

Report to Licensing Sub-Committee
Date of meeting 17th November 2011
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DECISION REQUIRED

Not exempt

Report Title: Application for Review of Premises Licence at The Ancient Foresters, 23 Park Street, Camberley, Surrey, GU15 3PQ

SUMMARY

The report presents the application for a Review of a Premises Licence relating to The Ancient Foresters, 23 Park Street, Camberley. The Premises has a licence at this time, that licence number being SHBCPR- 05157. The Licensing authority is required to hold a hearing to determine this Review application.

The purpose of the hearing is for the Licensing Sub-Committee to consider the Review Application, in relation to the Licensing Act 2003's Licensing Objectives. The Licensing objectives being in this Review:

- 1 the prevention of crime and disorder
- 2 public safety
- 3 the prevention of public nuisance
- 4 the protection of children from harm

Copies of the Review and other correspondence received to date are attached to this report.

RECOMMENDATIONS

The Sub-Committee is recommended:

- i) To determine the review application.

REASONS FOR RECOMMENDATIONS

- i) The Sub Committee is required to make a decision under the Licensing Act 2003

BACKGROUND INFORMATION

1 INTRODUCTION

The purpose of this report

- 1.1 For the Sub-Committee to determine the application for the review of the Premises Licence in respect of The Ancient Foresters, 23 Park Street, Camberley, under Section 51 of the Licensing Act 2003.

1.2 **Background of the premises**

The review application was received by the Licensing Authority on the 5th October 2011. The licence holder specified on the application was Enterprise Inns PLC who has been the premises licence since 07th December 2010. A letter notifying Enterprise Inns PLC that a Licensing Sub-Committee had been convened to hear the review was sent to their agents Gosschalks Solicitors on the 13th October 2011.

An application to transfer the licence from Enterprise Inns PLC to Ms Nicolina Collings was received by the Licensing Authority the 26th October 2011. A premises licence with interim effect was issued on the 31st October 2011, the premise licence holder specified as Ms Nicolina Collings.

Statutory background

- 1.3 The Licensing Act 2003 and secondary legislation in the form of Regulations there under.

Relevant Government policy

- 1.4 Guidance issued under section 182 of the Licensing Act 2003.

Relevant Council policy

- 1.5 Statement of Licensing Policy (effective from January 2011).

2. **DETAILS**

Review Application

- 2.1 The Review application is made by Inspector Norbury for and on behalf of Surrey Police.

Grounds for the Review

Surrey Police contend that the carrying on of licensable activities at the premises has led to the following licensing objectives:

- i) The prevention of crime and disorder;
- ii) Protection of public safety;
- iii) Prevention of public nuisance;
- iv) The protection of children from harm

being seriously undermined.

Surrey Police have on-going concerns, particularly with regard to the failure by the management to control crime, disorder and nuisance. The Police advise that they have had to attend the premises on number of occasions.

The current designated premises supervisor Nicolina Collings has had no active input with the day to day running of the premises and she has not carried out any staff training.

Supply of alcohol is for consumption both on and off the premises

Further evidence submitted supporting the Review Application

2.3 Details included in Review Document attached to this report

Responsible Authority Representations

2.4 Details of Responsible Authority representations received:

2.4.1 Police

The application relates to the four licensing objectives.

2.4.2 Fire

No representations

2.4.3 Local Planning Authority

No representations

2.4.4 Public Health

No representations

2.4.5 Child Protection Agency

No representations

2.4.6 Licensing Authority

The Review application was submitted on 05 October 2011. The application was advertised correctly.

2.4.7 Health and Safety Executive

No representations

Interested Party Representations

2.5 Details of Interested Party representations received and relation to the licensing objectives:

Representations have been received from three interested parties, being local affected businesses.

Copies of these representations are attached at Document 3. These representations are relevant to the prevention of public nuisance and prevention of crime and disorder licensing objectives.

2.6 Policy Considerations

Details of relevant policy considerations, including local policy statement:

Paragraphs 1 – 89 and 95 – 155 of the Council's Licensing Policy Statement are applicable to the consideration of this application.

3. NEXT STEPS

The Sub-Committee is obliged to determine this Review application with a view to promoting the Licensing Objectives.

In making its decision, the Sub-Committee is also required to have regard to Guidance issued under Sec 182 Licensing Act 2003 as amended and the Council's own Licensing Policy.

The Sub-Committee must have regard to all the representations made and the evidence it hears.

The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:

- To modify the conditions of the licence
- To exclude a licensable activity from the licence
- To remove the designated premises supervisor
- Suspend the licence for a period not exceeding 3 months
- To revoke the licence

The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

Human Rights and Equality issues will be taken into account on the determination of the Application by balancing the competing rights of the applicant, responsible authority and the interested party.

The imposition of conditions will be proportionate having regard to the competing rights referred to above and will only be imposed where necessary to achieve this aim.

Attachments:

Document 1: Application for a Review of a Premise Licence

Document 2: Current Premises Licence

Document 3: Representations from interested parties