

At a meeting of the Licensing Panel held in Council Chamber - Allerdale House, Workington on Monday 12 November 2018 at 10.00 am

Members

Councillor Angela Kendall (Chair)

Councillor Tony Annison

Councillor Len Davies

Staff Present

D Fletcher, A Gilbert, L Jardine, J Morgan and G Roach

227. Election of Chair

Councillor A Kendall was elected Chair for the ensuing meeting

228. Declaration of Interests

None Declared.

229. Questions

None Received.

230. Application for a Summary Review of a Premises Licence

The Licensing and Compliance officer submitted a report for the licencing panel to review the premises licence PL0501 West Street Social Club, Wigton following a summary review application under section 53A of the Licencing Act 2003.

The application was made by Cumbria Constabulary under Section 53A of the Licencing Act 2003 at 15:43 on 15th October 2018.

The Licensing and Compliance officer provided the panel with additional papers.

The Licensee was present.

Two representatives of Cumbria Constabulary were present.

The Licensing and Compliance officer read through the report

The Panel was presented with the options available to it, permitted under section 53C (3) of the Licensing Act 2003:

- (a) The modification of the conditions of the premises licence,
- (b) The exclusion of a licensable activity from the scope of the licence,
- (c) The removal of the designated premises supervisor from the licence,
- (d) The suspension of the licence for a period not exceeding three months,
- or
- (e) The revocation of the licence.

The panel was then presented with the options available to it in relation to the interim step to suspend the licence; if they considered it necessary to amend the interim steps they must consider the following:

- (a) The modification of the conditions of the premises licence
- (b) The exclusion of the sale of alcohol by retail from the scope of the licence,
- (c) The removal of the designated premises supervisor from the licence
- (d) The suspension of the licence.

The representative of Cumbria Constabulary made his representation and presented his witness statement to the panel alongside evidence, intelligence and crime logs relating to West Street Social Club. Cumbria Constabulary's recommendation to the panel was to revoke the licence and in failing that, the police recommended the following conditions be introduced:

- 4 SIA registered door supervisors
- Weapon Screening Arches
- Entry Searches
- Plastic Cups/Bottles (check formal name)

The panel and the licencing and compliance officer then asked several questions to the representative of Cumbria Constabulary.

The licensee was given the opportunity to present any representations before answering questions from both the panel and the licencing and compliance officer. The questions related to the incident on 13th October 2018 and previous incidents as discussed plus questions relating to the current clientele and management of the West Street Social Club.

All parties then had the opportunity to ask any questions and to summarise any points they had raised.

All parties were then asked to leave the meeting for the panel to consider the application.

The Panel considered all information presented to it in the report, the additional papers provided, the police reports/evidence and through all representations made at the meeting.

Members were concerned with the reports of crime and disorder and considered whether any additional conditions would help.

The members did not believe any additional conditions would solve the issue.

Councillor T Annison moved to revoke the licence, this was seconded by Councillor L Davies, a vote was taken, and the vote in favour of revoking the licence was unanimous. The motion was carried.

The second decision was in relation to the interim arrangement that was imposed on 17th October 2018, Councillor L Davies moved to continue to suspend the premises licence until after the appeal deadline for revoking the

licence, this was seconded by Councillor T Annison, a vote was taken, the vote was in favour to continue to suspend the premises licence was unanimous, the motion was carried.

All parties returned to the meeting.

All parties were informed of the decisions and the reasons for the decision.

Decision

To revoke the premises licence

Reasons for the decision

The Panel considered the application for the review and the need to take such steps as it considers appropriate for the promotion of the licensing objectives. Under section 53C(3) of the Licensing Act 2003, the panel has decided to revoke the premises licence.

In making its decision, the Panel has had regard to the following:

1. The information provided by the police.
2. The information provided by the premises licence holder
3. The officer's report
4. The Licensing Act
5. Guidance issued under s182 of the Licensing Act 2003
6. Licensing Act 2003 Expedited/Summary Licence Reviews Guidance November 2015
7. Regulations issued under the Licensing Act 2003
8. The Council's statement of licensing policy

The panel has also reconsidered the interim step to suspend the licence under section 53D of the Licensing Act 2003. In doing so, it considered whether the interim step is appropriate for the promotion of the licensing objectives. No representations were received from the premises licence holder prior to today's hearing, to be considered in relation to the interim step taken on 17 October 2018. The Panel considers that the interim steps should remain in force until the time period for appealing the review has expired. In making this decision, the Panel has taken into account guidance issued by the Home Office in relation to summary licensing reviews. The Panel has also considered:

1. The Licensing Act
2. Guidance issued under s182 of the Licensing Act 2003
3. Licensing Act 2003 Expedited/Summary Licence Reviews Guidance November 2015
4. Regulations issued under the Licensing Act 2003
5. The Council's statement of licensing policy

Right of appeal

The decision made under 53C of the Licensing Act 2003 (review of premises licence following review notice) can be appealed to a magistrates' court within 21 days beginning on the day of this decision.

The decision made under section 53D of the Licensing Act (Interim Steps pending section 53C) can be appealed to a magistrates' court within 21 days beginning on the day of this decision. The appeal must be heard by the magistrates' court within the period of 28 days beginning with the day on which the appellant commences the appeal.

Resolved

To revoke the premises licence

The meeting closed at 11.55 am