

At a meeting of the Licensing Panel held in Council Chamber, Allerdale House on Tuesday 22 March 2022 at 10.00 am

Members

Councillor Hilary Harrington
Councillor Colin Sharpe

Councillor Peter Kendall

Staff Present

D Fletcher and K Magnay

Also Present

Legal Officer Piers Riley-Smith

437. Election of Chair

Councillor Kendall was elected as Chair for the meeting.

438. Declaration of Interests

None received.

439. Questions

None received.

440. Application for the Review of a Premises Licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider an application for a review of a Premises License for PL0747 under the provisions of section 51 of the Licensing Act following 28 days consultation.

Present as representatives from Workington, Cumbria Constabulary were Sergeant Scott Adams and from the Fire Service Robin Treasurer.

Present as representative from the Responsible Authority, Gillian Collinson.

Present, as representative from Allerdale Borough Council Environmental Health, David Copeland

The premises licence holder was invited into the meeting.

Also present were a resident from one of the adjoining streets and the chair from St John's resident association.

The Licensing Panel was provided with a background of the summary review of the Premises Licence.

The representative from Cumbria Constabulary made representation on the application, Sergeant Adams advised members that the application was to initially revoke the licence but having worked with the licence holder following a number of issues raised such as no fire alarm, CCTV, Fire Escapes cluttered, unsafe electrical points. After revisiting the property on 11 March 2022 Sergeant Adams has reviewed the issues and is satisfied they have been rectified and a number of conditions are to be put in place therefore no longer looking to revoke the licence.

The representative from Environmental Health made representation on the application and advised members there were also a number of conditions to be included.

The representative from the Fire Service made representation on the application and advised members that the Cumbria Constabulary have included conditions with regular testing of the fire alarm. Further checks will be carried out to ensure works have been done and will be regularly audited.

The resident was asked to make representation on the application.

The Chair of St John's Residents Association was asked to make representation on the application.

The premises licence holder was asked to make representation on the application.

The Cumbria Constabulary representative, Fire Service representative, Environmental Health representative Licensing and Compliance officers the premises licence holder, the resident and chair of the resident association were asked to leave the room for the Panel to consider the application.

The Panel considered all of the information provided by Cumbria Constabulary, the Fire Service, the Environmental Health Officer the Licensing and Compliance Officer, the premises licence holder, the resident and the chair of the residents association, seeking advice from the Council's Barrister while making its deliberations. Members paid attention to the options available to the Panel set out in the report.

Members reached a unanimous decision to modify the conditions.

The Cumbria Constabulary representatives, Licensing and Compliance officers, the premises licence holder and the residents were brought back into the room.

Decision

The Licensing Panel agreed to modify the conditions.

Reasons for the Decision

The Panel reached its decision having regard to the following:

The four licensing objectives under the Licensing Act 2003. The Panel has also taken into account the written representations made by Cumbria Constabulary, the written representations made by the Environmental Health Officer and Cumbria Fire and Rescue, the representations received from the Premises licence holder and the interested parties, and the information set out in the report by the Licensing and Compliance Officer.

The Panel also had regard to the advice provided by the Legal Officer during the hearing as to the weight to be attached to the evidence presented. Weight has been attached to the evidence accordingly.

The Panel has considered the Secretary of State's guidance under section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the relevant legislation and Human Rights.

The Panel sought to balance the interests of the licence holder and the interested parties, whilst also taking into account the conditions proposed and agreed by Cumbria Constabulary and the Environmental Health Officer.

The application under S51 of Licensing Act 2003 to review the premises licence of Electric Soup ('the Premises') was made by Cumbria Constabulary. It related to two licensing objectives. The first was in relation to 'the prevention of crime and disorder' due to the premises' ability to comply with their licence conditions. The second was 'Public safety' due to concerns regarding the condition of the premises, in particular in relation to the fire safety procedures provided.

The Panel took into account that the Premises had undertaken a significant amount of work to address the concerns of Cumbria Constabulary, Cumbria Fire and Rescue, and Environmental Health since the application was made. This has resulted in several conditions being agreed between parties. This meant that Cumbria Constabulary no longer sought a revocation of a licence but instead the modification to the premises licence to reflect the licence conditions agreed – and that the conditions proposed are simple, and allows the licence holders to accord with them and run a good business. The Panel felt that, where appropriate, the conditions would require appropriate timeframes to ensure timely compliance.

