

# **APPLICATION FOR THE REVIEW OF A PREMISE LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003**

## **1. DETAILS OF APPLICATION**

**PREMISES:** Crewe Arms Hotel

**LOCATION:** Wharf Terrace, Madeley, Crewe, Cheshire, CW3 9LP

**APPLICANT:** Environmental Protection, Newcastle under Lyme Borough Council.

**APPLICATION FOR:** Review of the Premise licence on the grounds of the Prevention of Public Nuisance.

## **2. GROUNDS FOR REVIEW**

This application to review relates to the failure of the premises to meet the Licensing Objectives for the Prevention of Public Nuisance.

## **3. APPLICANT FOR REVIEW**

The Police Review and Social Responsibility Act 2011 amended the Licensing Act 2003 to remove the term "Interested Party" so that anyone "likely to be affected by the application" is able to make representation or bring a review. There is no longer a vicinity test. However, any such representations must relate to one or more of the licensing objectives.

## **4. CONSULTATIONS**

Representations have been received from Environmental Protection, Staffordshire Police and local residents in respect of the licensing objective concerned with the prevention of public nuisance associated with regulated entertainment covered by the existing premise licence and de-regulated entertainment (live music up to 11.00pm) as well as regulated entertainment which has taken place in contravention of the requirements of the Licensing Act 2003 and issues related to the management of patrons using the exterior parts of the premises (noise, litter, glass and vomiting), and also the licensing objective relating to the prevention of crime and disorder.

## **5. POLICY CONSIDERATIONS**

a). Licensing Objectives

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives;

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

b). Policy Statement

The Licensing Act 2003 required the Council to publish a “Statement of Licensing Policy” that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council made a number of policy decisions in its Statement of Licensing Policy. The following policy decisions are relevant to this application;

The Prevention of Public Nuisance – (paragraph 4.2)

The Prevention of Crime and Disorder – (paragraphs 2.12 and 4.4)

- (i) National guidance which promotes best practice ensuring consistent application of licensing powers and promotes fairness and equal treatment and proportionality came into force in June 2013.
  - The Review Process - (paragraph 11.1 to 11.28).

Copies of the Council’s Statement of Licensing Policy and the Government’s Statutory Guidance will be available at the Sub-Committee meeting.

## 6. COMMENTS

In making their decision on the application, the Sub-Committee are obliged to have regard to the Statutory Guidance and the Council’s own Statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However the Sub-Committee must disregard any representations that do not relate to the promotion of the four licensing objectives.

The Sub-Committee may where it considers that action under its statutory powers is appropriate take any of the following steps for the promotion of the licensing objectives as set out in paragraph 5 (a) above:-

- (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.

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee are asked to note that they may not modify the conditions or take any other steps merely because they consider it desirable to do so. Any action taken must actually be appropriate in order to promote the licensing objectives

**Date of hearing: Monday 23rd June 2014**