

MID SUFFOLK DISTRICT COUNCIL

From: Head of Environment	Report Number: LA/04/15
To: Licensing Sub-Committee	Date of meeting: 9 JULY 2015

LICENSING ACT 2003: REVIEW OF PREMISES LICENCE LICPR/14/00097 MALTINGS ENTERTAINMENT COMPLEX, STATION ROAD EAST, STOWMARKET IP14 1RQ

1. Purpose of Report

- 1.1 To report information to the Licensing Sub-Committee to enable the determination of a REVIEW application made under section 51 of the Licensing Act 2003, by the following responsible authority:

The Chief Officer of Police (Suffolk Constabulary)

In respect of the following premises:

Maltings Entertainment Complex, Station Road, STOWMARKET, Suffolk IP14 1RQ

The existing premises licence is number LICPR/14/00097 on issue since 29 January 2015.

- 1.2 The complete application, containing the grounds for the review, is attached as Appendix A.

2. Recommendations

- 2.1 The Licensing Authority MUST reject an application for a review unless it is relevant to at least one of the following licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

- 2.2 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps below (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Where the authority takes a step mentioned in 2.2(a) or 2.2(b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 2.3 The Sub-Committee may determine to take no action, or to issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

The Sub-Committee is able to determine this application.

3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 The application made has been subject to the standard (section 51) review procedure. The application has been advertised, as required by regulation, on the premises, on the Council website and on the main council offices notice board for not less than the relevant statutory period (28 days in this instance). The application has been served on other responsible authorities as required.
- 5.2 Other responsible authorities and 'other persons' as defined by the 2003 Act may join a review once instigated and submit their own comments in relation to promotion of the licensing objectives.

6. Equality Analysis

- 6.1 There are no equality impacts arising directly from the matters contained within this report.

7. Key Information

- 7.1 The review application has been submitted to the Licensing Authority by the Chief Officer of Police, acting as a responsible authority, on 22 May 2015. This is a 'standard' section 51 review application and does not follow any previous closure order or 'summary/expedited' (section 53A) review interim steps process. There has been no previous review of this premises licence nor any previous licence held for the complex.

- 7.2 A premises licence has been held by Maltings Entertainment Ltd (limited company number 08868106) for the Maltings Entertainment Complex since 27 March 2014. The Designated Premises Supervisor (DPS) is currently Mr Peter Evans (a personal licence holder with Suffolk Coastal District Council) and he has held that position since 21 April 2015, prior to which the DPS was Mr Robert Perry (a personal licence holder with Mid Suffolk District Council). The last Companies House check (March 2014) identified four directors of the company – being Mr Donald Perry, Mr Stephen Perry, Mrs Tracey Smith and Mr Robert Perry.
- 7.3 The Police have stated within the application for review that they are seeking “full revocation of the licence for the whole of the premises or to reduce the licensable activities area to exclude the ‘Carbon’ and ‘T Bar’ parts of the premises”. In summary, the grounds for the review are cited by the Suffolk Constabulary as being that “it has exhausted all other stepped approach options”, that “the premises is still maintaining a high level of violent crime and disorder despite intervention from the Constabulary and related agencies” and also “the continual lack of regard to the licensing objectives by the Licensee and recent DPS Mr Robert Perry”. A full copy of the application for review is attached as Appendix A.
- 7.4 In accordance with good practice specified at paragraph 11.10 of the statutory guidance issued under section 182 of the Licensing Act 2003 (March 2015 version), authorised persons and responsible authorities have given the licence holder early warning of the concerns and of the need for improvement. This has included development of an ‘Action Plan’ document and meetings taking place between the licence holder/premises management, Police and officers of the Local Authority including on 16 March, 21 April and 28 April 2015. Mid Suffolk District Council is committed to working in partnership with licence holders, local communities and responsible authorities to jointly promote the licensing objectives and support compliance - as reflected in its Statement of Licensing Policy and Corporate Enforcement Policy.
- 7.5 A failure by the licence-holder to respond to or act upon such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level is key to promoting the licensing objectives, and reviews which may undermine such working should not be instigated lightly. Paragraph 11.18 of the Guidance states that where responsible authorities have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 7.6 In respect of reviews, the Sub-Committee is particularly referred to section 11 of the Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003. Section 22 of the Council’s Statement of Licensing Policy refers to review applications.
- 7.7 In respect of decision-making paragraph 11.20 of the Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003 states that “in deciding which of these powers to invoke [see 2.2 of this report], it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that 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 to address the causes of concern that instigated the review.”

7.8 The Sub-Committee will further be aware that:

- (a) Licensing objectives and aims are specified within the statutory guidance at paragraphs 1.2 to 1.5.
- (b) Each case must be considered on its own merits. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- (c) Any action taken by a Licensing Authority via the review process would not take effect until the time for bringing an appeal has expired, and if an appeal is lodged until the determination or withdrawal of that appeal.
- (d) Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.

7.9 The Sub-Committee will be alert to considerations in relation to European Convention rights as given further effect by the Human Rights Act 1998 - specifically Article 6(1) and Articles 8 and 1 of Protocol 1 when dealing with applications for the review of an existing licence. Without prejudice to any other obligation imposed on it, the Local Authority will also be aware of its duty under section 17 of the Crime and Disorder Act 1998 when exercising its various functions.

8. Representations

8.1 Responsible Authorities:

- (a) The review has been submitted by the Chief Officer of Police for Suffolk Constabulary.
- (b) In this instance other responsible authorities have not submitted any representations to formally join the review.

8.2 Other persons:

- (a) There have been 12 (twelve) representations received from other persons (which would include local residents or businesses). Representations may be supportive of the review application or of the licensed business.

9. Appendices

Title	Location
A. Application for the review of premises licence LICPR/14/00097 (under section 51 of the Licensing Act 2003)	Attached

Title	Location
B. Representations made to the Licensing Authority during the statutory 28 day period (all 'other persons')	Attached
C. Summary of existing premises licence and siteplan LICPR/14/00097 issued 29 January 2015	Attached

10. Background Documents

10.1 The Licensing Act 2003

10.2 Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (March 2015 version)

10.3 Mid Suffolk District Council Statement of Licensing Policy

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