The interested parties raised several concerns in relation to all four of the licensing objectives. These were focussed around issued of noise, litter and anti-social behaviour such as urinating, drunken behaviour and drug taking – although they were raised more generally, about the area and wider building rather than just about the premises. The Panel's view was that these concerns could be proportionately and appropriately addressed through the conditions agreed with the Responsible Authorities. In considering the Application the Panel did not consider wider complaints about the operation of other premises adjoining/nearby to the Premises.

The Panel considered the options available to it, which were (under S52(4) to:

- a) To modify the conditions of the licence;
- b) To exclude the licensable activity from the scope of the licence;

- c) To remove the DPS;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence.

If any party is aggrieved by this decision, they have the right to the appeal to the Magistrates Court within 21 days of receiving written notification of the decision.

Resolved

The Panel felt it was reasonable and proportionate to take the following steps to promote the licensing objectives.

(a) To modify the conditions of the licence by:

- Removing the existing 'conditions agreed through mediation with the Environmental Health and Cumbria Constabulary'
- Replace them with the new set of Conditions agreed through mediation with Environmental Health and Cumbria Constabulary' as set out below.

Conditions

1. The Premises must have working CCTV system that records for 28 days. A trained member of staff must be available to record and download footage at request of any responsible authority at all times during opening hours.
2. The Premises must complete pre-opening checks record these in writing with time and date of check. These must be stored and available for review of any responsible authority requesting them.
3. The Premises must have an age verification policy should include reference to clear signage at the entrance and exit.
4. The Premises must have a Drugs policy to include methods of storage and destruction of drugs.
5. The Premises must have a written search of customers policy.
6. SIA staff to be trained, every six months, on this search policy which will be signed and dated by those completing and stored for review by any responsible authority requesting them.
7. The Premises must have a written safeguarding of vulnerable persons policy
8. The Premises must have a written drunkenness and disorderly behaviour policy
9. Any drinking vessels provided to customers shall be made of toughened glass, polycarbonate or another glass alternative (any

alternative to be agreed in writing by a representative of Cumbria Constabulary)

10. Complete toilet checks every two hours during opening hours, recording the times and dates of these checks.
11. All staff to receive induction training before commencement of their first duty. This training will be repeated every 6 months, with written records available to all responsible authorities at request. Training to include all licensing conditions and related policy documents.
12. Fire Alarm will be tested weekly to ensure music is switched off at the point the alarm starts.
13. Fire Alarm Emergency lighting will activate with loss of mains electricity. This function is to be tested each month
14. SIA will be in place during opening hours and will remain in place until all customers have exited the premises with the doors closed. The number of SIA will change depending on the event date and time of year.
15. There will be adequate first aid provision available at the premises.
16. There shall be no persons under the age of eighteen years permitted on the premises at any time that licensable activities are taking place.
17. A "Challenge 25" Policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:
 - a) A passport.
 - b) A UK Photocard Driving Licence
 - c) Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder.
 - d) Any other form of identification agreed with a representative of the Police Licence Unit
18. All staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at least once every twelve months. Said training will be documented and will be made available to an authorised officer upon request.
19. "Challenge 25" posters will be displayed and will be visible at the entrance to the premises and from the point of sale of alcohol.
20. The premises will have a written dispersal policy designed to encourage patrons to leave the venue and the area quickly and

quietly. Said policy must be agreed by Cumbria Constabulary (such agreement not to be unreasonably withheld).

21. The management of the premises will ensure that the area immediately outside the entrance to the premises is kept clean, tidy and free from litter.
22. A noise management plan shall be devised and submitted to the licensing authority within 28 days. Once approved (such approval not to be unreasonably withheld) by the licensing authority it shall subsequently be implemented when the premises is in operation.
23. On any occasion that regulated entertainment is carried on at the premises, regular assessments of the noise emanating from the premises will be undertaken. Wherever said assessments indicate that noise is likely to cause disturbance to any local residents, remedial action will be taken. A written record will be maintained detailing the time of the noise assessments, the identity of the person undertaking the assessment, the results of the assessment and any remedial action undertaken.
24. Noise resultant from regulated entertainment shall not be audible inside adjoining residential property or from 1-3 meters from the façade of residential property.
25. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or member and their guests) notices pointing out the needs of local residents and the need to leave the premises and the area quietly. (Note: this may also include reference to vehicles.)
26. The placing of bottles into receptacles outside the premises is not permitted to take place between the hours of 20:00 and 8:00 to minimise disturbance to nearby properties on any day, except Sunday when no such disposal shall take place before 10:00.
27. The Licensee shall undertake to incorporate all licence conditions onto any temporary event notice issued for the premises.

The meeting closed at 12.45 pm