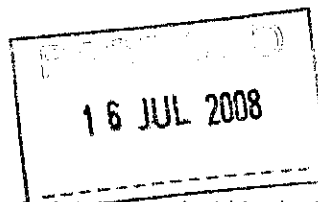


Review of Premises Licence

Britannia 101

Introduction



The Premises is located on Ullswater Road, Lancaster which is situated within the Bulk Ward of the Lancaster City Council.

The premises is owned by Daniel Thwaites Plc and operated by the premises licence holder Dr Richard Charles Dow, the current designated premises supervisor is Lawrence James Dow.

The premises consists of a single trading floor with two separate rooms, one of which is exclusively a dining room and the other being an open plan bar area.

The premises operates under premises licence LAPLWA0246 and is licensed for live music, recorded music and facilities for dancing Monday to Saturday 10:00 to 23:00 and Sunday Noon to 23:00, with the retail sale of alcohol from Monday to Thursday 10:00 to 23:30, Friday to Saturday 10:00 to 00:30 and Sunday Noon to 23:30, the premises is to be closed 30 minutes later.

***(Appendix 1)***

Application

This application is for a review of the premises licence under the prevention of crime and disorder, prevention of public nuisance and protection of children from harm licensing objectives. This review has been brought by residents local to the premises.

The residents are seeking a reduction in the hours of consumption of alcohol in the outside areas, from the current 23:00 hours seven days per week to 21:00 hours Sunday to Thursday and 22:00 hours Friday and Saturday.

Background

The premises licence was transferred to the current holder Dr Richard Charles Dow on an application received 23 May 2006, the premises licence holder also became designated premises supervisor on the same date.

An application was made via Naphens Solicitors, St Andrews House, Wellington Street, Blackburn for a variation to the premises licence on 19 June 2007.

***(Appendix 2)***

The application was to increase the sale of alcohol until 00:30 hours Monday to Sunday, with all other licensable activities concluding 30 minutes earlier. The application also included a change to the layout of the premises by creating openings into new outside areas. This application was withdrawn by the applicants solicitors on 9th August 2007 due to numerous objections to the application.

Despite the withdrawal of the application it came to police attention that the layout to the premises had been changed without authority and the area described as private parking had been changed into a beer garden.

A further application was made via Naphthens Solicitors, St Andrews House, Wellington Street, Blackburn for a variation to the premises licence to rectify the illegality of the situation and this was received by police on 30 August 2007.

***(Appendix 3)***

Police made objection to the application in a letter dated 27 September 2007

***(Appendix 4)***

The objection stated that "Having reviewed the application and the operating schedule, police feel that there are issues, which have not been addressed. Police will make the following relevant representations, which may fall into more than one of the licensing objectives, regarding this application". The representations made were as follows "Outside areas – All aspects of the management of outside areas need to be considered and formalised. The likelihood of this not being done would cause considerable nuisance to neighbouring premises, an increase in crime and disorder and a risk to personal safety".

Police further recommended a condition to negate the probable crime, disorder and nuisance issues which stated "Any outside area, which is used for the consumption of alcohol, shall cease to be so used at 22:00 hours"

An arbitration meeting was held at the premises on Friday 12 October 2007, present at the meeting were Dr Richard Dow, Andrea Forrest (Solicitor Naphthens), Judith Wrennall (Thwaites), Martin Brownjohn (Environmental Health) and Caroline Morrison (LCC Licensing). During this meeting the outside areas were discussed, I stated that for the reasons listed in the police objection I would not agree any conditions for the outside areas which did not include all three areas those being; the purpose made beer garden on Ullswater road, the seating area on Park road and the front curtilage of the premises on Ullswater road. The meeting was concluded without agreement as Dr Dow wanted time to think and consult with his legal advisors, I left the meeting believing that the police position was unambiguous.

Several days later I received a prospective condition from Naphthens solicitors which reads " The consumption of alcohol in the beer gardens on Ullswater Road and on Park Road will cease at 2300 hours on Monday to Sunday inclusive". I accepted that this condition fulfilled the requirements of the Constabulary as I set out in the arbitration meeting and agreed the variation in a letter dated 18 October 2007.

