



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## **Alcohol, Entertainment and Late Night Refreshment Licensing Committee**

**ENV 770**    13 November 2020



# **Licensing Act 2003: Alcohol, Entertainment and Late Night Refreshment Licensing Committee**

Hearing to determine the application for the review of a premises licence – Mason's Arms, 15 South Street, Bourne PE10 9LY

### **Report Author**

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**Corporate Priority:**

**Administrative**

**Decision type:**

**Regulatory**

**Wards:**

**Bourne East**

**Reviewed by:**

Anne-Marie Coulthard, Head of Environmental

27 October 2020

### **Recommendation (s) to the decision maker (s)**

**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 the premise known as, The Mason's Arms, 15 South Street, Bourne.**

# 1 The Background to the Report

- 1.1 On Monday, 28 September 2020 an application for the review of the premises licence for The Mason's Arms was received from Lincolnshire Police via email. Appendix 1.
- 1.2 The application to review relates to the following licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
- 1.3 Lincolnshire Police allege that since the re-opening of the licensed premises on 4 July 2020 following the lockdown period, there have been numerous incidents relating to the Mason's Arms reported to them leading them to believe the Licensing Objectives were being undermined. These incidences relate to violence, underage sales, serving drinks to under 18's and breaches of the Covid-19 Guidance. Please see Appendix 1 for full details.
- 1.4 The application for review was supported by appendices A-D. These are attached as Appendix 2 (exempt) of this report. The appendices A-D include email correspondence to the licence holder, records of visits and suggested conditions to be placed on the licence. Please see Appendix 2 (exempt) for full details.
- 1.5 A letter in support of the police review was received on 8 October 2020 from Peter Harrison, Environmental Protection Officer working in Environmental Health, a responsible authority under the Licensing Act 2003.
- 1.6 The letter states that Environmental Health has received numerous complaints about noise from outdoor music events and alleged breaches of the COVID regulations which have been jointly investigated with the Police. They feel that music outdoors needs to be controlled and with a finish time of 20.00 hours at the latest. The letter is attached as Appendix 3.
- 1.7 The current premises licence is attached as Appendix 4 of this report.
- 1.8 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for, amongst other things:
  - a A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - b A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises – provided that the audience does not exceed 500.
- 1.9 Guidance issued under Section 182 of the Licensing Act 2003 states at paragraph 16.55 –  
*On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.*
- 1.10 The current licence holder, John Parr, has held the premises licence since June 2017. John Parr has also been the Designated Premises Supervisor (DPS) since December 2011. A copy of the Premises Licence is attached as Appendix 3.

## **2 Options available to the Committee are:**

- 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.

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

2.2 The guidance issued under Section 182 of the Act is:

*“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 92 of the Guidance Issued under S182 of the Act.)

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.

## **3 Financial Implications**

3.1 There are no specific financial implications associated with this report, however, in the event of an applicant, responsible authority or interested person making an appeal against a decision which was then subsequently upheld, the Council may incur additional costs.

**Financial Implications reviewed by: Richard Wyles, Interim Director of Finance**

## **4 Legal and Governance Implications**

4.1 The Licensing Act 2003 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 is obliged to hold a hearing to consider the application. In determining the application, the Committee should consider the guidance issued under S182 of the Act and the Council’s own statement of licensing policy, together with all representations. The decision of the Committee should be no more than an appropriate and proportionate response to the concerns raised.

**Legal Implications reviewed by: Mandy Braithwaite, Legal Executive**

## **5 Equality and Safeguarding Implications**

5.1 Not applicable.

## **6 Risk and Mitigation**

6.1 Not applicable.

## **7 Community Safety Implications**

7.1 The prevention of crime and disorder is an objective of the Licensing Act 2003.

## **8 Appendices**

- 8.1 Appendix 1 - Application for review.
- 8.2 Appendix 2 - Police Appendices A-D (This appendix contains exempt information under paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972).
- 8.3 Appendix 3 - Premises Licence.
- 8.4 Appendix 4 - Supporting representation – Environmental Protection Officer

## **9 Background Papers**

- a. Statement of Licensing Policy 6 January 2016.  
[www.southkesteven.gov.uk/licensingpolicy](http://www.southkesteven.gov.uk/licensingpolicy)
- b. Guidance to Applicants.  
<http://www.southkesteven.gov.uk/index.aspx?articleid=8303>
- c. Guidance issued under section 182 of the Licensing Act 2003.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)