

NOTICE IS HEREBY GIVEN that a hearing of the **LICENSING SUB-COMMITTEE** will be held in the **CIVIC SUITE 0.1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 27 JANUARY 2016** at **10:00 AM** and you are requested to attend for the transaction of the following business:-

**A G E N D A**

**ITEM LED BY**

**APOLOGIES**

<b>1. ELECTION OF CHAIRMAN</b>	
<b>2. MEMBERS' INTERESTS</b>  To receive from Members declarations as to disclosable pecuniary or other interests in relation to any Agenda item. Please see Notes below.	
<b>3. INTRODUCTION</b>	<b>Chairman</b>
<b>4. LICENSING SUB-COMMITTEE PROCEDURE</b> (Pages 5 - 10)	
<b>5. CROMWELL'S BAR CAFE, HUNTINGDON</b> (Pages 11 - 48)  To consider an application for a review of a premises licence made under Section 51 of the Licensing Act 2003 made by the following:-  Time:            10:00am  Applicant:      The Chief Officer of Police  Premises:      Cromwell's Bar Café 137 High Street Huntingdon Cambs PE29 3NF	<b>Mrs C Allison 388010</b>
<b>6. EXCLUSION OF PRESS AND PUBLIC</b>  To resolve:-  to exclude the press and public from the hearing during the determination of the application.	

<b>7. DETERMINATION</b>  To determine the application referred to in agenda item 5.	<b>Chairman</b>
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Dated this 6TH day of January 2016



Head of Paid Service

**Notes**

**1. Disclosable Pecuniary Interests**

- (1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*
- (2) *A Member has a disclosable pecuniary interest if it -*
  - (a) *relates to you, or*
  - (b) *is an interest of -*
    - (i) *your spouse or civil partner; or*
    - (ii) *a person with whom you are living as husband and wife; or*
    - (iii) *a person with whom you are living as if you were civil partners*

*and you are aware that the other person has the interest.*

- (3) *Disclosable pecuniary interests includes -*
  - (a) *any employment or profession carried out for profit or gain;*
  - (b) *any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);*
  - (c) *any current contracts with the Council;*
  - (d) *any beneficial interest in land/property within the Council's area;*
  - (e) *any licence for a month or longer to occupy land in the Council's area;*
  - (f) *any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or*
  - (g) *a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.*

**Other Interests**

- (4) *If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.*
- (5) *A Member has a non-disclosable pecuniary interest or a non-pecuniary interest where -*
  - (a) *a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or*

*(b) it relates to or is likely to affect any of the descriptions referred to above, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association*

*and that interest is not a disclosable pecuniary interest.*

## **2. Filming, Photography and Recording at Council Meetings**

*The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link - [filming,photography-and-recording-at-council-meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.*

**Please contact Mrs C Bulman, Democratic Services Officer on Tel No. 01480 388169/e email: [Democratic.Services@huntingdonshire.gov.uk](mailto:Democratic.Services@huntingdonshire.gov.uk) if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.**

**Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.**

**Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.**

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (under Councils and Democracy).

**If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Elections & Democratic Services Manager and we will try to accommodate your needs.**

### ***Emergency Procedure***

*In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.*

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## HUNTINGDONSHIRE DISTRICT COUNCIL

### LICENSING SUB-COMMITTEE PROCEDURE

#### 1. Introduction

- 1.1 The following proceedings apply to the licensing sub-committees established by the Licensing Committee of the Huntingdonshire District Council acting as the Licensing Authority.

#### 2. Membership

- 2.1 Each licensing sub-committee shall comprise three Members appointed by the Licensing Committee from amongst its membership. A sub-committee shall elect a Chairman from amongst its members at each meeting, for the purpose of that hearing or meeting.
- 2.2 The quorum for hearings and meetings of a sub-committee shall be three members.
- 2.3 Members shall endeavour to be present throughout an individual hearing by a sub-committee. If a member of a sub-committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the period whilst that member is unavailable. Any member who is absent from a hearing for any reason whilst that hearing is taking place shall be precluded from commencing or continuing to take part in the matter under debate upon his arrival/return and from voting upon the matter at the conclusion of that item of business.
- 2.4 Where the Sub-Committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he has not attended that site visit.
- 2.5 A member will not take part in a hearing or meeting at which a matter is being discussed which relates to a premises licence, club premises certificate, temporary events notice or personal licence where either the premises or the person is resident in the ward which he represents.

#### 3. Notice of Hearings

- 3.1 Upon the date of a hearing of a sub-committee being arranged, notice shall be given to the parties to the hearing in accordance with the requirements of the Hearings Regulations. For the purposes of this procedure, a party is defined as an applicant for a licence or certificate, a person who has given a temporary events notice, a responsible authority or a person or business that has submitted relevant representations in respect of an application or applied for a review of a licence or certificate and, in certain additional instances, the Chief Officer of Police.
- 3.2 The notice of the hearing shall be accompanied by a copy of this procedure which sets out
- the right of attendance at a hearing by a party and the right to submit representations etc.

- the consequences if a party does not attend or is not represented at a hearing
  - the procedure to be followed at the hearing
- 3.3 The notice of the hearing will also be accompanied by copies of the documents required by the Hearings Regulations and any particular points upon which the Sub-Committee considers that it will want clarification from a party at the hearing.
- 3.4 Where a hearing is to be held on more than one day, the hearing will be arranged so that it takes place on consecutive working days.

#### **4. Action Following Receipt of Notice of Hearing**

- 4.1 Upon receipt of a notice of a hearing, a party is required to give notice to the licensing authority whether
- he intends to attend or be represented at the hearing,
  - he wishes to request permission for any other person to appear at the hearing, accompanied by the name of the person and a brief description of the point(s) to be made by the person, and
  - he considers the hearing to be necessary.
- 4.2 A party should notify the licensing authority within the following timescales-
- 1 working day of the hearing in the case of a cancellation of an interim authority notice following police objections or a counter notice following police objection to a temporary events notice;
  - 2 working days of the hearing in the case of a review of a premises licence following a closure order or the conversion of an existing licence or club premises certificate or an application by the holder of a justices' licence for a personal licence; or
  - 5 working days of the hearing in all other cases.
- 4.3 Notice may be given to licensing authority by electronic means to the address [democratic.services@huntsdc.gov.uk](mailto:democratic.services@huntsdc.gov.uk) but upon sending the notice by this means, a party must also give the notice to the licensing authority in writing.
- 4.4 A sub-committee may dispense with the holding of a hearing if all of the parties have given notice that they consider a hearing to be unnecessary. Where the parties have agreed that a hearing is unnecessary in such circumstances, the Council shall give notice to the parties that the hearing has been dispensed with.
- 4.5 Where a hearing has been dispensed with, the matter which was to have been the subject of the hearing shall be determined at a meeting of the Sub-Committee.

