

Place Directorate

Responsible for the Economy
And the Environment



To:

1. Applicant for Review (Chief Officer of Police)
2. Premises Licence Holder
3. Other Persons/Responsible Authorities

Please ask for: **Licensing Team (Mid Suffolk)**
 Direct line ☎: 01449 724693
 Fax number 📠: 01449 724696
 Your reference:
 Our reference: LICPR/14/00097/s51/s52
 E-mail 📧: licensing@mid Suffolk.gov.uk
 Please reply to: **Mid Suffolk Office** (see footer)

10 July 2015

By First Class Post & Email (where appropriate)

Dear Sir/Madam,

LICENSING ACT 2003 - NOTIFICATION OF DETERMINATION

REVIEW (S.51) OF PREMISES LICENCE LICPR/14/00097

MALTINGS ENTERTAINMENT COMPLEX, STATION ROAD EAST, STOWMARKET IP14 1RQ

The Licensing Authority of Mid Suffolk District Council hereby issues its Notification of Determination, pursuant to Section 52 of the Licensing Act 2003, in respect of the following REVIEW of Premises Licence LICPR/14/00097 held by Maltings Entertainment Limited for the Maltings Entertainment Complex, Station Road East, STOWMARKET, Suffolk IP14 1RQ:

Application for the REVIEW of Premises Licence LICPR/14/00097 (section 51) submitted 22 May 2015
Licensing Sub-Committee hearing date: 09 July 2015 Hearing report: LA/04/15
Applicant for Review: Chief Officer of Police, Suffolk Constabulary
Premises: Maltings Entertainment Complex, Station Road East, STOWMARKET, Suffolk IP14 1RQ
Premises licence holder: Maltings Entertainment Limited (limited company number 08868106)

Firstly the Authority would wish to thank those parties and their representatives that attended the licensing hearing held at Mid Suffolk District Council offices on 09 July 2015, and all parties for their representations and submissions.

The Licensing Act 2003 sub-committee has carefully considered the application for review made under section 51 of the Licensing Act 2003, with a clear focus on the promotion of the four statutory objectives which must be addressed when licensing functions are undertaken. The licensing objectives are:

1. The prevention of crime and disorder;
2. Public safety;
3. The prevention of public nuisance; and
4. The protection of children from harm

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

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Strategic Director (Place): Lindsay Barker
Head of Economy: Peter Burrows **Head of Environment:** Chris Fry

DECISION AND REASONS

- (A) The sub-committee is concerned with the premises licence of Maltings Entertainment Complex, Station Road East, Stowmarket IP14 1RQ, granted on 26 January 2015. The sub-committee has considered the Chief Officer of Suffolk Constabulary's application for a review of this licence, submitted on 22 May 2015. The sub-committee has considered all the evidence which has been accepted pursuant to regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, being Appendices A-G.
- (B) The sub-committee has also considered its powers as set out in section 52 of the Licensing Act 2003; the March 2015 version of the section 182 guidance and the statement of licensing policy for Mid Suffolk District Council.
- (C) Evidence has been presented to the sub-committee which predates the grant of the current licence (number LICPR/14/00097) on 26 January 2015. The sub-committee has been referred to paragraph 11.1 of the guidance and has focused its considerations on the evidence relating to the licensing objectives since the grant of the licence and not before.
- (D) The sub-committee is also mindful that it must, so far as possible, seek to establish the cause or causes of the concerns that the representations identify and that remedial action taken should generally be directed at those causes (paragraph 11.20 of the guidance). The sub-committee has also considered that its decision should always be no more than an appropriate and proportionate response to address the causes of concern.
- (E) Having regard to the evidence, the sub-committee consider the primary causes of concern in this review are:
- (i) Excessive consumption of alcohol on licensed premises;
 - (ii) Admission to the premises outside of hours permitted by the licence;
 - (iii) Incidents of violent behaviour and disorder; and
 - (iv) Ineffective management.
- (F) At the beginning of the hearing on 09 July 2015, the Applicant and Premises Licence Holder presented to the sub-committee a joint document setting out agreed additional steps which the Premises Licence Holder assured the sub-committee will be implemented (if they have not already done so) in the timescales proposed.
- (G) Both parties have been able to advance submissions to the sub-committee and, where appropriate, have been subject to questions from other parties and members of the sub-committee.
- (H) The proposed additional steps require the sub-committee to exercise its discretion under section 52(4)(a) and (b), namely, to modify conditions of the licence by adding paragraphs 2, 3 and 4 of the proposal (see agreement below); to add paragraph 5 (of the agreement below) to the licence for a specified period (to 06 August 2015) and, in paragraph 1 (of the agreement below), to exclude licensable activities until 06 August 2015 in respect of the T-Bar and Carbon parts of the Maltings Entertainment Complex.

