

# BRECKLAND DISTRICT COUNCIL

## Report of Assistant Director of Commissioning

To: Licensing Sub-Committee - 9th May 2013

Author: Rowland W Wilson – Licensing Officer

Subject: Application for the review of a current premises licence, Licensing Act 2003 – Spltz 37 Quebec Street Dereham Norfolk NR19 2DJ.

**Purpose:** The Licensing Sub-Committee are asked, in accordance with the delegation of licensing functions contained in the Council's statement of Licensing Policy, to consider the application to review the current premises licence, in the application made by Norfolk Police.

**Recommendation(s):** It is recommended that the Sub-Committee determine the application to review the current premises licence for Spltz, 37 Quebec Street Dereham, Norfolk NR19 2DJ, in accordance with the Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003, and Breckland Council Statement of Licensing Policy.

## 1. BACKGROUND

The Licensing Authority received an application for the review of a premises licence from Norfolk Police on 14<sup>th</sup> March 2013, as they believe the premises are not achieving all four of the licensing objectives i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm. A copy of the application is attached as Appendix A.

Following receipt of the application, on 15<sup>th</sup> March 2013 a formal statutory notice regarding the review of the premises licence was placed outside the premises known as 'Spltz' and on the lamp post directly outside the archway/entrance to the premises, on the Council's website and in the foyer of the Council offices for a period of 28 days. A copy is attached as Appendix B.

In making a decision, members are asked to consider the following matters;

- The application made by Norfolk Police
- The submissions made by or made on behalf of Michelle Menzies
- The representations made by the Responsible Authority
- The relevant licensing objectives, namely the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm.
- The Licensing Act 2003, regulations, guidance and the council's statement of licensing policy

## 2. OPTIONS

Members are asked to decide whether to;

- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence
- Leave the licence in its current state

### **3. REASONS FOR RECOMMENDATION**

From computerised records held by The Licensing Authority, Mr Graham Cook made an application to transfer the Premises Licence for the premises known as Splitz into his own name on 25<sup>th</sup> July 2010.

A further application was made by Mr Cook on 11<sup>th</sup> October 2010 for a change of Designated Premises Supervisor to Michelle Menzies.

Mr Cook remained the premises licence holder until 20<sup>th</sup> September 2012, when Michelle Menzies submitted an application to transfer the premises licence into her own name.

The current Premises Licence Holder and Designated Premises Supervisor is Michelle Menzies. A copy of the premises licence is attached as Appendix C.

As part of the large bundle of papers provided by Norfolk Police, to assist members the main documents appear to be the exhibits entitled 'Summary of Police involvement – visits' Appendix D and 'Summary of police involvement – incidents' Appendix E.

In regard to the reference box shown within both of the above reports, where it shows 'innweb' this is where a report has been entered onto the Police in house licensing software and has come direct from a police officer. 'NC' refers to a report number created in the control room as a result of a call. 'CR' refers to a crime report created as a result of either of the previous two above.

A separate and more specific detail of each incident log has been provided by Norfolk Police and sent to Ms Menzies as part of the original review documentation. This additional documentation has not been exhibited as part of this report but will be available if required at the hearing.

Additionally statements provided by Norfolk Police from officers are attached as exhibits in relation to specific incidents at the premises, together with notes of intervention and letters sent to the premises licence holder as indicated at the end of this report. A full list of all documents provided by Norfolk Police is attached at Appendix F.

Following receipt of the review, a mediation meeting was held with Michelle Menzies and Graham Cook with regard to the proposed conditions being requested by Norfolk Police to be attached to the licence. A letter was subsequently sent to Norfolk Police confirming agreement to some of the proposed conditions, the letter is attached as Appendix G.

Norfolk Police responded to the above letter in a further letter attached as Appendix H, and a letter was sent informing Ms Menzies of this response and is attached as Appendix J.

A detailed response in regard to the evidence submitted by Norfolk Police was received by the Licensing Authority from Ms Menzies on Friday 12<sup>th</sup> April 2013 and is attached as Appendix K.

A plan of the surrounding late night licensed premises with times that the premises provide alcohol, regulated entertainment and closing times is attached at Appendix L.

As part of the review application procedure, the application was served on all Responsible Authorities. One response was received from Breckland Council Planning department as is attached as Appendix M. No other responses were received.

### **4. EXPECTED BENEFITS - N/A**

### **5. IMPLICATIONS**

#### **5.1 Legal**

The decision of the Licensing Sub-Committee is subject to appeal to the Magistrates Court.

5.2 **Risks – N/A**

5.3 **Financial – N/A**

5.4 **Timescales - N/A**

5.5 **Equality and Diversity – N/A**

5.6 **Stakeholders / Consultation – N/A**

5.7 **Contracts – N/A**

5.8 **Section 17, Crime & Disorder Act 1998**

5.9 **Other**

### **Human Rights Act 1988**

#### **Article 1**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

#### **Article 6**

The Committee must ensure a fair hearing.

#### **Article 8**

Everyone has the right to his/her private life and family home.

### **6. WARDS/COMMUNITIES AFFECTED**

Dereham Central

#### **Background papers:-**

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#### **Lead Contact Officer**

Name/Post: Rowland W Wilson

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Email: [Rowland.wilson@breckland.gov.uk](mailto:Rowland.wilson@breckland.gov.uk)

#### **Director/Officer who will be attending the Meeting**

Name/Post: Rowland W Wilson, Licensing Officer

#### **Key Decision – No**

#### **Appendices attached to this report:**

Appendix A – Copy of review of premises licence application from Norfolk Police

Appendix B – Copy of statutory notice advertising review

Appendix C – Copy of premises licence - Splitz

Appendix D – Copy of Summary of police involvement – ‘visits’

Appendix E - Copy of summary of police involvement – ‘incidents.

Appendix F – Copy of full list of all documents provided by Norfolk Police

Appendix G - Copy of mediation meeting letter dated 2<sup>nd</sup> April 2013 sent to Norfolk Police & Michelle Menzies, following receipt of review

Appendix H – Copy of Norfolk Police response letter to proposed conditions

Appendix I – Copy of letter sent to Ms Menzies following Norfolk Police response

Appendix J – Copy of documents as written responses received from Ms Menzies

Appendix K – Plan showing late night licensed premises within Dereham city centre

Appendix L – Copy of response to review from Breckland Council Planning.