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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I ...Police Constable 21945 Rackham.....
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises or club premises details			
Postal address of premises or, if none, ordnance survey map reference or description			
Shearer Arms 72 Shearer Road			
Post town	Portsmouth	Post code	PO1 5LP

Name of premises licence holder or club holding club premises certificate (if known)
Shearer Arms Limited (Mark Flood and Martin Graham shown as directors)

Number of premises licence or club premises certificate (if known)
unknown

This application to review relates to the following licensing objective(s)	
Please tick one or more boxes ✓	
1) the prevention of crime and disorder	x
2) public safety	x
3) the prevention of public nuisance	x
4) the protection of children from harm	x

Please state the ground(s) for review (please read guidance note 2)

On behalf of the Chief Officer of Police, I would like to formally request a review hearing of the Shearer Arms, 72 Shearer Road, Portsmouth. I am requesting the review under all four licensing objectives.

This is due to the Premises Licence Holder and Designated Premises Supervisor continuously operating the venue in contravention of the Licensing Act 2003 and also in contravention of the conditions of the premises licence on numerous occasions.

Police have attempted to engage with the venue on numerous occasions however it appears that any advice provided has been ignored and the DPS and Premises Licence Holder have continued to operate the venue breaching the premises licence repeatedly.

These actions have seriously undermined the licensing objectives at the venue.

Please provide as much information as possible to support the application (please read guidance note 3)

The Shearer Arms is currently being run by Mark Flood as the Designated Premises Supervisor. The Premises Licence Holder is shown as Shearer Arms Limited. The directors of this company currently being Mark Flood (Current DPS) and Martin Graham.

In March 2013 the venue changed hands from Punch Taverns and went into the control of the current owners and persons running the venue. These people being Mark Flood and Martin Graham. However it is believed that both were looking after the venue since April 2012.

Since November 2013 the Police have had a number of issues reported to them from local residents relating to noise and late night after hours drinking being performed at the venue.

This first occurred in November 2013 when Police received a complaint stating that live music was too loud at the venue and that this was causing a regular nuisance at the premises.

In January 2014 a local resident contacted Police stating that on two occasions (16/01/2014 and 19/01/2014) the venue stayed open well past its permitted hours and played music and continued serving alcohol. The local resident stated that up until 04:15 hours they could not sleep as people were coming and going from the venue, smoking outside and shouting in the street. This disturbed their sleep.

Following on from this the local resident got into contact with the local Safer Neighbourhood Policing Team, who in turn made contact with the Police Licensing Team.

As a result of this contact PC 21945 Rackham and PS 1079 Charge of the Police Licensing Team attended the venue on 25/01/2014 at 00:45 hours. The venue was open. Loud music which could be heard from the street was being played through loud speakers at the venue. There were between 10-12 persons sat at the bar drinking alcohol. The person running the venue (Arnie Le Rouge DPS at the time) was heavily in drink and claimed initially he was a male named Mr Lawrence who was not the person responsible. Eventually he stated who he was and it was explained to him the reason for our attendance. Mr Le Rouge stated that the venue was in a period of transition and Mark Flood was the DPS and the papers had been sent to the Council Licensing Team.

Also at the premises was a member of staff who again was in drink. She stated to me "WELL DON'T LIVE NEXT TO A PUB IF YOU DON'T LIKE LOUD MUSIC". Also present was Martin Graham. Martin Graham was also drunk and argumentative with Police attending.

Police left the venue having ensured that no further music would be played and everyone would be leaving. Police advised Le Rouge that they would be considering prosecuting him.

On 29/01/2014 Police spoke with Mark Flood and expressed concerns about the activities. Mark Flood apologised to Police and stated that things would change at the venue. He stated that he believed that the paper work had been sent and he would ensure that it was chased up so the correct DPS was shown. He stated that he had been the DPS of the venue and Arnie Le Rouge had been looking after things whilst he was away on business in Newcastle. Mark Flood promised he would do everything he could to ensure that no problems were caused for the neighbours.

On 03/02/2014 Police receive a DPS application in the name of Mark Flood. Police had no reason to object as Mark Flood has no previous convictions relevant to the Licensing Act 2003. He also presented to Police as someone who was going to change how the venue operated and ensure that the four licensing objectives were adhered to.

On 07/03/2014 Police receive a further email from PCSO Lucy Stapenhill with regards to further complaints received from the local residents stating that the venue is continuing to perform lock ins with loud music. Again Police contact the DPS Mark Flood and he states that this is not factual. He states that he is operating according to his licence and that he is intending to install CCTV in order to be able to show Police what is going on within the venue.

