

**PREMISES LICENCE 08/01351/PREMVE
WHITE LION, MAIN STREET, CALVERTON
APPEAL TO MAGISTRATES' COURT**

A review of the premises licence at The White Lion public house was requested by a local resident. There was a Review Hearing on 4th August 2008 where the Licensing Act Panel heard representations from members of the public and the Brewery. There were no representations from any of the responsible authorities. The Panel heard evidence of anti social behaviour and nuisance, clearly related to the premises in question, before it closed in April 2008. Members resolved to revoke the premises licence, for the following reasons (copied from the decision notice):

The Panel have heard oral evidence and read written evidence from the Applicants and they feel that that evidence carried great weight. They feel that the evidence was concise and thorough. They feel that the evidence clearly showed that there had been repeated breaches of the License Conditions on the current Designated Premises Licence.

The Panel heard evidence of anti-social behaviour and violent incidents which had occurred at the White Lion Public House. The Panel feel that these incidents showed little is being done by the License Holder to prevent crime and disorder at the White Lion.

The Panel feel there is a clear risk to Public Safety because of broken glass left outside the White Lion public house and the congregation of people outside the pub which isn't being controlled by the Licence Holders of the Premises.

The Panel feel that there is a public nuisance caused by the congregation of people outside the pub and their behaviour, which is not effectively managed by the Licence Holder of the Pub.

The Panel feel that there are families living in the vicinity of the pub who have young children who are suffering emotional abuse and are having to witness lewd behaviour directly as a result of people drinking to excess in the White Lion, congregating outside the pub, and failure of the licensee to manage this behaviour.

The Panel feel that The White Lion has already had several Designated Premises Supervisors who have all failed to ensure promotion of the Licensing Objectives and adherence to the Licence conditions. The Panel do not feel it is appropriate that the Designated Premises Licence remains in force.

Scottish and Newcastle Pub Enterprises (Management) Ltd instructed TLT Solicitors to appeal against this decision to the Magistrates' Court. This meant the revocation would not take effect until the appeal was disposed of. The grounds of the appeal were that:

1. the decision was against the weight of evidence
2. the Council failed to sufficiently consider relevant and appropriate information supplied by the Brewery
3. the Council placed undue weight on the representations of the local residents

Richard Burns, Barrister, represented Gedling Borough Council at the Appeal which was held on 5th December 2008. Following lengthy discussions at court, and on the advice of the Barrister, it was agreed that the Licence could continue providing additional conditions were imposed, and conditions were agreed – with the exception of one matter (the time needed for door supervisors to be on duty) which was argued before the court.

The decision of the Magistrates was to suspend the Premises Licence for two months from 5th December 2008 to 4th February 2009. New hours of operation and licensable activities were imposed along with further conditions. The new premises licence is attached for Members' information.

There was a commitment from Scottish and Newcastle to redecorate the premises and to change the name prior to re opening. This agreement does not form part of the licence or the conditions imposed by the Magistrates since it is outside the ambit of the Licensing Act 2003.

The current position is that the White Lion remains closed.

Members are requested to note this information.

PREMISES LICENCE

LICENSING ACT 2003

Schedule 12 Part A

Regulation 33,34

Premises Licence Number	08/01351/PREMVE (previously 06/00491/PREMTR, 07/00415/PREMTR & 08/00574/PREMTR)
Original Date of Grant	28 September 2005
Date of Variation following Review	05 February 2009
Address	White Lion Main Street Calverton Nottingham
Postcode	NG14 6FG
Telephone number	0115 9119410
Licensable activities authorised by the licence	Sale of alcohol by retail Provision of entertainment for live and recorded music Provision of entertainment facilities for dancing
Times the licence authorises the carrying out of the licensable activities	Sale by retail of alcohol Monday – Thursday 10:00 hrs – 23:00 hrs Friday and Saturday 10:00 hrs – 23:30 hrs Sunday 12:00 hrs – 22:30 hrs <u>Non Standard Times</u> Sundays of all Bank Holidays 12:00 hrs – 23:30 hrs Christmas Eve and Boxing Day – Terminal hour additional 1 hour Provision of entertainment - live music Monday – Sunday 20:00 hrs – 22:30 hrs Provision of entertainment and entertainment facilities - recorded music and dancing Monday – Thursday 20:00 hrs – 23:00 hrs Friday – Saturday 20:00 hrs – 23:30 hrs Sunday 20:00 hrs – 22:30 hrs
Embedded restrictions:	No sale or supply of intoxicants in the Off-Licence Department for consumption on the premises.

