

At a meeting of the Licensing Panel held in Council Chamber - Allerdale House, Workington on Wednesday 17 October 2018 at 3.30 pm

Members

Councillor Angela Kendall (Chair)
Councillor Tony Annison

Councillor Len Davies

Staff Present

G Collinson, J Morgan, G Roach and R Wilkinson

219. Election of Chair

Councillor A Kendall was elected as Chair for the ensuing meeting.

220. Declaration of Interests

None declared.

221. Questions

None received.

The Chairman moved :-

“That under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of part 1 of Schedule 12 (a) of the Act.”

222. Summary Review of a Premises Licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider whether it was necessary to take interim steps following an application for a summary review of PL0501.

On 15 October 2018 at 15:43 an application for a summary review of premises licence PL0501 was submitted by Cumbria Constabulary.

The application was submitted under section 53A of the Licensing Act 2003 which allows the police to trigger a fast track process to review a premises licence where the police consider that the premises were associated with serious crime or serious disorder (or both).

The premises licence holder, who was also designated premises supervisor, was present at the meeting.

A representative of Cumbria Constabulary was present.

The Senior Licensing and Compliance Officer read through the report.

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

- 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; and
- d) the suspension of the licence.

The representative of Cumbria Constabulary was asked to make representation on the application. Members asked questions around the details provided in the application (Appendix B) and a CCTV log (Appendix C).

The premises licence holder was asked to make their representations on the application following which members asked their questions.

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

The Panel considered all information presented to it in the report and through all representations made at the meeting.

Members were concerned that there had been a catalogue of events involving disorder and violence at the premises which was of particular concern for public safety.

Councillor A Kendall moved that the Panel suspended the premises licence. Councillor T Annison seconded.

A vote was taken; the vote in favour of suspending the premises licence was unanimous. The motion was carried.

All parties returned to the meeting.

All parties were informed of the Panel's decision and the reasons for the decision.

Decision

To suspend the premises licence.

Reasons for the Decision

The Panel was satisfied that it was appropriate to suspend the premises licence with immediate effect in the interests of promoting the licensing objectives, in particular the prevention of crime and disorder and public safety.

The Panel had reached its decision having regard to the following:

1. The Panel was satisfied that an interim review was necessary and appropriate in accordance with s53A of the Licensing Act 2003
2. The Panel was satisfied that the alleged offences amounted to 'serious crime' as defined by s81(2) and (3)(a) and (b) of the Regulation of Investigatory Powers Act 2000
3. The Panel heard evidence from Cumbria Police and representations from the Premises Licence Holder
4. The Panel was satisfied that it was appropriate to suspend the premises licence with immediate effect in the interests of promoting the licensing objectives.

The Act did not provide a right to appeal in relation to a decision at an Interim Steps Hearing. The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps. This would at some point be superseded by the full review which must be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations were not withdrawn) hold a hearing within 48 hours of their receipt.

The meeting closed at 4.47 pm