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- (I) The sub-committee considered the submissions of both parties; the answers to questions raised in the hearing and the report from the licensing officer. The sub-committee has also carefully considered all of the representations from 'other persons' in Appendix B. None of these other persons attended the hearing on 09 July 2015.
- (J) Having in mind its duties and the four licensing objectives, particularly the prevention of crime and disorder and public safety, the sub-committee consider that the proposals set out in the agreed document are appropriate for the promotion of those two relevant licensing objectives and that this is no more than is appropriate and proportionate in response to the identified causes of concern.
- (K) The sub-committee has been notified by the Applicant and the Premises Licence Holder that they, by agreement, wish to restrict paragraph 5 of the proposal (being the provision of no less than 4 SIA door persons on duty from 21:00, until 6 August 2015) to Friday and Saturday evenings. The sub-committee has considered this in line with the representations made during the hearing and, in accordance with what is appropriate for promotion of the licensing objectives, agree that restricting paragraph 5 to Friday and Saturday evenings is proportionate.

MALTINGS ENTERTAINMENT COMPLEX – ADDITIONAL STEPS AS AGREED BETWEEN THE APPLICANT FOR REVIEW (CHIEF OFFICER OF POLICE) AND PREMISES LICENCE HOLDER (MALTINGS ENTERTAINMENT LTD) ON 09 JULY 2015

It is agreed between the parties that the following steps are to be conditions of the premises licence:

1. The 'T Bar' and 'Carbon' within the Maltings Complex shall, until midnight on 06 August 2015, carry out no licensable activities.
2. The 'T Bar' and 'Carbon' shall use a Club ID scan or a suitable equivalent after 21:00hrs.
3. The premises licence holder or his representative shall participate in Pub Watch (if permitted by the scheme).
4. On Fridays and Saturdays after 21:00hrs there shall be not less than one SIA registered door supervisor on duty on the upper floors within 'T Bar' and 'Carbon', if in use.
5. On Fridays and Saturdays from 21:00hrs, up until 06 August 2015 (inclusive), there shall be not less than four SIA registered door supervisors on duty.

RIGHT OF APPEAL

The Licensing Authority hereby confirms the rights of any party to appeal this decision of the Licensing Authority.

For the avoidance of doubt it should be noted that the determination of the Licensing Panel under section 52 of the Licensing Act 2003 does not have effect until (a) the end of the period given for appealing against the decision (21 days from date of this Notice of Determination), or (b) if the decision is appealed against, until the appeal is disposed of.

Where an application for a review of a premises licence is decided under section 52, an appeal may be made against that decision by –

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Babergh District Council
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- (a) the applicant for the review,
- (b) the holder of the premises licence, or
- (c) any other person who made relevant representations in relation to the application.

Entitlement to appeal against any decision of the Licensing Authority is primarily set out in Schedule 5 of the Licensing Act 2003. Part 1 of Schedule 5 refers to appeals in respect of premises licences, and paragraph 8 of Part 1 specifically to reviews of premises licences. General provision about appeals under Part 1 is that:

- An appeal under this Part must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated.
- An appeal under this Part must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- On an appeal under paragraph (a) or (c) above [relating to review of premises licence] the premises licence holder is to be the respondent in addition to the Licensing Authority.

The Authority trusts that all parties found they were given equal and fair opportunity to raise any relevant issues in support of their own submissions/representations. If anything contained within this Notice is unclear then please contact a member of the Licensing Team in the first instance on 01449 724693 or licensing@midsuffolk.gov.uk

The updated premises licence LICPR/14/00097 shall be re-issued to the Premises Licence Holder under separate cover within the next 2-3 working days.

Yours faithfully



Lee Carvell – Corporate Manager (Licensing)
For Mid Suffolk District Council Licensing Authority