	<p><u>Conditions consistent with Public Entertainment Licence:</u></p> <ol style="list-style-type: none"> 1. All doors and windows should be closed at all times during Public Entertainment. 2. The fire door on the rear elevation of the premises must be kept closed at all times during the Public Entertainment, except in an emergency. 3. The beer garden at the rear of the premises must not be used during the Public Entertainment. 4. Bench tables at the front of the premises should be removed during the Public Entertainment. 5. A competent person should carry out an assessment around the boundary of the site before and during events to ensure noise levels are not excessive. A record of when the assessments are carried out must be kept, and be available for inspection by authorised Officers. 6. All staff should be given advice and instruction as to the precautions necessary to avoid noise breakout from the premises. 7. The CCTV system must be maintained to the satisfaction of the Police and all video tapes must be retained for a minimum of 31 days and made available for inspection by the Police or an authorised Officer of Gedling Borough Council. 8. No disorderly conduct shall be permitted on the licensed premises, or any exhibition, recitation, acting, singing or dancing which is obscene, immoral, offensive to public decency or calculated to incite any breach of the peace.
<p>Opening hours of the premises</p>	<p>Monday – Thursday 10:00 hrs – 23:30 hrs Friday and Saturday 10:00 hrs – 00:00 hrs Sunday 12:00 hrs – 23:00 hrs</p>
<p>Whether the supplies of alcohol</p>	<p>Supply of alcohol both on and off the premises</p>

are on and/ off the premises	
Name (registered) address, telephone number and e mail of the holder of the premises licence	Scottish & Newcastle Pub Enterprises (Management) Ltd 28 St Andrew Square Edinburgh EH2 1AF - effective from 22.07.08
Registered number of company if Applicable	SC250925
Name, address and telephone number of the designated premises supervisor	Katherine Surr – effective from 20.05.08 The Flat, White Lion Main Street, Calverton Nottingham NG14 6FG Tel: 0115 9119410
Personal licence number and issuing authority of the personal licence held by the designated premises supervisor	Chesterfield Borough Council PA/VF/0635

Annex 1 – Mandatory conditions

Licensing Act 2003

Supply of alcohol:

No supply of alcohol may be made under this licence –

- a. At a time when there is no Designated Premises Supervisor in respect of it or,
- b. At a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended

Every sale or supply of alcohol made under this premises licence must be made or authorised by a person who holds a personal licence.

Door Supervisors

All Door supervisors to be registered by the Security Industry Authority

Annex 2 – Conditions consistent with the Operating Schedule

1. CCTV cameras to be installed inside and outside the premises.
2. Membership of a Pub Watch scheme shall continue so long as the scheme shall exist.
3. All electrical wiring to be checked annually to comply with British Standards.
4. All windows to be closed while music is being played.
5. a) No unaccompanied children on the premises at any time.
b) All accompanied children to leave the premises by 22:00 hrs.

Annex 3 – Conditions attached after a hearing by the Magistrates Court held on 5th December 2008

1. All external doors and windows are to be closed, except for access or egress when regulated entertainment is being provided.
2. The management are to monitor external noise levels when regulated entertainment is being provided and ensure that the noise levels are not excessive.
3. Clear prominent and legible notices are to be provided at all internal exits and in the car park, asking customers to leave the premises and the area quietly and to respect the rights of the neighbours.

4. To maintain CCTV cameras, monitors and recording equipment in accordance with Police recommendations. All video tapes or digital images to be retained for a minimum of 31 days and made available for inspection by the police or relevant officer of the Licensing Authority at all reasonable times.
5. Shatterproof vessels to be used for all drinks consumed in outside drinking areas.
6. Customers to vacate all outside drinking areas by 22:00 hrs (and all areas to be cleared of glass and containers by 22:15 hrs) save insofar as customers using the designated smoking area to the rear.
7. There shall be no regulated entertainment until a noise limiting device has been installed and set in liaison with the Gedling Borough Council Environmental Health Officer. Such device to be used whenever regulated entertainment is being provided.
8. The premises DPS and Premises Licence holder shall provide and/or make available contact details to the Licensing Authority and residents at all times. Quarterly meetings are to be arranged by the premises to which the Police, Environmental Health Officer and Licensing Officer shall be invited, as between the premises and the residents, at a suitably convenient time. The licensing officer to arrange such time and place of meetings unless otherwise agreed.
9. There shall be clear prominent and legible notices placed both inside and outside the main entrance on Mansfield Lane; such notices to state that drinks are not to be consumed outside in the area between Mansfield Lane and the White Lion.
10. Substantial food shall be available throughout the premises on every day that the premises is open to the public (until 22:00 hours).
11. No consumption of alcohol or food outside the premises (Building) after 22:00 hours.
12. SIA door staff will be employed at the premises between the hours of 22:00 hours and closing each Friday and Saturday night for eight weeks from the first weekend of the re-opening of the premises.

Annex 4 – Plans - See attached