#### **5. Withdrawal of Representations**

- 5.1 A party may give notice to the licensing authority no later than 24 hours before the commencement of the hearing that he wishes to withdraw his representations or he may do so orally at the hearing.

## **6. Extension of Time**

- 6.1 The Sub-Committee may extend any of the time limits specified in this procedure where it considers it necessary to do so in the public interest and shall give notice of the extension of time and the reason for it to the parties to the hearing.
- 6.2 The Sub-Committee may adjourn the hearing or arrange for it to be held on specified additional days, where it considers this to be necessary to consider any representations made by a party. The parties to the hearing will be notified of the adjournment or rearrangement.
- 6.3 In considering any extension of time or adjournment, the Sub-Committee will not exercise its powers so that an application is deemed as granted or rejected in accordance with the transitional arrangements specified in the Act.

## **7. The Hearing**

- 7.1 The Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. The Sub-Committee will normally resolve to exclude the public from that part of the hearing during which the Sub-Committee determines the matter which is the subject of the hearing.
- 7.2 Subject to the above, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified
- 7.3 At the commencement of the hearing, the Chairman shall introduce the members of the Sub-Committee and any officers in attendance to support the Sub-Committee and shall ask the parties and any persons accompanying them to state their names and addresses or who they represent. The Chairman shall explain to the parties present that the hearing is subject to this procedure, copies of which will have been distributed to the parties with the notice of the hearing, and shall enquire of the persons present whether there are any questions of clarity or explanation about its contents.
- 7.4 The Sub-Committee shall consider any request from another person to appear at the hearing of which notice has been given but such permission shall not be unreasonably withheld.

### **Procedure in all cases other than an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence**

- 7.5 The Licensing Officer will present the application. The Chairman will then invite the applicant or his representative to address the Sub-Committee on his application, to respond to any point(s) upon which notice has been given that clarification is required by the licensing authority and to call any person(s) to whom permission has been granted to appear in support of his application.

The applicant will be allowed a maximum period of time of twenty minutes in which to address the Sub-Committee and call persons on his behalf.

- 7.6 The applicant or his representative or any person called on his behalf may then be asked any questions upon their presentation by any member of the Sub-Committee or by any of the other parties present at the hearing or their representatives.
- 7.7 The Chairman will then invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person(s) to whom permission has been granted to appear. Each party will be allowed a maximum period of time of twenty minutes in which to address the Sub-Committee and call persons on his behalf. The sequence in which each of the parties will be invited to address the Sub-Committee will be at the discretion of the Chairman but will normally be in the order of the Chief Officer of Police, the Fire Authority, the health and safety at work enforcing authority, the local planning authority, the local environmental health authority, the local weights and measures authority, the authority responsible for the protection of children from harm, a navigation or other authority responsible for waterways and any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee.
- 7.8 The party or his representative or any of his witnesses may be asked any questions upon their presentation by any member of the Sub-Committee or by the applicant or his representative or any of the other parties present at the hearing or their representatives.
- 7.9 Where relevant written representations have been received and the party submitting those representations has given notice of his intention not to attend the hearing, the parties present will be invited by the Chairman to indicate whether they wish to comment on the representations submitted. The Sub-Committee may take into account documentary or other evidence submitted by a party either in support of their application, notice or representations either before the hearing or, with the consent of all of the other parties present, at the hearing.
- 7.10 Where appropriate, the Chairman shall remind the parties that their representations should be relevant to the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Sub-Committee shall disregard any information given by a party or person permitted to appear which is not relevant to their application, notice or representations or to the licensing objectives. If, in his opinion, the Chairman feels that the representations being made are not relevant, he may, after first reminding the party of the need for relevance, advise the party that he will no longer be heard. Where in the opinion of the chairman, a party is being repetitious, vexatious or slanderous in his remarks, the Chairman may first warn the party and may then advise the party that he will no longer be heard. The ruling of the Chairman shall be final in such circumstances.
- 7.11 The Chairman may require any person who in his opinion is behaving in a disruptive manner at a hearing to leave the hearing and may refuse to permit that person to return or to return only upon complying with such conditions as the Chairman may specify. However any such person may submit any

evidence in writing that they proposed to give orally, provided that they do so before the end of the hearing.

- 7.12 After each party has addressed the Sub-Committee and after comments have been invited on written representations, the applicant or his representative will be invited by the Chairman to sum up his application for a time not exceeding two minutes but without introducing any new evidence to the proceedings.

**Procedure in cases relating to an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence**

- 7.13 In the case of such hearings, the above procedure shall be followed with the exception that the applicant for a review of a premises licence or a club premises certificate or the chief officer of police in the case of an objection notice where convictions have come light after the grant or renewal of a personal licence will be invited to address the Sub-Committee first and to call any person(s) to whom permission has been granted to appear.
- 7.14 After any questions have been dealt with the holder of the licence or certificate will be invited to address the Sub-Committee and to call any person(s) to whom permission has been granted to appear.
- 7.15 There shall be no right of reply for the applicant for a review of the licence or certificate or for the Chief Officer of Police.

**8. Determination of Applications**

- 8.1 At the conclusion of the hearing, the Sub-Committee will determine the application in accordance with the timescales specified in the Hearings Regulations but, in any event, will endeavour to do so as soon as practicable after the hearing has concluded.
- 8.2 Where a hearing has been dispensed with in accordance with paragraph 4.2 above, the application will be determined by the Sub-Committee within 10 working days of notice having been given to the parties that the hearing has been dispensed with.
- 8.3 The Licensing Authority will notify the applicant and parties of its decision forthwith upon the making of the decision.
- 8.4 A record shall be taken of the hearing by the licensing authority which shall be retained for six years after the date of the determination of the hearing or the disposal of an appeal against the determination.

**9. Meetings of the Sub-Committee**

- 9.1 Any meetings of the Sub-Committee, other than hearings described above, shall be subject to the proceedings adopted by the Licensing Committee for the conduct of its own business except where otherwise stated above.

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LICENSING SUB- COMMITTEE

27 JANUARY 2016

**LICENSING ACT 2003  
REVIEW OF PREMISES LICENCE  
CROMWELLS BAR AND CAFÉ, 137 HIGH STREET, HUNTINGDON, PE29 3NF  
(Report by the Head of Community)**

## **1. INTRODUCTION**

- 1.1 On the 24<sup>th</sup> November 2005, Cromwells Bar and Café was granted a premises licence by Huntingdonshire District Council under the Licensing Act 2003 ('the Act'). The initial premises licence holder was the Wolverhampton and Dudley Brewery Company, but this was changed to Marston's Plc in 2006. Prior to the introduction of the Licensing Act, the premises had a Justices' On Licence, Special Hours Certificate and Public Entertainment Licence.
- 1.2 Mr Antony Mitchell is the Designated Premises Supervisor (DPS) and has held this role since 1 May 2014.
- 1.3 The Act sets out the proceedings for reviewing premises licences, representing a key protection for the community where problems associated with the licensing objectives occur after the grant of a premises licence. Any responsible authority or other person may apply for the review of a licence if concerned about licensable activities at premises that are relevant to the promotion of one or more of the licensing objectives.

