

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Community Safety and Licensing Manager

REPORT NO: ENV 523

DATE: 24th of May 2011

TITLE:	Review of a Premises Licence – Barcode, 90 Westgate, Grantham, Lincolnshire, NG31 6LE	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	<i>Not yet known pending the elections</i>	
CONTACT OFFICER:	Peter Harrison – peter.harrison@southkesteven.gov.uk 01476 406190	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	N/A	N/A
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. Guidance issued Under S182 of the Licensing Act 2003.	

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 Barcode, Westgate, 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 to;
- 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 in the recommendation section above.

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

“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 response.” (paragraph 11.19 at page 100 of the Guidance Issued under S182 of the Act.)

3. DETAILS OF REPORT

Lincolnshire Police have applied for a review of this premises licence as they consider that the following licensing objectives are being undermined.

- 1) Prevention of Crime and Disorder
- 2) Public Safety
- 3) Protection of Children from Harm

The application and representation from the Police is found at Appendix ... and states that there have been significant concerns in relation to the licensing objectives above..

The police say that the premises licence holders initially indicated a willingness to work with them but now appear to be supporting the tenants view to have the licence reviewed. (??)

The application for review says that although there are numerous conditions on the licence they are not worded in such a way that makes them enforceable or effective .

The application states that the licence has a condition saying “no children are allowed on to the premises” and that this has been breached because they have evidence that on two separate occasions there have been assaults on the premises where the offenders were 17 years of age.

Section 145(2)(a) of the Licensing Act 2003 relating to unaccompanied children prohibited from certain premises says that, child means an individual aged under 16 And they would only be unaccompanied if not in the company of an individual aged 18 or over. There is no evidence to say whether the two 17 years old were accompanied by 18 year olds.

The Police have suggested five conditions that they think are necessary and proportionate to safeguard and promote the licensing objectives.

4. OTHER OPTIONS CONSIDERED

Having spoken to both parties it is clear that negotiation is not an option

5. RESOURCE IMPLICATIONS

6. RISK AND MITIGATION

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

8. CRIME AND DISORDER IMPLICATIONS

9. COMMENTS OF FINANCIAL SERVICES

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

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

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

The licensing objectives are:

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

Any decision taken by the Committee should be reasonable and proportionate and must be necessary for the promotion of the licensing objectives. The decision of the committee should be no more than a proportionate response to the concerns raised by the police.

11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES:

1) Application for review