

Allerdale Borough Council

Licensing Panel – 12 November 2018

**Summary Review of a Premises Licence**

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<b>The Reason for the Decision</b>	To review the premises licence PL0501 West Street Social Club, Wigton following a summary review application under section 53A of the Licensing Act 2003.
<b>Summary of options considered</b>	The Panel should take steps if it considers it appropriate for the promotion of the licensing objectives. The Panel must also review the interim steps taken on the 17 October 2018.
<b>Recommendations</b>	To consider the information contained in the report and come to a decision from the options available in paragraph 4 of the report.
<b>Financial/Resource Implications</b>	None
<b>Legal Implications</b>	To ensure all procedures under the Licensing Act 2003 and all associated regulations are adhered to.
<b>Community Safety Implications</b>	Protection of children from harm, public safety, prevention of public nuisance and the prevention of crime and disorder are all licensing objectives under the Licensing Act 2003.
<b>Health and Safety and Risk Management Implications</b>	As above
<b>Equality Duty considered/Impact Assessment completed</b>	No
<b>Wards Affected</b>	Wigton Ward
<b>The contribution this decision would make to the Council's priorities</b>	None
<b>Is this a Key Decision</b>	No
<b>Portfolio Holder</b>	Councillor Joan Ellis
<b>Lead Officer</b>	Deborah Fletcher, Licensing and Compliance Officer, 0303 123 1702 deborah.fletcher@allerdale.gov.uk

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## Report Implications (Please delete where applicable).

Community Safety	Y	Employment (external to the Council)	Y
Financial	Y	Employment (internal)	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	Y

Background papers

Appendix A – Premises Licence PL0501

Appendix B – Interim steps decision 17 October 2018

Appendix C – Summary Review Guidance

### 1.0 Introduction

- 1.1 The application has been made by Cumbria Constabulary for the summary review of premises licence PL0501. The premises address is West Street Social Club, 15 West Street, Wigton.
- 1.2 The Panel is asked to consider what steps, if any, are necessary to address the problems at the premises identified by the Police. In particular, the Panel should consider any steps that will address the likelihood of serious crime and/or serious disorder at the premises.

### 2.0 Application

- 2.1 The application is made under section 53A of the Licensing Act 2003 which allows the Police to review a premises licence where they feel it is associated with serious crime and/or serious disorder.
- 2.2 The application was made at 15:43 on 15 October 2018.
- 2.3 The premises licence holder is Jordan Gareth Calvert. Mr Calvert is also the designated premises supervisor.
- 2.4 The premises licence can be found at Appendix A.
- 2.5 The application is made under section 53A of the Licensing Act 2003 which allows:
  - the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious** crime or **serious** disorder (or both); and
  - the licensing authority to respond by taking interim steps quickly, **where appropriate**, pending a full review.
- 2.5 The application and accompanying CCTV log will be available at the Panel meeting as separate documents due to the content being of a confidential nature.

The premises licence holder has received a copy of the application and CCTV log as part of the application process.

- 2.7 The application was accompanied by the required certificate under section 53A(1)(b) signed by Area Superintendent Gary Slater. The certificate stated that he was of the opinion that other procedures under the Licensing Act would be inappropriate in this case because:-

“The evidence is specified in my application for review and I conclude that this is not an incident in isolation but rather a continuing record of disorder and violence associated with the venue. I have considered the use of a standard review of the premises but have serious concerns that the venue will be subject of continued disorder associated with this incident and that it acts as a location for those involved to continue their feud with possibly grave consequences. We have already seen retaliatory action as described earlier.

I am satisfied that this is a necessary option for me to exercise and request that the licence be suspended for a period of 28 days enabling the prevention of further incidents of serious crime and serious disorder, allow my officers the opportunity to investigate thoroughly the latest incident and allow the residents in the local area a period of calm. It is my intention to present a full evidential bundle to the review hearing which this application will trigger to ensure a long term solution to the problems this venue provides”.

- 2.8 The summary review must be advertised within 48 hours of being received and forwarded to the premises licence holder and the responsible authorities. Interested parties have 10 working days to make representations for or against the summary review application.

