

Helen Farman-McKenna

From: James Finn <James.Finn@staffordshire.police.uk>
Sent: 19 September 2024 16:34
To: Licensing
Cc: Margaret Woolley; Helen Farman-McKenna
Subject: FW: Application for a Premises Licence under the Licensing Act 2003 – Isabel's Bar & Restaurant, 26 Station Street, Burton upon Trent DE14 1AU.

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Dear Licensing,

Re: Application for a Premises Licence under the Licensing Act 2003 – Isabel's Bar & Restaurant, 26 Station Street, Burton upon Trent, DE14 1AU.

With reference to the application for a Premises Licence, received on Friday 23rd August 2024, Staffordshire Police wish to submit relevant representations as outlined below.

The premises is situated in the heart of the geographical area as specified under the Cumulative Impact Assessment section of the current Statement of Licensing Policy, and as such the Police position is that the following legislative elements are relevant and have not been addressed within the application.

With reference to the Revised Guidance issued under section 182 of the Licensing Act 2003, specifically Ch. 8 para 41 (in part):-

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

It is accepted that reference to the licensing objectives has been made within section M of the application, however the measures specified to mitigate the risk associated with the late hours of the application fail to meet the expectations within the guidance in that they are largely not specific, precise or enforceable.

In addition Ch. 8 para 43 is highly relevant:-

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

As stated, the premises is within the area of Cumulative Impact Assessment and there is nothing identifiable within the application received by the Police as to why this application should be an exception to the policy.

It is accepted that applicants are not legally obliged to contact Responsible Authorities prior to submitting an application, however it is recognised as good practice and is highlighted in Ch.8 para 46 of the Guidance shown below: -

While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

The Police licensing team have not been contacted by the applicant prior to the submission of this application to discuss the Police position directly. It is accepted that there has been ad hoc dialogue with the representing agent, but this has been whilst meeting to deal with an unrelated matter and sometime prior to the application being submitted.

Having viewed the application it is in part contradictory in what is being applied for. Specifically, on the second page of the application under description of the variation it states "Extend opening hours until 4am every day" However, when reading further, licensable activities are requested to be extended until 0400hrs with the opening hours of the premises to 0430hrs.

This coupled with the operating scheduled provided within the application which is largely unenforceable gives rise to consideration that the mitigations that would be appropriate to counter potential risk, and promote the licensing objectives are not in place.

Staffordshire Police consider that the application in its current format undermines the licensing objectives if the licensable activities were to be carried out as specified, and therefore respectfully request that the application be refused.

There will be a Police representative at any subsequent hearing in relation to this matter.

Yours faithfully

PS 4613 Jim Finn
Licensing Manager.



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