***(Appendix 5)***

On 3 November 2007 at 23:50 hours I observed a contravention of the new condition, persons were seen to consume alcohol on the front of the premises, as a result and after consultation with Lancaster City council licensing I wrote to Dr Dow on Tuesday 6 November 2007 outlining the views of both the licensing authority and the police with respect of the recently added condition.

***(Appendix 6)***

Over the following week I had telephone conversations with Naphthens Solicitors regarding this issue. They stated that it was not their intention to have the front of the premises covered by this condition, I reiterated the position of both the licensing authority and the police about the condition and outlined my intention to enforce the areas as outlined in the previous letter to Dr Dow.

## Prevention of Crime and Disorder

### Crimes

These following statistics have been taken directly from the Lancashire Constabulary Crime 2 Database. All statistics quoted are calculated from 24/11/05 to 30/06/08

During the time period analysed there have been 10 crimes committed which are associated with the premises, 4 assaults, 3 criminal damages, 2 thefts and one public order offence.

*(Appendix 7)*

The breakdown shows that in the six months prior to Dr Dow taking over the premises there was only one crime the other nine offences have occurred during the two years Dr Dow has been tenant at the location.

Of the remaining nine offences only one of these has occurred since the variation to effect the outside areas.

There are two other public houses on Ullswater Road Lancaster, The Freeholders Arms at number 47-49 and The Rose Tavern at number 52-54

During the time period covering this report, there have been significantly less crimes committed at these premises than at the Britannia. There were 60% less crimes at the Rose Tavern which recorded four during the period analysed, two of which occurred during the same incident, there were two assaults one criminal damage and one theft. Freeholders Arms had no crimes reported during this period.

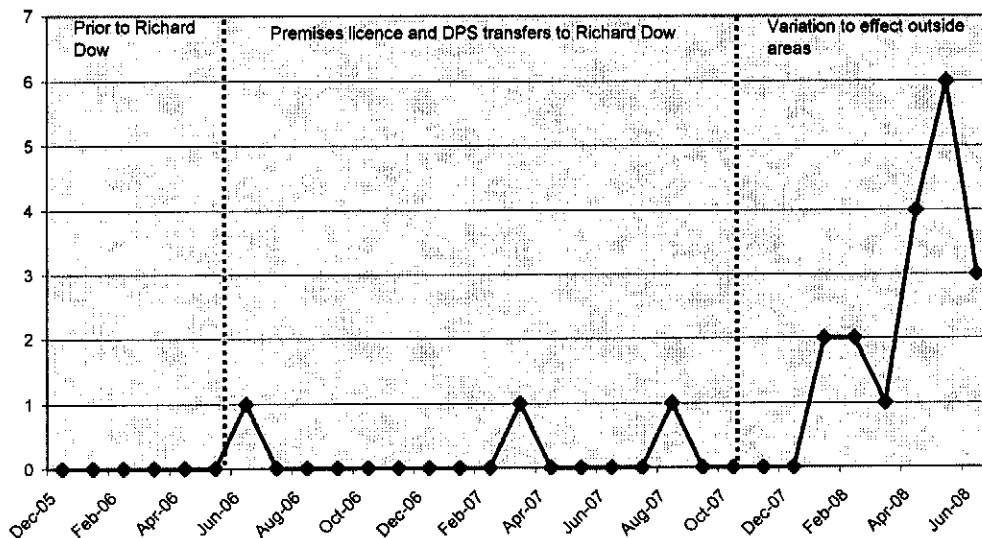
### Disorder and Anti social behaviour

These following statistics have been taken directly from the Lancashire Constabulary Sleuth Database. All statistics quoted are calculated from 24/11/05 to 30/06/08

During the time period analysed there have been 21 disorder incidents associated with the premises.

*(Appendix 8)*

#### Disorder incidents at Britannia 101



The breakdown shows that in the six months prior to Dr Dow taking over the premises there were no incidents, all 21 incidents have occurred during the two years Dr Dow has been tenant at the location. The graph above illustrates that the majority of these have occurred since the variation which effects the outside areas.

The breakdown shows that there were no complaints regarding the noise and nuisance during either the period prior to Dr Dow taking over the premises or the 18 months trading prior to the variation to effect the outside areas.