- 2.9 No further representations were received.

### **3.0 Interim steps**

- 3.1 Within 48 hours of receiving an application for a summary review the licensing authority must consider whether it is necessary to take interim steps pending determination of the review.
- 3.2 The interim steps hearing took place at 15.30 on 17 October 2018.
- 3.3 The Panel heard evidence from Cumbria Constabulary and the premises licence holder, Jordan Calvert.
- 3.4 The Panel was satisfied that it was appropriate to suspend the premises licence with immediate effect in the interest of promoting the licensing objectives. The full decision can be found at Appendix B.
- 3.5 Mr Calvert has the right to make representations against the interim steps at any point up until the full review hearing. If representations are made the licensing authority would have 48 hours to consider those representations.

- 3.6 Mr Calvert has not made representations against the interim steps at the time of writing this report. The process of making representations has been explained to Mr Calvert.
- 3.7 The interim steps will need to be reviewed at the full hearing. Further details on this process are available in paragraph 4.0.

#### **4.0 Options available to the Panel**

- 4.1 The Panel must consider the application for the review and take such steps as it considers appropriate for the promotion of the licensing objectives. If the Panel feel that none of the steps are appropriate they can record a decision to take no further action.
- 4.2 The Licensing Objectives 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.
- 4.3 Under section 53C(3) the steps are:
- (a) the modification of the conditions of the premises licence,
  - (b) the exclusion of a licensable activity from the scope of the licence,
  - (c) the removal of the designated premises supervisor from the licence,
  - (d) the suspension of the licence for a period not exceeding three months, or
  - (e) the revocation of the licence.
- 4.4 Conditions of a premises licence are deemed modified if any of them are altered or omitted or any new condition is added.
- 4.5 Where the Panel takes steps 4.2(a) or (b) it may provide that the modification or exclusion is to have effect only for a specified period. That period should not exceed three months.
- 4.6 The Panel must also reconsider the interim step to suspend the licence. They must review the interim step and must:
- a) consider whether the interim step is appropriate for the promotion of the licensing objectives;
  - b) consider any relevant representations; and

- c) determine whether to withdraw or modify the interim steps take.
- 4.7 No representations have been received to be considered in relation to the interim step taken on the 17 October 2018.
- 4.8 If the Panel consider it necessary to amend the interim steps they must consider the following:
- a) the modification of the conditions of the premises licence;
  - b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - c) the removal of the designated premises supervisor from the licence;
  - d) the suspension of the licence.
- 4.9 Any interim steps taken apply until:
- a) the end of the period given for appealing against the decision made at the full review,
  - b) if the decision made at the full review is appealed against, the time the appeal is disposed of, or
  - c) the end of a period determined by the Panel which may not be longer than the period of time for which such interim steps could apply.
- 4.10 The Licensing Authority must give notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application.
- 4.11 In making its decision, the Panel may take into account the guidance issued by the Home Office in relation to Summary Licence Reviews which will be of some assistance in reaching a conclusion in this matter. A copy of this guidance is attached at Appendix C of this report.
- 4.12 The Panel should consider taking appropriate steps in line with:
- The Licensing Act
  - Guidance issued under Section 182 of the Licensing Act 2003
  - Licensing Act 2003 Expedited/Summary Licence Reviews Guidance November 2015
  - Regulations issued under the Licensing Act 2003
  - The Council's Statement of Licensing Policy

## **5.0 Right of appeal**

- 5.1 The decision made under 53C of The Licensing Act 2003 (Review of premises licence following review notice) can be appealed to a magistrates' court within 21 days beginning the day on which the appellant is notified of the decision.

- 5.2 Any decision made under section 53D of the Licensing Act 2003 (Interim steps pending section 53C) can be appealed to a magistrates' court within 21 days beginning the day on which the appellant is notified of the decision. The appeal must be heard by the magistrates' court within the period of 28 days beginning with the day on which the appellant commenced the appeal.

**Deborah Fletcher**  
**Licensing and Compliance Officer**