

LICENSING SUB-COMMITTEE HEARINGS

1 JUNE 2012

Present :- Councillor Nick Cope (Chairman)
Councillors Margaret Kimberley and Michael Lilley

1. Appointment of Chairman

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Application under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

• **Missoula, 29-39 Head Street, Colchester**

The Sub-Committee considered an application for a variation of a premises licence in respect of Missoula to extend the hours for the supply of alcohol on and off the premises, late night refreshment indoors, regulated entertainments and hours the premises were open to the public.

In Attendance:

Applicant: Ms Eames, Poppleston Allen, Solicitor for the applicant
Mr Town, Area Manager
Ms Page, Designated Premises Supervisor
Environmental Control Mrs S Riley, Environmental Protection Officer
Essex Police Acting Chief Inspector White, Essex Police
Licensing Authority Mr O'Shea, Licensing and Enforcement Manager
Weavers, Leal Services Manager
Mrs S White, Committee Services Officer (Licensing)

Mrs White gave a brief summary of the application and advised that a representation had been received from Essex Police opposing the application on the grounds that if the variation application were granted it would undermine the licensing objectives of the prevention of crime and disorder; public safety; and the prevention of public nuisance. The Police and applicant had circulated further information in advance of the hearing in respect of their cases and it was confirmed that this information had been received by

members of the Sub-Committee.

Ms Eames outlined the three elements of the application which were the extension of hours in the morning to enable the premises to open and provide breakfast; the removal of all conditions in annexes 3,4,5 and 6 and the inclusion of an amended operating schedule instead; and the extension of hours on a Thursday until 03.00 for the sale of alcohol and the provision of regulated entertainment. It was noted that the Police did not oppose the first two elements of the application. In presenting the application Ms Eames explained that the proposed changes had been discussed with the Police in advance of the application being submitted but in the period of time between the discussions and the submission of the application, there had been a change in the view of the Police. With regard to the evidence presented by Essex Police, Ms Eames considered that much of it demonstrated good practice by the premises in reporting drugs and other offenses but which resulted in crime reports being logged against the premises. A copy of the Stonegate Pub Company's Licensing Manual and an incident register was submitted as evidence of the responsible attitude adopted by the Company towards licensing in its premises. The Licensing Manual set out the requirements under the Licensing Act and also contained information specific to the operation of Missoula.

In presenting the case for Essex Police, Acting Chief Inspector White stated that there had not been a change in the views of the Police due to a change in personnel but rather that the figures for crime in Colchester and in particular violent crime had risen by 2.7% and 6.9% respectively and it was against this backdrop that the application had been considered by the Police. Acting Chief Inspector White drew the Sub-Committee's attention to the evidence submitted by the Police and to the fact that Missoula featured in the top 6 premises for crime and violent crime although it was acknowledged that these figures should be considered alongside the footfall for each premises. It was the opinion of the Police that although the premises was well run and was one with which they had a good working relationship, it was inevitable that an increase in the licensed hours by 2hours on a Thursday would lead to a rise in crime and disorder and public nuisance.

There was discussion by both parties of the initiative agreed at Pub Watch to limit increases in hours by licensed premises by not applying for Temporary Event Notices or permanent variations. The Police considered that the current application was not within the spirit of this agreement although Ms Eames commented that the variation had been submitted prior to the agreement being made and that the premises had recently withdrawn a TEN because of the agreement. Acting Chief Inspector White stated that early indications were that the initiative had resulted in a small reduction in crime levels which supported the view that increased opening hours resulted in increased crime and disorder and public nuisance.

The Decision

RESOLVED to permit:-

- Hours the premises are open to the public (including any standard and non-standard timings) for the following hours-

Mondays to Thursdays 09.00 to 01.30
Fridays to Saturdays 09.00 to 03.30
Sundays 09.00 to 02.30

- To remove all conditions (save for mandatory conditions) from Annexes 3, 4, 5 and 6 of the premises licence except for the following conditions which are to be retained-
 - o The maximum number of persons allowed to be present on the premises is 600.
 - o An adequate drugs search policy to be in place to deter drugs and weapons entering the premises and an appropriate drugs safe box kept on the premises for the security of unlawful drugs seized or found by staff and kept secure until such times that Essex Police can dispose of those drugs lawfully.
 - o No bottles or glasses to be taken off the premises.
- The amended Operating Schedule set out in the application be granted except for the deletion of the words 'where available' in condition 2 of Box b so that the condition reads 'toughened drinking glasses to be used at all times the premises are open to the public.

Reasons for the determination:

The Sub-Committee considered the guidance issued under section 182 of the Licensing Act 2003 as amended and its own policy. In arriving at the decision the Sub-Committee considered the submissions made by both parties very carefully noting the representations, arguments and evidence presented.

The applicant's representative submitted that the statistics demonstrated good practice at the premises and that a number of the incidents could not be directly attributed to the premises. The Sub-Committee however gave due weight to the evidence submitted by the police and was of the opinion that it demonstrated in the event that the licence was varied to permit the additional 2 hours on a Thursday evening the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance would be undermined. It considered that the concerns of Essex Police could not be addressed adequately by the applicants' operating schedule and that there were no additional conditions to mitigate the effects of permitting the additional hours. Against the ongoing background of incidents at the premises the Sub-Committee was concerned at the increase in licensable hours and that to permit a further extension until 03.00 was not justified by the application in view of the evidence presented by Essex Police.

4. Close of Meeting

The meeting closed at 12.45.