

**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 24th 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