## **2. GENERAL DUTY**

- 2.1 The Sub Committee is reminded that the licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives which are –
  - (a) the prevention of crime and disorder,
  - (b) public safety,
  - (c) the prevention of public nuisance, and
  - (d) the protection of children from harm.
- 2.2 The licensing authority must also have regard to –
  - (a) its licensing statement, and
  - (b) statutory guidance issued by the Home Office under Section 182 of the Act. Section 11 of the guidance refers specifically to the review process.
- 2.3 The Licensing Authority is bound by the Human Rights Act 1988. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district

## **3. APPLICATION FOR REVIEW OF LICENCE**

- 3.1 On the 8 December 2015, PC 2094 Paul Hawkins, acting for the Chief Officer of Police, Cambridgeshire Constabulary, a responsible authority, submitted to the licensing authority an application for the review of the premises licence for

Cromwells Bar and Cafe relating to three of the licensing objectives, namely the prevention of crime and disorder, public safety and the prevention of public nuisance. The stated grounds for the review are due to a number of violent incidents at and within close proximity the premises. A copy of the application for review is attached as Appendix A and the current premises Licence is attached at Appendix B.

- 3.2 Between 9 December 2015 and 5 January 2016, the requisite public notice advertising the review was placed on the premises, at the offices of the licensing authority and on the licensing authority's website.
- 3.3 The police are requesting:
- The removal of the DPS, Antony Mitchell;
  - Modification of the Premises Licence conditions as stated in the application; and
  - Amendments to the hours of the licensable activities and closure times as follows:

All regulated entertainment (performance of film, sporting events, live music, recorded music, performance of dance - indoors)

Monday - Saturday 10:00 to 23:30  
Sunday 11:00 to 23:30  
(previously Monday- Wednesday until 00:00, Thursday-Saturday until 03:00, Sunday until 02:00)

Late Night Refreshment (indoors)

Monday - Sunday 23:00 to 23:30  
(previously Monday- Wednesday until 00:00, Thursday-Saturday until 03:00, Sunday until 02:00)

Supply of alcohol (on and off the premises)

Monday to Saturday 09:00 to 23:30  
Sunday 11:00 to 23:30  
(previously Monday- Wednesday until 00:00, Thursday-Saturday until 03:00, Sunday until 02:00)

Hours premises are open to the public

Monday to Sunday 09:00 to 00:00  
(previously Monday- Wednesday until 00:30, Thursday-Saturday until 03:30, Sunday until 02:30)

#### **4. REPRESENTATIONS**

- 4.1 During the period for the receipt of representations, one representation was received from John Gaunt & Partners on behalf of the Premises Licence Holder and is attached as Appendix C

#### **5. CONCLUSION**

- 5.1 Paragraphs 11.16 - 11.23 of the Government Guidance cover the range of powers of a licensing authority on the determination of a review, where considered appropriate for the promotion of the licensing objectives.
- 5.2 Having considered the review application and representations contained and attached to this report and any other information presented at the hearing, the Licensing Sub Committee may decide that the review does not require them



to take any further steps appropriate to promote the licensing objectives. In addition there is nothing to prevent the issuing of an informal warning. However, where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (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.

For this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.3 Paragraph 11.20 states that in deciding which of these powers to invoke, the Sub Committee should 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.
- 5.4 Paragraphs 11.21 – 11.22 cover management issues. It is possible that the removal and replacement of the DBS may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the removal of the DPS may be an inadequate response to the problems presented.
- 5.5 Paragraph 11.23 addresses the consideration of time periods for modifications and exclusions. It notes that any detrimental financial impact should be appropriate and proportionate to the promotion of the licensing objectives. Where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate, to take tough action to tackle the problems at the premises.
- 5.6 An appeal is available to the Magistrates' Court in respect of the decision of the Sub Committee. An appeal may be made by the applicant for the review, the holder of the premises licence and any other party who has submitted a representation.

## **6. RECOMMENDATION**

- 6.1 The Sub Committee is

### **RECOMMENDED**

To determine what action to take in respect of the premises licence after hearing the evidence from the applicant, Cambridgeshire Constabulary and taking into account the representations on behalf of the applicant and the licence holder.

## **BACKGROUND INFORMATION**

Licensing Act 2003.

Licensing Act 2003 (Hearings) Regulations 2005.

Guidance issued under section 182 of the Licensing Act 2003.

Huntingdonshire District Council Statement of Licensing Policy.

**Contact Officer: Christine Allison, Licensing Manager**

 **01480 387075**

F:\Licensing\Licensing Act 2003\Hearings\2016\Cromwells Bar and Cafe

Huntingdonshire District Council  
 Licensing Section, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN  
 Tel:01480 387075 Email:licensing@huntingdonshire.gov.uk

Application for the review of a premises licence or club premises certificate  
 under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I PC 2094 Paul HAWKINS**

**(acting on behalf of the Chief Officer of Cambridgeshire Police)**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

Cromwells Bar Café  
 137 High Street,

**Post town**  
 Huntingdon

**Post code (if known)**  
 PE29 3NF

**Name of premises licence holder or club holding club premises certificate (if known)**

Marston's Plc  
 Marston's House  
 Wolverhampton  
 WV1 4JT

**Number of premises licence or club premises certificate (if known)**

HDC/PRE00415

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**



I am 18 years old or over

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address PC 2094 Paul Hawkins Licensing Officer Cambridgeshire Constabulary Huntingdon Police Station Ferrars Road Huntingdon Cambridgeshire PE29 3DQ
Telephone number (if any) <b>101 ext 7111790 or direct 07921 938073</b>
E-mail address (optional) paul.hawkins@cambs.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

- |   | Please tick one or more boxes       |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 2)  
(Refer to Guidance under Section 182 Licensing Act 2003)

This application for a review of the Cromwells Bar Café, Huntingdon premises licence is due to a number of violent incidents at and within close proximity to the premises and is in relation to the following objectives:

Crime and disorder, Public nuisance and Public safety.

