

<b>TITLE:</b>	<b>APPLICATION FOR REVIEW OF PREMISES LICENCE UNDER SECTION 53C OF THE LICENSING ACT 2003</b>
<b>TO:-</b>	<b>LICENSING SUB-COMMITTEE</b>
<b>DATE:</b>	<b>THURSDAY, 14<sup>TH</sup> DECEMBER 2017</b>
<b>AT:</b>	<b>QUEEN ELIZABETH ROOM SCAITCLIFFE HOUSE</b>
<b>BY:</b>	<b>LICENSING MANAGER ON BEHALF OF THE EXECUTIVE DIRECTOR (LEGAL AND DEMOCRATIC SERVICES) (EXT 2146)</b>

## **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to consider an application for the review of the premises licence relating to the Opium and Voodoo Lounge, Willow Street Accrington Lancashire, following the submission of an application under section 51 of the Licensing Act 2003 (“the Act”) by a responsible authority.

## **2. RECOMMENDATIONS**

- 2.1 That the Committee consider the application to review the premises licence for the Opium and Voodoo Lounge, Willow Street, Accrington made by the Executive director of Legal and Democratic Services, Hyndburn Borough Council on behalf of the licensing authority in its capacity of a responsible authority.

## **3. INFORMATION**

- 3.1 Application for a new premise licence was received in June 2011 from Mr Michael Cookson and the licence was granted on the 27<sup>th</sup> July 2011.
- 3.2 Since the initial grant of the licence there have been several applications received for the variation of the designated supervisor (DPS). The current DPS is Ms Victoria Rita Tarren. She has been the DPS since 17<sup>th</sup> May 2016.
- 3.3 The Opium and Voodoo Lounge is situated on Willow Street Accrington. The premises benefits from the following licensable activities:-
- Performance of live music
  - Playing of recorded music
  - Entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance.
  - A performance of dance
  - Late Night Refreshment and
  - the Supply of alcohol for consumption on and off the premises.

All of the above activities are permitted Monday to Sunday from noon to 0500 hours.

A copy of the current licence is attached at **Appendix 1** and the street map location at **Appendix 1A**.

3.4 On 31<sup>st</sup> October 2017 an application for the review of the premises licence pursuant to section 51 of the Act was received from the Executive Director of Legal and Democratic Services, Hyndburn Borough Council on behalf of the Licensing Authority in its role of responsible authority. The ground for the review is that the licensing objectives relating to the prevention of crime and disorder has not been promoted at the premises as a result of irresponsible drinks promotions that are taking place at the premises. A copy of the review application is attached at **Appendix 2**.

3.6 The application for the review of the licence highlights various drinks promotions that have taken place at the premises that have undermined the licensing objectives in relation to crime and disorder and are in breach of a mandatory licence condition as set out below:-

### **Irresponsible drinks promotions – Mandatory Condition**

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in an irresponsible promotions in relation to the premises

(2) In this paragraph an irresponsible drinks promotion means any or one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) Drink a quantity of alcohol within a limited time (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell alcohol),

(ii) Drink as much alcohol as possible (whether within a time limit or not)

(b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or refer to the effects of drunkenness in any favourable manner.

3.7 Full details are set out in the application for review, as well as details in relation to attempts to mediate with the DPS by the licensing manager and the police and evidence of flyers and advertisements that have been placed on Facebook.

## 4.0 Advertisement

- 4.1 The Licensing Authority advertised the application for review of the premises licence at the Scaitcliffe House, Town Hall, on the Council's website and on the premises itself in accordance with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
- 4.2 Responsible Authorities and other persons were invited to make representations in respect of the application for the review of the premises licence by 28<sup>th</sup> November 2017.
- 4.3 A representation was received from the Lancashire Constabulary in its capacity as responsible authority. The police representation sets out a series of crime and disorder incidents that have taken place at the premise since the drinks promotion was first discussed with the DPS in August 2017. The representation is attached to this report at **Appendix 3**.
- 4.4 Since the representation was received from the police a further email which showed a screenshot of the premises Facebook page advertising yet another drinks promotion was forwarded to the licensing manager by Jason Middleton who is the police licensing sergeant for Hyndburn. The email is attached to this report at **Appendix 3A**.

## 5. Implications

- 5.1 The Act at section 52(2) and (3) states that, before determining the application, the licensing authority must hold a hearing to consider it and any relevant representations. It must, having regard to the application and any relevant representations, take such steps mentioned in section 52 (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- 5.2 The steps referred to in paragraph 6.1 above are:-
  - 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.

- 5.3 Where the licensing authority takes a step mentioned at a) or b) in paragraph 5.2 above in relation to the review, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

5.4 Any party to the hearing has the right of appeal to Lancashire Magistrates' Court following the determination of the review under section 52 of the Act.

For further information on the details of this report, please contact:  
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