

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

Monday, 2nd April 2007

APPLICATION FOR A REVIEW OF A PREMISES LICENCE - THE GOLDEN CROSS HOTEL, 20 HIGH STREET, BROMSGROVE

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Officer	Dave Hammond

1. SUMMARY

1.1 To consider an application to Review a premises licence in respect of the Golden Cross Hotel, 20 High Street, Bromsgrove.

2. RECOMMENDATION

2.1. That Members review the licence based upon the submitted evidence.

2.2 The legislation governing the determination of an application for review of a licence is set out in Section 52 of the Licensing Act 2003. Members are referred to the following provisions:-

Section 52 (3) Licensing Act 2003

That the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

Section 52(4) Licensing Act 2003

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

3. **BACKGROUND**

3.1 The Council received an application from West Mercia Police, a Responsible authority under the Act to review the above licence. The grounds for the review are as follows:

- (1) During August 2006, undercover police officers were involved in an operation in the Bromsgrove area aimed at combating the sale and supply of drugs. The operation used test purchase officers to purchase large amounts of Class A drugs from people in the area.

The operation revealed that a number of illegal activities were taking place at The Golden Cross Public House. In particular, the officers witnessed the following events in relation to the sale of cocaine:-

- (a) 21 September 2006 – A deal was arranged inside the premises and a sale of drugs took place on the street within 10 ft of the entrance and in full view of the door staff.
- (b) 22nd September 2006 – a deal was arranged inside the premises for the sale of the drugs and a sale took place on the patio area at the rear of the premises within 3ft of the rear entrance and in full view of the door staff.
- (c) 27,28 September and 5 October – Similar transactions were taking place and the amount of cocaine being purchased was increasing.
- (d) 5 November 2006 Cocaine with a street value of £4,000 was purchased in similar circumstances

The test purchase officers were directed to attend licensed premises within the town centre. At only one other location besides The Golden Cross was an offer to sell drugs made, but at the remaining premises attended, the officers were told that no drugs were available or they were directed to go to The Golden Cross.

At no time during the undercover officers present at The Golden Cross Public House did any of the bar staff challenge the individual involved in the transactions and no reports were made to the police regarding what was taking place on the premises. The total amount of cocaine purchased by the undercover test officers at the Golden Cross amounted to 203.47 grams (a street value of £11,869).

- (2) During the undercover operation, officers became aware of a group of daytime drinkers that would occupy the front of the premises. Despite many members of the group being heavily intoxicated, they were served.
- (3) The test purchase officers noted that members of the public were openly taking cocaine within the toilets on the premises and on one occasion an officer witnessed the formation of a queue in order to take part in this activity. No reports were made to the police by staff at The Golden Cross and the staff did not challenge the people taking part.
- (4) An analysis of the crime reports shows substantial amount of crimes associated with the premises.
- (5) Attempts to engage the management of The Golden Cross with a view to reducing the crime and disorder associated with the premises have failed. They have not taken steps to implement police recommendations about CCTV and despite a specific request in April 2006 that they attend the Pubwatch meetings, a

representative has attended only one of the meetings held since. This means that out of the twelve meetings, they've only attended two. They have failed to attend either of the two Drugs Awareness sessions, organized by the police.

- 3.2. In response to this Review application, the owners of The Golden Cross, J.D.Wetherspoon have confirmed that they will not object to the imposition of the following conditions to their licence as recommended by the police:
- (1) With the exception of the beer garden there will be no smoking anywhere on the premises to which the public have access
 - (2) The premises will be equipped with a CCTV system which meets the approval of West Mercia Constabulary
 - (3) There will be two SIA registered door staff on each entrance on Thursday, Friday and Saturday evenings from 20.00 hours until close, unless otherwise agreed with West Mercia Constabulary. Any agreement of this nature will be recorded in writing and kept on the premises.
 - (4) The DPS (designated door supervisor) will attend the meetings of the Pubwatch Scheme or in the event that they are unable to, will send a representative

4. Policy Implications

4.1 Paragraph 15.1 of the Council's Statement of Licensing Policy applies to this application. This reads: *"Reviews of premises licences represent a key protection for the community where problems associated with disorder, public safety or disturbance are occurring. If relevant representations are made about a current licence, the Licensing Authority will hold a hearing, in accordance with the regulations issued by the DCMS to consider them unless it is considered not necessary by all parties Representations must not, in the opinion of the Licensing Authority, be frivolous, vexatious or repetitious"*.

5. Financial Implications

5.1 There are no direct financial implications arising from this Report. However, if either party is not satisfied by the decision taken by the Council, they can appeal to the Magistrates' Court and the Council could become liable for costs.

6. Legal Implications

- 6.1 Each party is entitled to appeal to the Magistrates' Court if they are dissatisfied with the decision of the Council.
- 6.2 The Sub-Committee must have regard to the Statutory Guidance, issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 6.3 The Sub-Committee must have regard to the Council's Statement of Licensing Policy.
- 6.4 The conduct of the Sub-Committee is governed by the Licensing Act 2003 (Hearings) Regulations 2005, as amended.
- 6.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights.

Background Papers

Application forms received on 13th February 2007
Letter dated 16th March 2007 from J.D.Witherspoon.

5 witness statements provided by West Mercia Constabulary
Letter from PC355 Paul Bott Licensing Officer, West Mercia Constabulary

Contact Officer

Name: David Hammond, Head of Planning and Environment Services
Email: d.hammond@bromsgrove.gov.uk Tel: (01527) 881330