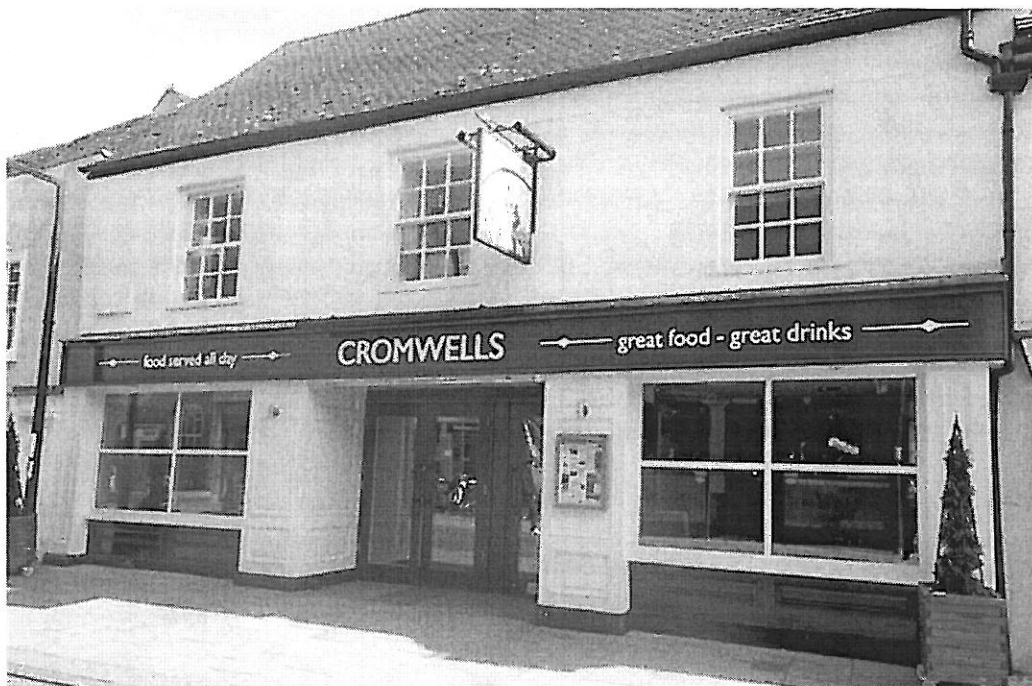
Having considered 11.7 of the guidance.

***“a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.”***

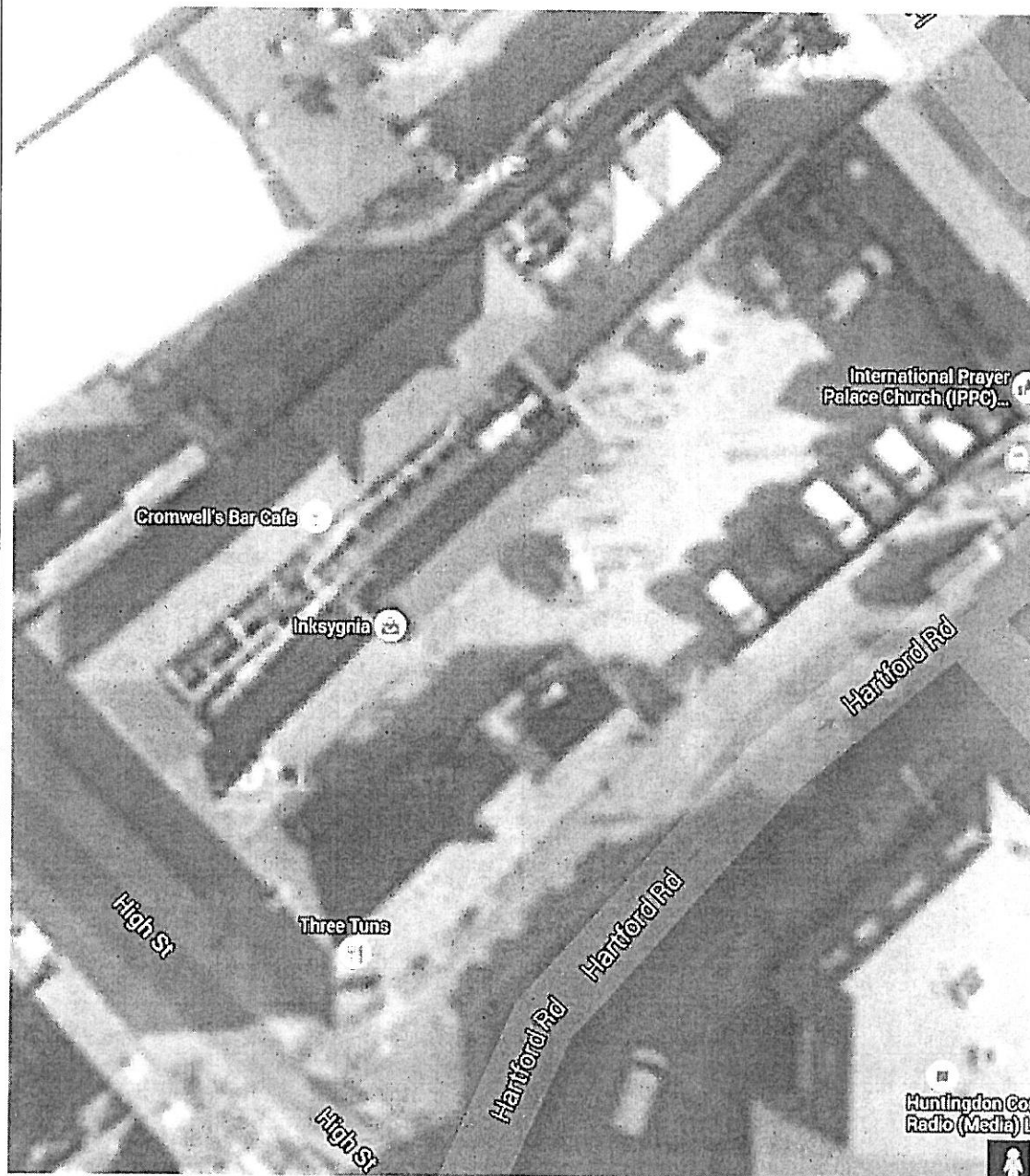
There is evidence that the extended opening hours of the premises “Cromwells Bar Café” (namely between midnight and 03:30 hours) has a detrimental effect on the immediate area and those streets in close proximity to Cromwells Bar Café, due to the anti-social and violent behaviour, of the patrons leaving the premises.

The Current Designated Premises Supervisor (DPS) is Mr Antony Mitchell and the Licensee is Marston's PLC.

#### Licensed Premise



Satellite Image





The police do not underestimate the serious consequences for the holder of the licence by taking the decision to review their premises licence, and it is not a decision that we have taken lightly, but we consider that we have been left with no alternative and it is right and proportionate given the circumstances and evidence.

Guidance issued under Section 182 LA 2003 in relation to the four licensing objectives clearly states that the promotion of the four licensing objectives are paramount considerations when licensing functions are undertaken.

To assist I have included direct sections from the guidance relevant to this case in italics which are preceded by the relevant chapter number and in quote marks.

This thread of promoting the licensing objectives runs through the entire act and is at the core of when a premises carries out any licensable activity.

