

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing (2003 Act) Sub-Committee

22 June 2012

AUTHOR/S: Director, Health & Environmental Services

APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER S.53A OF THE LICENSING ACT 2003 (PREMISES ASSOCIATED WITH SERIOUS CRIME AND SERIOUS DISORDER OR BOTH) AT LONGBOW PUBLIC HOUSE 2 CHURCH STREET, STAPLEFORD, CAMBRIDGE, CB22 5DS

Purpose

1. To consider the application made by Cambridgeshire Constabulary for the review of premises licence number SCD CPL0191, currently in place at 2 Church Street, Stapleford, CB22 5DS, (**Appendix A**) for consideration by Licensing Sub-Committee.

Background

2. Mr Graeme Forster applied to become the Designated Premises Supervisor (DPS) and premise licence holder at the Longbow Public House on 20 May 2010. The application was granted and Mr Forster became responsible for the day-to-day running of the pub. The current licence is attached as (**Appendix B**).
3. File notes held by the Licensing Authority indicate following sequence of events;
 - (a) On 16 June 2010 assistant Licensing Officer, Juli Stallabross and a Police Officer visited the premises to establish contact and to check that the premises licence was on display. Issues relating to drug dealing were discussed with Mr Forster, who was verbally warned by the attending Police Officer that if the situation did not improve that the pub would be investigated. Mr Forster was advised to consider terms of entry to the public house. The visit confirmed a report that a fight had taken place at the premises prior to the visit made by officers.
 - (b) Complaints alleging anti-social behaviour and noise were recorded between 4 May and 6 July 2010. A letter of advice was sent to Mr Forster on 11 August 2010 (**Appendix C**).
 - (c) A visit was made by Licensing/Police on 20 August 2010 (Officer file note attached as **Appendix D**). The Police gave another verbal warning relating to issues of anti-social behaviour and intelligence that drug dealing was taking place and the licensing officer discussed the consequences of breach of conditions. Mr Forster was asked to familiarise himself with a 'banned-list', in order to identify any patrons that were banned from frequenting the premises under the local 'Pub-Watch' initiative. At this time the Police officer gave practical advice on preventing people from taking drugs within the public house. Mr Forster was encouraged to keep an 'open dialogue' with authorities regarding problems and concerns.
 - (d) July and August 2011 telephone complaints were logged with the licensing section regarding noise and anti - social behaviour , a log of the complaints were captured as a file note (**Appendix E**)

- (e) On 25 August 2011 Police shared further intelligence on allegations of drug dealing with the Licensing Authority.
 - (f) In September 2011 the Licensing Authority received reports that fighting had taken place at the public house.
 - (g) On 9 December 2011 Licensing Officers were due to visit the premises with Police, however, a report was received moments before the visit that a fight had broken out at the premises and it was decided that the risk posed to civilian officers was too high to attend.
4. The above records have been captured in a sworn statement made by the Licensing Officer and submitted to the Police.
 5. On 29 May 2012, The Chief Officer of Police for Cambridgeshire Constabulary served Notice on South Cambridgeshire District Council, being the relevant Licensing Authority under the Licensing Act 2003 calling for an Expedited Review of the premises licence on the grounds that the premises is associated with *serious crime and serious disorder*. Interim steps were taken to ensure that the Crime Prevention Objective was not undermined, prior to full review.
 6. In accordance with legislation the Chief Officer of Police for Cambridgeshire Constabulary submitted a Certificate of Crime detailing a list of incidents relating to the Longbow Public House.
 7. On the 30th May 2012 a Licensing Sub Committee met and determined that the appropriate interim steps, pending a full hearing, were that the premises should remain closed until this hearing.
 8. Appropriate notices were displayed at the premises; responsible authorities were notified in accordance with legislative procedures inviting representations either for or against the licence to be received by the licensing section no later than the 14th June 2012.
 9. Representations have been received from the following:-
 - (i) Police (**Appendix F**)
 - (ii) Residents (**Appendix G**)
 - (iii) Wellington pub Co, owners of the freehold of the premises and registered interested party to the licence (**Appendix H**)

Summary of Certificate of Crime

10.
 - (a) May 2012 – Intelligence received regarding Class A drug dealing taking place
 - (b) May 2012 – A search warrant was executed under the Misuse of Drugs Act 1971
 - (c) January 2012 – A 17 year old was assaulted outside of the public house. The victim has been in attendance at an 18th Birthday Party held at the public house.
 - (d) September 2011 – CCTV evidence was secured of a fight taking place at the public house.
 - (e) September 2011 – Suspect in a robbery was located drinking in the bar by police officers.

Historical Information

11. A hearing was held on 26 September 2005 in connection with an application under 'grandfather rights' relating to the premises. It was to convert the licence held under the old law into the new regime and in addition to apply for extensions to the permissions that were held under the previous law.
12. The applicants concerned with the 2005 application and the subsequent hearing, at the time, are now disassociated with the premises and/or day-to-day running of the premises. Records indicate that representations were made in response to the application on grounds relating to the Public Nuisance Objective, and that no Police representation was made. Decisions made by the sub-committee at the time related to consideration of the Prevention of Public Nuisance Objective.

Considerations

13. The Licensing Act 2003, subsequently amended by Police & Social Responsibility Act 2011, places a duty on the Licensing Authority to arrange a hearing, either where a closure order has been notified to the LA by a Magistrates' Court or where it receives an application for review by a Responsible Authority.
14. S.182 Guidance states that where an LA is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the Crime Prevention objective.
15. Members are reminded that Licensing Authorities do not have the power to judge the criminality or otherwise of any issue. This responsibility is a matter for the Court.

Options

16. When determining the application members are reminded that each case presented to the sub-committee must be considered on its individual merits. Where action is deemed *appropriate and proportionate* for the promotion of the Crime Prevention objective; the sub-committee may take any of the following steps:
 - (a) to 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;
 - (b) to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing or recorded music (where it is not within the incidental live and recorded music exemption);
 - (c) to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence.

Implications

17.	Financial	N/A
	Legal	Both parties will have a right of appeal to a magistrates court within 21 days beginning with the day on which the appellant is notified of any decision made by the Licensing Sub-Committee
	Staffing	N/A
	Risk Management	N/A
	Equality and Diversity	N/A
	Equality Impact Assessment completed	No This hearing is by way of a specific appeal and does not affect any policy adopted by SCDC
	Climate Change	N/A

Conclusions / Summary

18. The application before the panel is for the review of premises licence number SCDCPL0191 currently in place at the Longbow Public House, 2 Church Street, Stapleford, Cambridge, CB22 5DS.
19. Cambridge constabulary as a responsible authority has applied for a review, as in the opinion of a Senior Police Officer, the premises in question is associated with *serious crime and serious disorder*.
20. Members must deliver their decision with the Crime Prevention Objective in mind contained within S.4 of the Act.
21. In accordance with guidance, Members should give comprehensive reasons for the decisions made in anticipation of any appeals to the Courts. Failure to give adequate reasons for decisions made in determining the review may in itself give rise to grounds for an appeal.

Background Papers: the following background papers were used in the preparation of this report:

Licensing Act 2003
Amended Guidance Issued under S.182 of the Licensing Act 2003
South Cambridgeshire District Council Licensing Policy

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