Since the variation to effect the outside areas came into force there have been 16 complaints logged regarding the noise and nuisance in the outside areas at the premises. These complaints have emanated from 3 informants who have complained 11 times, 3 times and once respectively

During the time period covering this report, there have been significantly less disorder incidents associated with the other licensed premises on Ullswater Road. The Rose Tavern recorded 10 incidents during the period analysed and Freeholders Arms had only two incidents reported during this time.

#### Licensing Issues

There are two issues currently on file for this premises firstly the premises were visited on 18 April 2008 at 21:15 hours by Lancaster City Council enforcement Officers, the person in charge of the premises was unable to produce the premises licence and a warning letter was sent to Mr Lawrence Dow the designated premises supervisor.

*(Appendix 9)*

The second incident occurred during Mr Martin Brownjohn's observations carried out 9 to 10 May 2008 and despite previous correspondence to both Dr Dow and Naphthens solicitors persons were openly consuming alcohol in this outside area at the front of the Britannia. On 14 May 2008 I attended a meeting with Dr Dow regarding this issue, at the meeting I reported Lawrence Dow for the breach of condition for which he received a letter of warning.

*(Appendix 10)*

#### Conclusion

It is clear from the background information that Dr Dow has scant regard for licensing rules and regulation as he changed the layout to the venue, without approval of a formal variation, which has created this issue. Then despite formal intervention and advice from both Lancaster City Council Licensing Department and the Lancashire Constabulary carried on using the outside area in contravention to the premises licence again creating this issue unnecessarily.

It is also safe to say that had advice from the police been accepted during the arbitration period and this condition (designed to prevent crime, disorder and nuisance from the outside areas and also to promote public safety) been adhered to fully as was both stated in the arbitration meeting and described by police in the letter to Dr Dow dated 6 November (which is prior to all complaints re noise and nuisance from the outside areas) I believe that the local residents would not have been disturbed over the last 9 months and the need for this hearing would not exist.

It is also clear from the police evidence presented, that since the premises licence holder Dr Dow has taken over the premises there has been a considerable rise in crime and disorder issues for police to deal with, emanating from the premises. The crime and disorder issues at the premises are significantly higher than both the two other licensed premises on Ullswater road, this clearly raises concerns as to the management practices at the venue, why is this premises so much higher than other premises in the same location?

Also as is clearly indicated in the breakdown of disorder incidents at appendix 8, there has been a large number of noise complaints made by local residents against the premises. This results in a large demand being placed on police resources both within the control room, by the logging and administration of the record logs and by officers dealing with the complaints.

Police do not believe that the issue will be rectified unless the use of all the outside areas is reduced and controlled. I think that the recommendations within the review from the local residents are wholly reasonable, police fully support the residents in this application.

Police would seek to have the condition relating to the outside areas removed and replaced by conditions which follows the LACORS "Tackling Noise" guidance dated 5th June 2008. The conditions should read as follows:-

***(Appendix 11)***

Customers will be prevented from taking any drinks in open containers (e.g. glasses and opened bottles) outside of the premises after 21.00 hours

Customers will not be permitted to consume any drinks in any external area of the premises after 21.00 hours

Notices shall be displayed internally at exits and also in key areas, requesting the public to refrain from taking any drinks, in open containers (e.g., glasses and opened bottles) outside of the premises after 21:00 hours and that customers will not be permitted to consume any drinks in any external area of the premises after 21:00 hours. All such signs must be in a permanent form, prominently placed and legible

Notices shall be displayed internally at exits and also in key areas, requesting the public to respect the needs of the local residents by keeping noise to a minimum when using both the outside areas of the Premises, and when leaving the premises and the area, to do so quickly and quietly. All such signs must be in a permanent form, prominently placed and legible

All reasonable steps and regular monitoring by the Landlord and his staff shall take place to ensure that customers shall refrain from taking any drinks, in open containers (e.g., glasses and opened bottles) outside of the premises after 21:00 hours, also that customers will not be permitted to consume any drinks in any external area of the premises after 21:00 hours and that customers entering and leaving the premises do so in an orderly manner so as not to cause disturbance to nearby residential properties or annoyance to people passing the premises.

Police believe that these additional conditions will both eradicate the nuisance currently suffered by the local residents and allow Dr Dow to continue to operate his business without any revision to the licensable activities at the Britannia 101.

Graeme Cheetham  
Licensing Officer