***11.2 "At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives"***

We consider that the licence holders of these premises are knowingly breaching three of those licensing objectives namely the prevention of crime & disorder, prevention of public nuisance and failing to promote public safety in the way that they operate their business.

This is demonstrated by a number violent and rowdy incidents, resulting in members of the public sustaining serious injuries, witnessed by innocent bystanders.

In relation to Crime & Disorder the guidance states:

***2.4 "The essential purpose of a license holder taking responsibility under this objective is to regulate behaviour on their premises that have access to licensable activities. The license holder can only seek to manage the behaviour of customers in and the immediate vicinity around their premises as they seek to enter or leave but beyond that point they do not have any control".***

The evidence in support of this application will include incidents from our command and control incident reporting system occurring at and around the premises.

***11.8 "In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house."***

In my role as licensing officer I have offered advice and support whether informal or formal. Advice given on a number of occasions and whilst some of the advice has been listened to and acted upon initially, the incidents slowly raise again within weeks.

**11.11 "It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, responsible authorities and any other persons in pursuit of common aims. Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."**

As part of our stepped approach the DPS has been offered help and support and has been given advice on ways to prevent and deter offences from occurring both verbally and in writing.

**11.19 "However, where responsible authorities like the police or environmental health officers 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"**

As stated we have offered help and advice and given warnings and advice as part of our stepped approach but we do not believe further action planning and warnings as suggested in the guidance would be appropriate. Following the last meeting with the DPS on Wednesday 18<sup>th</sup> November 2015 due to an incident on Saturday 14<sup>th</sup> November 2015 resulting in a GBH injury. There was a further assault within the premises on Sunday 22<sup>nd</sup> November 2015, with GBH injuries.

*The committee have a range of powers which it considers appropriate for the promotion of the licensing objectives.*

**11.20 "Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:**

- **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;**
- **to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);**
- **to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;**
- **to suspend the licence for a period not exceeding three months;**
- **to revoke the licence."**

We believe this issue requires a long term solution to effectively stop the issues immediately and prevent the issues reoccurring by the removal of the DPS (Antony Mitchell), modifying the conditions of the premises licence, amending the hours of licensable activities and closure time.

In summary we believe the licence holders have a duty of care to prevent such violence and there is clear evidence that this premises is an influential factor in the violent incidents that occur, either at the premises or close vicinity to it, and have not promoted the licensing objectives

In taking positive action the committee will send a very strong clear message that will resonate to other licensed premises in the area and in particular those that are perpetuating the problem of anti-social behaviour.

***Section 11.24 from the guidance***

***11.24 "Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives.***

***But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."***

**Police Recommendations (including any conditions)**

## Recommended Opening Hours:

Mondays	09:00 - 00:00
Tuesdays	09:00 - 00:00
Wednesdays	09:00 - 00:00
Thursdays	09:00 - 00:00
Fridays	09:00 - 00:00
Saturdays	09:00 - 00:00
Sundays	09:00 - 00:00

## All regulated Entertainment

Mondays to Saturday	10:00 – 23:30
Sundays	11:00 - 23:30

## Late Night Refreshment

Mondays to Saturday	23:00 – 23:30
Sundays	23:00 - 23:30:

## Supply of Alcohol on Premises

Mondays to Saturday	09:00 – 23:30
Sundays	11:00 - 23:30

## Supply of Alcohol off Premises

Mondays to Saturday	09:00 – 23:30
Sundays	11:00 - 23:30

**Recommended additional conditions:**

1. Any person exercising a security activity shall be licensed by the Security Industry Authority, and wear a visible name badge at all times. *Unchanged*
2. No customer apparently carrying open bottles shall be admitted to the premises when it is open to the public. *Unchanged*
3. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers *New*
4. The premises licence holder must ensure that : *Amended*
  - a). CCTV cameras are located within the premises to cover all public areas including all entrances and exits.
  - b). The system records clear images permitting the identification of individuals.
  - c). The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 31 days.
  - d). The CCTV system operates at all times while the premises are open for Licensable activities. All equipment must have a constant and accurate time and date generation.
  - e). The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
  - f) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable. (in accordance with the Data Protection Act 1998 (or any replacement legislation)).

5. Maximum occupancy of the premises must not exceed 385 people. *Unchanged*
6. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly. *Unchanged*
7. The time of conversion in respect of the premises is the date when the licence was granted by the licensing authority under the Licensing Act 2003.
8. On Thursdays, Fridays, Saturdays, Christmas Eve, Boxing Day, New Year's Eve, New Year's Day and Bank holiday Sunday's customers will not be permitted to enter or re-enter the premises after 23:00. *amended*
9. On Fridays, Saturdays, Christmas Eve, Boxing Day, New Year's Eve, New Year's Day and Bank holiday Sunday's a minimum of 4 SIA registered door supervisors will be deployed from 21.00 until at least 30 minutes after the premises closes to the public and all the customers have left. *amended*
10. ~~When the Premises is open for sale of alcohol beyond 02.00 the following morning on Thursdays, Boxing Days and New Year's Days, a minimum of 2 door supervisors will be deployed from 22.00 until the premises closes to the public.~~ *Removed not required.*
11. On any occasion that the 4 SIA registered door supervisors are required at the premises, two must be situated at the front door, one roaming inside the premises and one covering the rear garden. *New*
12. In the absence of the DPS a Personal licence Holder must be present at the premises to supervise all sales of alcohol. *New*

**ANNEX 4 – PERMITTED HOURS – For the licensable activities authorised by this licence:**

1. ~~All Licensable activities permitted by the licence may take place on Boxing Day and New Years Day until 03.00 the following morning, closing to the public at 03:30.~~ *Remove*
2. ~~Alcohol maybe be sold from the end of permitted hours on New Years Eve to the start of permitted hours the following day~~ *Remove*
3. To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.
4. The supply of alcohol both on and off the premises and late night refreshment is permitted within the external area of the premises in accordance with the premises licensing hours. The external area is defined in green on the attached plan.
5. ~~All licensable activities are permitted for an additional 60 minutes on the commencement of British summer time, to replace the lost hour.~~ *Remove*

**Please provide as much information as possible to support the application**  
(please read guidance note 3)

**Crimes associated to the Cromwells Bar Café, Huntingdon from 01/04/2015 to 06/12/2015**

Attached: Please note some of these crimes are still being investigated and the time of completing the report.

