applicant making an appeal against a decision which was then subsequently upheld, the council may occur additional legal costs

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 The Act provides a procedure whereby a premises licence can be reviewed at any time on the application of an interested party or a responsible authority. On receipt of an application for review of a licence, the Council are obliged to hold a hearing to consider the application within 28 days of receipt of the application. The Committee should consider the Guidance issued under S182 of the Act and the Council's own statement of licensing policy when considering if the application merits evidence that the licensing objectives are being undermined or not.
- 10.2 Any response should be proportionate after considering the history of the premises, a review of the evidence and the gravity of the mischief involved. The Committee should go on to consider the use of their powers in support of the licensing objectives but only so far as is appropriate to address the problems complained of in the application.

11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES:

- 1 Application for review**
- 2 Trading Standards witness statements**
- 3 Copy of premises licence**