

**Item 5      Review of Premises Licence following a closure order  
                 – Life, 12 London Street, Andover SP10 2PA**

**1      The application**

- 1.1      This hearing is to Review the Premises Licence for the premises known as Life, 12 London Street, Andover SP10 2PA. The Review is as a result of a Police closure order being placed on the premises on 14 December 2006 in accordance with the provisions of section 161 of the Licensing Act 2003.
- 1.2      The premises benefits from a Premises Licence permitting regulated entertainment and sale of alcohol by retail for consumption on and off the premises. The Premises Licence was issued on 21 October 2005 to be effective from 24 November 2005. Prior to this date the Premises benefited from a Justices On-Licence issued under the Licensing Act 1964 permitting sale of alcohol and also a Public Entertainment Licence issued under the Local Government (Miscellaneous Provisions) Act 1982 permitting entertainment. A copy of the Premises Licence and Summary is attached as Annex 1 to this report.

**2      Background**

- 2.1      The premises are an established town centre late night entertainment venue and bar comprising of two floors with an external terraced area on the ground floor, selling alcohol for consumption both on and off the premises.

**3      Grounds for the Review**

- 3.1      The closure order was placed on the Premises by Inspector Whyton of Hampshire Constabulary using powers under section 161 of the Licensing Act. The premises were closed from 1212 hours on 14 December 2005 until 1200 hours on 15 December 2006. No extension to the closure order was sought by the Police. From 1200 hours 15 December 2006 until 21 December 2006 the premises licence holder voluntarily agreed with the Police that the premises would undertake licensable activities until 2300 hours and close to the public at 2330 hours. In accordance with section 164 of the Act, North Hampshire Magistrates Court sitting at Andover held a hearing on 21 December 2006 to consider the closure order. At the hearing the Court decided in accordance with section 165 of the Act that the premises could remain open subject to conditions, these being that there would be no entry or re-entry to the premises after 0000 hours and no army personnel would be allowed entry. These conditions would remain until the Licensing Authority determines the matter. In accordance with section 167 of the Act the Licensing Authority must review the Premises Licence and that is the purpose of this hearing. A copy of the Police Closure Order is attached as Annex 2 to this report. A copy of the Court order is attached as Annex 3 to this report.

#### **4 Relevant Representations – Responsible Authorities**

- 4.1 **Hampshire Constabulary** – The Police have submitted a representation comprising the papers attached as Annexes 4, 5 and 6 to this report.
- 4.2 There were no other representations from Responsible Authorities at the time this report was written.

#### **5 Relevant Representations – Interested Parties**

- 5.1 There were no representations from Interested Parties at the time this report was written.

#### **6 Policy Considerations**

- 6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

4.18 – Designated Premises Supervisor

5.99 – Reviews

5.107 – Powers of a licensing authority on the determination of a review

7.20 – Crime and disorder

11.1 – Police Powers to Close Premises

11.2 – General

11.13 – Closure orders for identified premises

11.14 – Conduct of the premises licence holder

11.17 – Voluntary co-operation

11.27 – “Likely disorder”

11.29 – Enforcing a closure order

11.34 – Length of police closure order

11.36 – The “manager” of the premises

11.39 – Service of closure orders generally

11.40 – Relationship with local licensees and managers

A copy of the Secretary of State’s Guidance will be provided at the meeting for Members of the Committee. Additional copies can be obtained from the website of the Department of Culture Media and Sport.

- 6.2 It is considered that the following extracts from the Licensing Authority’s own Statement of Licensing Policy are relevant to this application:

##### Section A: Prevention of Crime and Disorder

The Statement of Licensing Policy is enclosed with a copy of this report for Members of the Committee. Additional copies will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Administration Service or downloaded from the Council’s website.

## **7 Observations**

7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- a) Modify the conditions of the Premises Licence, by altering or omitting or adding to them.
- b) Exclude a licensable activity from the scope of the licence.
- c) Remove the Designated Premises Supervisor.
- d) Suspend the licence for a period not exceeding three months.
- e) Revoke the licence.

The Committee is asked to note that it may not undertake any of the above steps merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the licensing objectives:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent the Committee issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that the licensing authority will regard such a warning as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the Police have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, the Committee should not merely repeat that approach.

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence number 100 for Life, London Street, Andover all associated paperwork

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	6		
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