**Additional Incidents associated to Cromwells Bar Café, Huntingdon from 01/04/2015 to 06/12/2015**

Attached:

**CCTV montage – to be forwarded if required and will be used at the hearing.**



APPENDIX A

Crime / incident	Incident	Date	Time	Type	Location	Details
Prior to Action Plan						
CF0138390415	CC-10042015-0011	10/04/2015	01:00	Criminal Damage	Noodle and Juice shop	offender smashed window following being removed from Cromwells Bar Cafe for being too drunk
CF0161520415	CC-25042015-0056	25/04/2015	02:50	Malicious Wounding	Outside Cromwells	Victim has been punched then fell to the floor and was kicked in the head, offenders have then ran away before police arrival
CF204920515	CC-24052015-0065	24/05/2015	02:44	Criminal Damage	Outside Cromwells	The suspect was intoxicated and has become disorderly towards officers. She then kicked a police vehicle causing damage and resisted her arrest causing minor injuries to one of the officers involved.
CF0213970515	CC-30052015-0062 / CC-30052015-0043	30/05/2015	02:36 / 03:23	Wounding with intent to cause GBH	Outside Cromwells	Suspects have been removed from Cromwells public house by staff. Suspects have assaulted the victim by punching and kicking out at him. Later after the victim left work the suspects have returned with one of them carrying a piece of timber. They have seen the victim in the area of the High Street where the water fountain Cheques Court. All suspects have then attacked the victim knocking him to the ground and kick and punched the victim a number of times
<b>Post Action Plan</b>						
CF0330920815	CC-15082015-0028	15/08/2015	00:59	Common Assault	Cromwells	The suspect who has a life time band from the location was being evicted spat at door staff
CF0330920815	No incident	30/08/2015	02:00	Common Assault	Cromwells	Male has been punched in the chest by a male unknown to him when leaving cromwells pub

APPENDIX A

CF0456551115	CC-08112015-0065	08/11/2015	02:45	ABH	Cromwells	Offender was seen by CCTV to approach and punch victim to the back of head without reason, he fell forwards and struck his head on the floor causing large cut requiring stitches, offender left scene and located nearby
CF467461115	CC-14112015-0589	14/11/2015	22:45	Wounding with intent to cause GBH	Outside Cromwells	Unprovoked attack by two males who are unknown to Aggrieved. The victim was heavily intoxicated at the time and has been left with injuries amounting to a broken nose and fractured left cheek bone. During the incident the victim was knocked to the floor.
CF0471051115	CC-16112015-0316	14/11/2015	23:50	Common Assault	Cromwells	Victim has been at the location in the beer garden when the offender has started up a conversation and then punched the victim to the face.
<b>Post premises / DPS visit 18th November 2015</b>						
CF0478501115	CC-22112015-0044	22/11/2015	00:30	GBH	Cromwells	Agg was on the dancefloor and chatting to another person when he was punched unprovokedly causing multiple fractures to his eye socket
CF0487341115	CC-28112015-0075	28/11/2015	03:30	ABH	Steves Taxis, Hartford Rd	2 x victims whilst waiting for a taxi were talking in their language to one another and have caused offence to three English men. This has led to, the three English males assaulting both victims. One victim received reddening under his left eye, believed to have been caused when punched. The other victim received a suspected dislocated shoulder following being kicked. Persons involved in Cromwells Prior.



APPENDIX A

CF0500411215	CC-06122015-0518	04/12/2015 - 05/12/2015	22:00 - 01:00	Rape	Cromwells	Victim was assaulted (believed raped) in the female toilets at the venue by suspect who had knocked her out. Victim woke up with her lower clothes missing and bruising on her body.
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Incident	Date	Time	Type	Location	Details
<b>Pre Action Plan</b>					
CC-04042015-0049	04/04/2015	02:46	Violence	Cromwells	Male punched to face on dace floor - no complaint-
<b>Post Action Plan</b>					
CC-16072015-0628	16/07/2015	23:53	Violence	Cromwells	Males squaring up for a fight- no complaints
CC-01082015-0074	01/08/2015	02:50	Police Gen	Cromwells	Male refusing to leave the premise after being ejected due to being to intoxicated
CC-09082015-0022	09/08/2015	00:36	Violence	Cromwells	Male being restrained by doorstaff - no complaints
CC-14082015-0043	14/08/2015	01:59	Violence	Cromwells	Drunk Male - abusive to staff inside and ejected, possibly assaulted staff - No complaint
CC-15082015-0070	15/08/2015	03:13	violence	Three Tuns	Male passed being aggressive with ambulance crew. Taken to A&E - no complaints
CC-19092015-0056	19/09/2015	03:07	Violence	Three Tuns	Report by CCTV of two males fighting - unable to locate males - no complaints
CC-30092015-0004	30/09/2015	00:17	Violence	Cromwells	Male refusing to leave alledges assault by staff - no complaint to officers on attendance
CC-10102015-0047	10/10/2015	01:58	Violence	Cromwells	Barred male being verbally aggressive, tried to push their way in and clashed heads with doorstaff. - no complaints

CC-11102015-0058	11/10/2015	02:34	Violence	Cromwells	Patrons seen to leave Cromwells and gather outside the venue, fight then starts opposite Steves Taxis. Captured on CCTV - No complaints - those involved unco-operative with attending officers
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**Please tick ✓ yes**

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓ yes

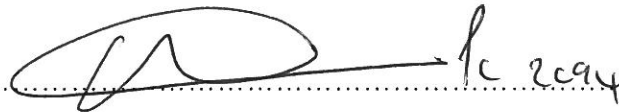
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- I understand that if I do not comply with the above requirements my application will be rejected X

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **7<sup>th</sup> December 2015**

Capacity **Licensing Officer (Huntingdonshire), Cambridgeshire Constabulary**

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

PC 2094 Paul Hawkins  
Licensing Officer  
Cambridgeshire Constabulary  
Huntingdon Police Station  
Ferrars Road  
PE29 3DQ

**Post town**  
Huntingdon

**Post Code**  
PE29 3DQ

**Telephone number (if any)** 101 ext 7111790 or direct 07921 938073

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** paul.hawkins@cambs.pnn.police.uk

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

DATA PROTECTION ACT 1998 – PRIVACY DISCLAIMER – FAIR PROCESSING- How we use your information

Huntingdonshire District Council is registered under the Data Protection Act 1998. This allows it to process personal data in performing its lawful business. Information held by the Council, including personal data you provide now or in the future, will be processed in compliance with data protection principles. Your personal data may be used to manage, monitor, improve and promote the Council's services. Where delivery of services or actions is in partnership with others, or dependent on the actions of others, it may also be shared with other persons or bodies in accordance with, and restricted to the terms of information sharing agreements and protocols. To protect public funds it may also be shared with other persons or bodies to prevent and detect fraud.

Further details are available on the Council's website [www.huntingdonshire.gov.uk/privacy](http://www.huntingdonshire.gov.uk/privacy). If you have concerns about the processing of your personal data by the Council you may contact the Data Protection Officer at Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, Cambridgeshire, PE29 3TN or the Office of the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

**Schedule 12****Part A****Premises Licence****Premises Licence Number**

HDC/PRE00415

**Part 1 – Premises Details**

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Cromwells Bar And Cafe  
137 High Street  
Huntingdon  
Cambridgeshire  
PE29 3NF**

Telephone number      **01480 459000**

Where the licence is time limited the dates: **Not Applicable**

This licence comes into effect on: **01.05.2014**

The annual fee is due with effect from: **21.09.2014** and each year thereafter.