On 29/03/2014 PC 21945 Rackham attends the venue in the day. The DPS is not present. The full summary of the premises licence was not on display. Staff at the venue state that any training they have received has not been documented and no refusals log is in Place. The person working states that the DPS only really comes back from Newcastle at Weekends and isn't around in the week.

On 05/04/2014 at 00:50 hours PC Rackham attends the venue and hears the sounds of persons laughing, shouting and talking inside the venue. The sound of music can be heard inside the venue. The front door is locked and upon knocking on the door the music is switched off and the door is opened by Martin Graham. Martin Graham appears drunk. Inside the venue are 11 people all drinking alcohol. Two loudspeakers are in position within the venue. The DPS is present. He stated that all the persons were his personal friends. Police made body worn video of the attendance where most of the patrons claimed not to know the DPS and were there as customers.

On 21/04/2014 at 00:42 an informant contacted Police stating that the venue has just let people outside and that persons have been outside and being loud all night. The informant also states that on 20/04/2014 the venue had a lock in with persons inside the venue until 03:00 hours. They kept walking in and out of the front of the building and were smoking cigarettes and shouting as they did this.

On 21/04/2014 Police interview the DPS Mark Flood as a result of the incident on 05/04/2014. Flood whilst not admitting the sale of alcohol after hours did admit to the playing of recorded music after hours. Flood also stated that he wanted to ensure that the venue adhered to its licence conditions and was unsure about the music aspect. This was explained fully to him. The DPS received a Community Resolution as a result.

As a result of the above an email was sent to the DPS detailing exactly what he can and can't do and what he could implement at the venue to prevent any issues arising regarding the licensing objectives.

On 04/05/2014 Police were informed of further activity at the venue. The informant stated that on 03/05/2014 and 04/05/2014 there was a lock in at the venue and that this went on until 03:00 hours in the morning with people shouting in the street as they left and noise from taxis at this hour.

Police have contacted the informant who does not wish to be name due to fear of reprisals from the venue. The informant has provided Police with a timeline of what they have experienced from the venue including incidents of public order and numerous lock ins which do not finish until 03:00 hours which are heavily impacting on the informants life.

Police have also performed house to house enquiries with local residents close to the premises. During these enquiries residents stated that the venue is often open late into the early hours of the morning and that music is played late also.

Police have large concerns with this venue and the ability of the DPS and the Premises Licence Holder to operate the venue in accordance with the licensing objectives.

The DPS and the Premises Licence Holder have repeatedly opened late, broken the law reference the Licensing Act 2003 and despite the Police Licensing Teams best efforts to resolve these issues through effective engagement, they have continued to operate outside of the Premises Licence. These actions have had a detrimental impact on local residents in the area.

The Police have considered the best way to resolve the issues at the venue. It is quite clear from the information available that the DPS and Premises Licence Holder have refused to pay heed to the numerous warnings given by Police. Despite paying lip service to these warnings the evidence shows that they have continued the unlawful licensable activity at the

venue. This has impacted on the licensing objectives.

Police have considered the placement of conditions onto the premises licence in order to force the DPS and Premises Licence Holder to meet the licensing objectives. However the Police believe that this would not work as the venue currently is not meeting these conditions and as a result believe the operators would merely disregard any conditions that this committee feel fit to place onto the licence.

Police have also considered the removal of the DPS in order that a new manager can come in. Whilst this would assist, Police are aware that the DPS and Martin Graham are the only directors at Shearer Arms Limited and as a result they would still be in overall control. Police are aware that a Premises Licence Holder is unable to be removed from the Premises Licence. As such Police feel that the activity would continue.

Police feel that the only real option in dealing with the issues effectively is the complete revocation of the Premises Licence for this venue. This will stop the current operators operating in a way with a complete disregard for the licensing objectives and the licensing authorities and the local community.

However. Should the committee be minded to keep the premises licence in place. Police would respectfully request that the current hours and conditions be removed from the licence and the attached hours and conditions replace them.

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Please tick <input checked="" type="checkbox"/> yes							
Have you made an application for review relating to the premises before?							no
If yes, please state the date of that application							
		Day	Month		Year		

If you have made representations before relating to the premises please state what they were and when you made them

None previously

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Please tick <input checked="" type="checkbox"/> yes	
<ul style="list-style-type: none"> I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate. 	x
<ul style="list-style-type: none"> I understand that if I do not comply with the above requirements my application will be rejected. 	x

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature	PC 21945 Rackham
Date	28/05/2014
Capacity	Police Licensing Team

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

[REDACTED]

Post town		Post code	
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Telephone number (if any)

If you would prefer us to correspond with you by email, your email address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.