

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

22 October 2018

Application for Review of a Premises Licence: Royal Sports Bar and Cue Club, Unit F, Ivy Road Industrial Estate, Ivy Road, Chippenham, SN15 1SB

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of Royal Sports Bar and Cue Club, Ivy Road Industrial Estate, Ivy Road, Chippenham, SN15 1SB made by Wiltshire Police Authority.

2. Background Information

- 2.1 An application for the Review of Royal Sports Bar and Cue Club Premises Licence has been made by Wiltshire Police Authority. Following advertisement of the application one relevant representation has been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers appropriate for the promotion of the licensing objectives.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To modify the conditions of the licence;
 - ii) To exclude a licensable activity from the scope of the licence;
 - iii) To remove the designated premises supervisor;
 - iv) To suspend the licence for a period not exceeding three months;
 - v) To revoke the licence;
 - vi) To determine that no steps are necessary.

Government Guidance issued under s.182 of the Licensing Act states that:

11.23 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

- 2.5 The premises benefits from a Premises Licence issued under the Licensing Act 2003 since 24 November 2005 and the current copy is attached as **Appendix 1**.

The current Premises Licence permits the following activities:-

Licensable activity	Hours
Sale of Alcohol (On and Off Sales)	Monday to Thursday 11:30 – 23:00; Friday & Saturday 11:30 – 01:00; Sunday 11:00 – 23:00
Late Night Refreshment (Indoors)	Monday to Thursday 23:00 – 00:00; Friday & Saturday 23:00 – 02:00; Sunday 23:00 – 23:30
Recorded Music (Indoors)	Monday to Thursday 12:00 – 23:00; Friday & Saturday 12:00 – 01:00; Sunday 12:00 – 22:30

- 2.6 A notice of the application for review was posted and displayed as stated under the Licensing Act 2003. During this consultation for review, one relevant representation was received.
- 2.7 A location plan of the premises is attached at **Appendix 2**.

3. Details of the Grounds for Review

- 3.1 The review of the Premises Licence has been requested on the grounds that the premises have been conducted in such a manner as to prejudice the licensing objectives. The grounds for review are:
- Wiltshire Police Authority has no confidence in the Premises Licence Holder's ability to uphold the licensing objectives, specifically the Prevention of Crime and Disorder.
 - Evidence of a high level of crime and disorder permitted at the premises by the Premises Licence Holder.
 - A disregard by the Premises Licence Holder to comply with the conditions attached to the Premises Licence.

3.2 The application for review is attached as **Appendix 3(a)**. The evidence relied upon in support of the application is contained within **Appendix 3(b) and Appendix 3(c)**.

4. Consultation and Representations

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Monkton Park Offices, Chippenham, SN15 1ER. During the consultation period one relevant representation has been received from the following Responsible Authority:

- Licensing Authority – The Prevention of Crime and Disorder, Public Safety, Protection of Children from Harm.

The relevant representation is attached as **Appendix 4**.

4.2 We have been notified that the Premises Licence Holder intends to submit documents opposing the application for a Review of the Premises Licence.

4.3 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

5. Legal Implications

5.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

6. Officer Recommendations

6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. Right of Appeal

7.1 It should be noted that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

7.2 The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.

7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

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Date of report: 9 October 2018

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Current Premises Licence**
- 2 Location Plan**
- 3(a) Application for Review**
- 3(b) Evidence submitted by Wiltshire Police Authority – mobile data**
- 3(c) Evidence submitted by Wiltshire Police Authority – witness statement**
- 4 Representation by Licensing Authority**