Licensable activities authorised by the licence

**Regulated Entertainment Indoors - Performance of Film, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance  
Late Night Refreshment Indoors  
Supply of Alcohol**

Times the licence authorises the carrying out of licensable activities

**All regulated Entertainment - Mondays to Wednesdays 10:00 - 00:00, Thursdays to Saturdays 10:00 - 03:00, Sundays 11:00 - 02:00**

**Late Night Refreshment - Mondays to Wednesdays 23:00 - 00:00, Thursdays to Saturdays 23:00 - 03:00, Sundays 23:00 - 02:00**

**Supply of Alcohol Mondays to Wednesdays 09:00 - 00:00, Thursdays to Saturdays 09:00 - 03:00, Sundays 09:00 - 02:00**

**Seasonal/Non Stand. Times see Annex 4      -**

The opening hours of the premises

**Monday to Wednesday 09:00 - 00:30**

**Thursday to Saturday 09:00 - 03:30**

**Sunday 09:00 - 02:30**

Note: For seasonal variations or non standard timings in the opening hours refer to Annex 4

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Alcohol is supplied for consumption both ON and OFF the Premises**



**Schedule 12****Part A****Premises Licence****Premises Licence Number**

HDC/PRE00415

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Marston's Plc**  
**Marston's House**  
**Wolverhampton**  
**WV1 4JT**  
**Tel: 01902 711811**

Registered number of holder, for example company number, charity number (where applicable)

**Registered Number 31461**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Antony Mitchell**  
**50 Otter Way**  
**Eaton Socan**  
**St Neots**  
**PE19 8LB**

Tel:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Reference Number: PER01333    Licensing Authority: Huntingdonshire District Council****ANNEX 1 – MANDATORY CONDITIONS**

1. No supply of alcohol may be made at a time when
  - a. there is no designated premises supervisor in respect of the premises licence; or
  - b. the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
4. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime

**Schedule 12****Part A****Premises Licence****Premises Licence Number**

HDC/PRE00415

and disorder, prejudice to public safety, public nuisance, or harm to children –

- a. games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
    - i. the outcome of a race, competition or other event or process , or
    - ii. the likelihood of anything occurring or not occurring;
  - e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
  6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
  7. The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  8. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
  9. The responsible person shall ensure that –
    - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures- #
      - i. beer or cider: 1/2 pint;
      - ii. gin, rum, vodka or whiskey: 25ml or 35ml; and
      - iii. still wine in a glass: 125ml; and
    - b. customers are made aware of the availability of these measures.
  10. A responsible person in relation to a licensed premises means the holder of the premises licence in respect

**Schedule 12****Part A****Premises Licence****Premises Licence Number**

HDC/PRE00415

of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

11. The admission of children under the age of 18 must be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC), except that no film shall be exhibited whether or not it has received a certificate from the BBFC if the licensing authority gives notice to the licensee that they consider the said film to be unsuitable for exhibition.

**ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

The following conditions volunteered by the applicant as part of their application form:

1. Any person exercising a security activity shall be licensed by the Security Industry Authority, and wear a visible name badge at all times.
2. No customer apparently carrying open bottles shall be admitted to the premises when it is open to the public.
3. CCTV is to be maintained and recordings retained by a period of 30 days and made available to the police.
4. Maximum occupancy of the premises must not exceed 385 people.
5. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
6. The time of conversion in respect of the premises is the date when the licence was granted by the licensing authority under the Licensing Act 2003.

Conditions agreed with Police following variation October 2013

7. On Thursdays, Fridays, Saturdays, Boxing Day and New Year's Day customers will not be permitted to enter or re-enter the premises after 02:00.
8. On Fridays and Saturdays a minimum of 2 door supervisors will be deployed from 22.00 until the premises closes to the public.
9. When the Premises is open for sale of alcohol beyond 02.00 the following morning on Thursdays, Boxing Days and New Year's Days, a minimum of 2 door supervisors will be deployed from 22.00 until the premises closes to the public."

**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

N/A

**Schedule 12****Part A****Premises Licence****Premises Licence Number**

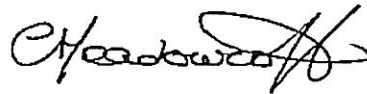
HDC/PRE00415

**ANNEX 4 – PERMITTED HOURS – For the licensable activities authorised by this licence:**

1. All Licensable activities permitted by the licence may take place on Boxing Day and New Years Day until 03.00 the following morning, closing to the public at 03:30.
2. Alcohol maybe be sold from the end of permitted hours on New Years Eve to the start of permitted hours the following day
3. To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.
4. The supply of alcohol both on and off the premises and late night refreshment is permitted within the external area of the premises in accordance with the premises licensing hours. The external area is defined in green on the attached plan.
5. All licensable activities are permitted for an additional 60 minutes on the commencement of British summer time, to replace the lost hour.

**ANNEX 5 – PLANS**

For plan see attached

**Licence valid from: 01.05.2014**

**Date of Issue: 02.05.2014 Signed: Head of Legal and Democratic Services**

**Schedule 12**

**Part A**

**Premises Licence**

**Premises Licence Number**

HDC/PRE00415

**Part 1 – Premises Details**

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Cromwells Bar And Cafe  
137 High Street  
Huntingdon  
Cambridgeshire  
PE29 3NF**

Telephone number      **01480 459000**

Where the licence is time limited the dates: **Not Applicable**

This licence comes into effect on: **01.05.2014**

The annual fee is due with effect from: **21.09.2014** and each year thereafter.

