

**LICENSING ACT 2003  
REVIEW OF PREMISES LICENCE  
OLIVER CROMWELL, 13 WELLINGTON STREET, ST IVES, PE27 5AZ  
(Report by the Head of Community)**

**1. INTRODUCTION**

- 1.1 On the 24<sup>th</sup> November 2005, the Oliver Cromwell was granted a premises licence by Huntingdonshire District Council under the Licensing Act 2003 ('the Act'). Mr Jeremy Schonfeldt has been the Premises Licence holder since this date. Prior to the introduction of the Licensing Act, Mr Schonfeldt held a Justices' On Licence for the above premises.
- 1.2 Mr Schonfeldt is also the Designated Premises Supervisor (DPS) and has held this role since November 2005.
- 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 13<sup>th</sup> October 2014, 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 the Oliver Cromwell relating to three of the licensing objectives, namely the prevention of crime and disorder, public safety and the prevention of public

nuisance. A copy of the application for review is attached as Appendix A. The current licence is attached as Appendix B.

3.2 Between 14<sup>th</sup> October and 10<sup>th</sup> November 2014, 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:

Live Music (indoors)

Thursday 21:00 to 23:00  
Sunday 15:00 to 18:30

Recorded Music (indoors)

New Year's Eve 21:00 to 00:30 (previously 01:00)

Supply of alcohol (on and off the premises)

Monday to Sunday 11:00 to 23:00 (previously 01:00)

Hours premises are open to the public

Monday to Sunday 11:00 to 23:30  
New Year's Eve until 01:00

The addition of twelve conditions as stated in the application.

Late night refreshment has not been addressed by the police - currently permitted indoors and outdoors daily from 23:00 until 01:00.

#### **4. REPRESENTATIONS**

4.1 During the period for the receipt of representations, 14 representations were received by the licensing authority from 'other persons'. 2 representations are in support of the review application, 11 representations support the premises licence holder and 1 refers to both. The representations are attached in their entirety as Appendix C. Not all the matters raised within the representations may be relevant matters for consideration under the Licensing Act 2003.

#### **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 consider that action is appropriate for the promotion of the licensing objectives. It may take any of the following steps:

- (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, and
- (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 11.17 states that the Sub Committee may decide the review does not require it to take any further steps to promote the licensing objectives. In addition there is nothing to prevent the Sub Committee issuing a written informal warning to the licence holder and/or to recommend improvement within a particular period of time.
- 5.4 Paragraph 11.18 states where responsible authorities have already issued warnings requiring improvement – either orally or in writing – that have failed as a part of their own stepped approach to address concerns, the approach should not merely be repeated and should be taken into account when considering what further action is appropriate.
- 5.5 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.
- 5.6 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.
- 5.7 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.

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