



CORNWALL  
COUNCIL

[Insert name and address of relevant licensing authority and its reference number (optional)]

**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 in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I Julie Larter**

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Lusty Pirate Quay Road Charlestown	
<b>Post town</b> St Austell	<b>Post code (if known)</b> PL25 3NX

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Sharon Parker
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<b>Number of premises licence or club premises certificate (if known)</b>
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

St Austell Bay Parish Council  
The Pattern Hall  
Foundry Parc  
Charlestown Road  
Charlestown  
St Austell PL25 3FW

**Telephone number (if any)**

**01872 501101**

**E-mail address (optional)**

[enquiries@staustellbay-pc.gov.uk](mailto:enquiries@staustellbay-pc.gov.uk)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder  ✓
  - 2) public safety  ✓
  - 3) the prevention of public nuisance  ✓
  - 4) the protection of children from harm  ✓

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

On 7 September 2019 violent incidents occurred within the curtilage of the Lusty Pirate. These incidents involved a large number of people under the age of 18 years, who were consuming significant amounts of alcohol. Our understanding of the incident is that one member of the public received serious facial injuries (a resident of Quay Road, Charlestown) and a young person was badly beaten up resulting in her hospitalisation.

A DJ had been booked to play at the venue. This event was not ticketed. No risk assessment was undertaken and the establishment was staffed by just 3 people on the night. Mr and Mrs Parker who run the Lusty Pirate were not in the country at the time.

By early evening a large number of young persons had gathered in Charlestown and numbers quickly swelled, no doubt due to the use of social media. These young persons were in the garden of the Lusty Pirate, up the stairs, on the balcony and going inside the building. They were openly drinking. The young people were verbally abusive and physically aggressive. There were insufficient staff on duty in the Lusty Pirate to deal appropriately with a crowd of this size. It appears that none of the staff on duty had the authority to "pull the plug" on the music event.

The same DJ ran an event at the Rashleigh Arms in Charlestown on Friday 26 July and this event also resulted in an episode of antisocial behaviour including drunken-ness, drug taking and vandalism in the village. Based on the experience of the Rashleigh event, in the opinion of the parish council, it was completely irresponsible of the license holders to put on the event of 7 September without the basics of a risk assessment and security staff. Their action could be perceived as negligent.

This level of anti-social behaviour will not be tolerated in our community. Charlestown is a Conservation Area and is part of the Cornwall and West Devon Mining Area World Heritage Site. It attracts visitors from all over the world and is contributes greatly to the economy of the local area.

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

This premises was formerly a restaurant and has operated successfully as such for many years. The current owners have recently changed the operation into a "bar and venue" which has now become a venue for what was essentially an "under 18s rave". This is not compatible with the current Premises License conditions and regular and multiple breaches of the Premises license conditions have been observed or reported.

The current use of the premises as a bar and venue is also not compatible with the location within Charlestown village; given the large number of nearby and existing licenced premises and the very close proximity of residential premises.

The Licensing Act sets out key licensing objectives that must be promoted:

- The prevention of crime
- Public safety
- The prevention of public nuisance
- The protection of children from harm

We believe that the current use of the Premises fails to deliver on all these licensing objectives and the License should be reviewed.

From representations received in regard to the event on the 7 September and ongoing operation, the parish council suggests that the named Holder of the Premises License and also the Designated Premises Supervisor, do not exhibit the capability and responsibility as the management of the premises in order to ensure that the premises is operated in such a manner so as to prevent any crime and disorder, ensure the safety of the public and in a manner which does not cause the public any nuisance.

Several License conditions appeared to have been breached at the premises, including:

#### **Annex 2 – Conditions consistent with the operating schedule**

Condition 13: Anyone appearing to be under the age of 18 years of age will be asked for identification. Passport, driving licence or pass hologram ID cards will be the only forms of identification accepted.

Condition 14: The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening or both for the accommodation of persons frequenting the premises.

Condition 16: Intoxicating liquor shall not be sold or supplied on the premises otherwise than to the persons taking table meals there and for consumption by such a person as an ancillary to the meal.

#### **Annex 3 – Conditions attached after a hearing by the licensing authority**

Condition 1: Customers will not be permitted to take alcohol outside the premises onto the balcony areas after 10.00pm. Appropriate signage will be displayed at the premises to this effect.

Condition 2: A telephone number will be provided for interested parties and authorised officers of the council to contact a responsible person, who will be able to respond at all times when the premises is in operation.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

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

No

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