Licensable activities authorised by the licence

**Regulated Entertainment Indoors - Performance of Film, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance  
Late Night Refreshment Indoors  
Supply of Alcohol**

Times the licence authorises the carrying out of licensable activities

**All regulated Entertainment - Mondays to Wednesdays 10:00 - 00:00, Thursdays to Saturdays 10:00 - 03:00, Sundays 11:00 - 02:00**

**Late Night Refreshment - Mondays to Wednesdays 23:00 - 00:00, Thursdays to Saturdays 23:00 - 03:00, Sundays 23:00 - 02:00**

**Supply of Alcohol Mondays to Wednesdays 09:00 - 00:00, Thursdays to Saturdays 09:00 - 03:00, Sundays 09:00 - 02:00**

**Seasonal/Non Stand. Times see Annex 4      -**

The opening hours of the premises

**Monday to Wednesday 09:00 - 00:30  
Thursday to Saturday 09:00 - 03:30  
Sunday 09:00 - 02:30**

Note: For seasonal variations or non standard timings in the opening hours refer to Annex 4

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Schedule 12****Part A****Premises Licence****Premises Licence Number**

HDC/PRE00415

**Alcohol is supplied for consumption both ON and OFF the Premises****Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Marston's Plc**  
**Marston's House**  
**Wolverhampton**  
**WV1 4JT**  
**Tel: 01902 711811**

Registered number of holder, for example company number, charity number (where applicable)

**Registered Number 31461**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Antony Mitchell**  
**50 Otter Way**  
**Eaton Socan**  
**St Neots**  
**PE19 8LB**

**Tel:**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Reference Number: PER01333    Licensing Authority: Huntingdonshire District Council****ANNEX 1 – MANDATORY CONDITIONS**

1. No supply of alcohol may be made at a time when
  - a. there is no designated premises supervisor in respect of the premises licence; or
  - b. the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

**Schedule 12****Part A****Premises Licence****Premises Licence Number**

HDC/PRE00415

4. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
- a. games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
    - i. the outcome of a race, competition or other event or process , or
    - ii. the likelihood of anything occurring or not occurring;
  - e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
8. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
9. The responsible person shall ensure that –
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures- #
    - i. beer or cider: 1/2 pint;
    - ii. gin, rum, vodka or whiskey: 25ml or 35ml; and



**Schedule 12****Part A****Premises Licence****Premises Licence Number**

HDC/PRE00415

iii. still wine in a glass: 125ml; and

b. customers are made aware of the availability of these measures.

10. A responsible person in relation to a licensed premises means the holder of the premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.
11. The admission of children under the age of 18 must be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC), except that no film shall be exhibited whether or not it has received a certificate from the BBFC if the licensing authority gives notice to the licensee that they consider the said film to be unsuitable for exhibition.

**ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

The following conditions volunteered by the applicant as part of their application form:

1. Any person exercising a security activity shall be licensed by the Security Industry Authority, and wear a visible name badge at all times.
2. No customer apparently carrying open bottles shall be admitted to the premises when it is open to the public.
3. CCTV is to be maintained and recordings retained by a period of 30 days and made available to the police.
4. Maximum occupancy of the premises must not exceed 385 people.
5. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
6. The time of conversion in respect of the premises is the date when the licence was granted by the licensing authority under the Licensing Act 2003.

Conditions agreed with Police following variation October 2013

7. On Thursdays, Fridays, Saturdays, Boxing Day and New Year's Day customers will not be permitted to enter or re-enter the premises after 02:00.
8. On Fridays and Saturdays a minimum of 2 door supervisors will be deployed from 22.00 until the premises closes to the public.
9. When the Premises is open for sale of alcohol beyond 02.00 the following morning on Thursdays, Boxing Days and New Year's Days, a minimum of 2 door supervisors will be deployed from 22.00 until the premises closes to the public."



**Schedule 12**  
**Part A**  
**Premises Licence**

**Premises Licence Number**

HDC/PRE00415

**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

N/A

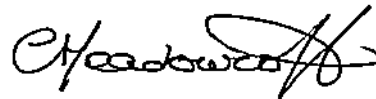
**ANNEX 4 – PERMITTED HOURS – For the licensable activities authorised by this licence:**

1. All Licensable activities permitted by the licence may take place on Boxing Day and New Years Day until 03.00 the following morning, closing to the public at 03:30.
2. Alcohol maybe be sold from the end of permitted hours on New Years Eve to the start of permitted hours the following day
3. To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.
4. The supply of alcohol both on and off the premises and late night refreshment is permitted within the external area of the premises in accordance with the premises licensing hours. The external area is defined in green on the attached plan.
5. All licensable activities are permitted for an additional 60 minutes on the commencement of British summer time, to replace the lost hour.

**ANNEX 5 – PLANS**

For plan see attached

**Licence valid from: 01.05.2014**



**Date of Issue: 02.05.2014 Signed: Head of Legal and Democratic Services**

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Our Ref: TAS/MRA/18473  
Contact: Tim Shield

Huntingdonshire District Council  
Licensing Officer  
Pathfinder House  
St. Mary`s Street  
Huntingdon  
Cambridgeshire  
PE29 3TN

5<sup>th</sup> January 2016

Dear Sirs

**CROMWELL`S BAR CAFE, 137 HIGH STREET, HUNTINGDON,  
CAMBRIDGESHIRE, PE29 3NF**

We act on behalf of Marston`s Plc the Premises Licence holders of Cromwell`s in Huntingdon in conjunction with the Review application instigated by the Police. We confirm we will be representing our client at the Review hearing.

These premises form part of Marston`s Retail Estate however for your information we can confirm that across the country Marston`s operate in excess of 2,000 Public Houses in a multitude of different locations. Our clients have a long association of running licensed premises being a traditional Brewery Company. Furthermore they place great store by the professionalism of their systems and in particular those which touch upon regulatory matters. Our clients set out to cooperate very closely with the Authorities for matters affecting their estate and have strong relationships with their Home Authority (Wolverhampton City Council) and Police forces across the country. It follows that where on rare occasions they have to confront a Review Application, the seriousness with which Marston`s treat the matter cannot be overstated.

Cromwell`s forms part of the managed estate that operates under a Managed Retail Agreement. Further and full details of which will be provided at the hearing of the Review. Marston`s took the decision following Licensing Reform to become Premises Licence Holder on the vast majority of their premises. This is certainly the case with those falling within the managed house and retail agreement sites.

Marston`s Plc are not at the premises on a day to day basis and the Retail Manager, in this case the DPS is in day to day control of the premises.

Marston`s employ a number of Area Operations Managers (AOM) with responsibility for different premises within an area however, that individual supervises the overall operation of the premises and in this instance the current AOM is Victoria Barker.

Marston`s will wish to address the Licensing Sub Committee in relation to the matter generally and will be in attendance at the hearing of the Review and how to promote the licensing objectives. We reserve the right for further

**Partners:**

John Gaunt (569711)  
Katharine Redford (569712)  
Tim Shield (569713)  
Michelle Hazlewood (569714)

**Associates:**

Christopher Grunert  
Jonathan Hyldon  
Jonathan Pupius

**Practice Manager:**

**47**

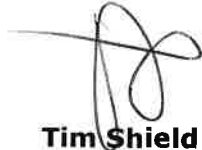
**John Gaunt & Partners**  
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372 - 374 Cemetery Road  
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documentation to be submitted in support of this representation in connection with the Review and matters referred.

Kindly acknowledge safe receipt of this letter and confirm that you accept it as a representation on behalf of our clients Marston's Plc in relation to the Review proceedings.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tim Shield', with a stylized flourish extending to the left.

**Tim Shield**  
**John Gaunt & Partners**  
**Email: [tim@john-gaunt.co.uk](mailto:tim@john-gaunt.co.uk)**