

This report contains an exempt appendix number , This appendix is exempt by virtue of paragraph 1 schedule 12a of the Local Government Act 1972 as ammended

# REPORT TO ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT LICENSING COMMITTEE

**REPORT OF: Community Safety and Licensing Manager**

**REPORT NO: ENV 520**

**DATE: 24 MAY 2011**

<b>TITLE:</b>	<b>Review of a Premises Licence – The New Inn Folkingham</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	<i>Not known at present pending recent elections</i>	
<b>CONTACT OFFICER:</b>	Peter Harrison	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
<b>Equality and Diversity</b>	N/A	N/A
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a> . Appendix number 1Is an exempt appendix by virtue of paragraph 1 of schedule 12A of the Local Government Act 1972 (as amended) in that the appendix contains personal sensitive information relating to an individual	
<b>BACKGROUND PAPERS</b>	Statement of Licensing Policy 6 January 2011	

## 1. RECOMMENDATIONS

- 1.1 It is recommended that the Alcohol, Entertainment and Late Night Refreshment Licensing Committee consider the application for a review of the Premises Licence relating to the New Inn at Folkingham and determine either:
- 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;
- e. revoke the licence.
- f. adjourn a hearing to a date to be specified where it considers it to be necessary in the public interest.

## **2. PURPOSE OF THE REPORT/DECISION REQUIRED**

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.

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 in the recommendation above.

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

“In deciding which of these powers to invoke, it is expected that the Committee 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 a necessary and proportionate

## **3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)**

Lincolnshire Police have asked for a review of the premises licence, appendix 1, of the New Inn Folkingham.

The Police and South Kesteven District Council have received numerous complaints regarding noise nuisance and public disorder from this premises stretching back to March 2010.

The premises have been visited by officers from the council and police to give advice on multiple occasions

The review has been requested following an enforcement visit by the police in the early hours of the 5<sup>th</sup> of February 2011, a team of officers entered the building having found it open and operating past the hours specified on their licence.

Police found customers who were drunk and who argued with police when asked to leave, they feel that the Licence Holder at the time who continues as the Designated Premises supervisor was belligerent and unhelpful and had they not enforced the closure at 00.15 the premises would have remained open for some time after the event

The review application also states that Licence Holder at the time has pursued a campaign of harassment against the neighbours whom he believes have reported him to the authorities, this has resulted in his arrest and prosecution for a public order offence.

On the 1<sup>st</sup> April 2011, the owners of the premises, Scottish and Newcastle Pub Company (Management Limited) took over the Premises Licence. The Designated Premises Supervisor is currently not present on the premises. In the request for review, the Police have requested the withdrawal of the Designated Licence Supervisor and the Premises Licence

There have been 39 letters from interested parties, appendix 2, one has been rejected as the person does not live within the vicinity.

The letters are a mixture of support for the police action and support for the licensee, most point to the fact that the village does not want to lose yet another community facility regardless of whether the current holder remains at the premises or not.

There is also a letter, appendix 3, from the Team Leader of Environmental Protection regarding the intervention of her team

#### **4. OTHER OPTIONS CONSIDERED**

N/A

#### **5. RESOURCE IMPLICATIONS**

N/A

#### **6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)**

N/A

#### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

N/A

#### **8. CRIME AND DISORDER IMPLICATIONS**

Anti-Social Behaviour

#### **9. COMMENTS OF FINANCIAL SERVICES**

I have no specific comments to make in respect of this report

#### **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

. 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 Council are not obliged to determine the application within that time if it is considered in the public interest not to do so.

In making any decision relating to the application, it must be reasonable and proportionate and must be necessary for the promotion of a licensing

objective. The licensing objectives are:

- Prevention of Crime & Disorder
- Public Safety
- Public Nuisance
- Protection of Children from harm

## **11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

## **12. APPENDICES:**

**Appendix 1 Review Application**

**Appendix 2 Letters from Interested Parties**

**Appendix 3 Letter from Environmental Protection**