

LICENSING SUB-COMMITTEE

Wednesday, 4th June, 2014

Present:- Councillor Mrs Joan Winfield – in the Chair

Councillors Mrs Simpson and White

1. APPLICATION FOR A REVIEW OF A PREMISE LICENCE - LONDON ROAD, TAVERN, NEWCASTLE

Having taken into account the licensing Act 2003 and the Guidance issued under Section 182 of the Act, the Council's Statement of Licensing Policy and also the fact that Staffordshire Police requested a review of the premise licence to promote the licensing objectives relating to the Prevention of Crime and Disorder and the Protection of Children from Harm.

The Committee have considered those licensing objectives in the light of what has been said and have listened to the arguments and are persuaded that, in the light of the evidence before it, it is appropriate to take steps to ensure that the licensing objectives are promoted. In considering which of its powers to invoke, the Committee had regard to the guidance at 11.19 and 11.20 which indicates that the Committee should seek to establish the cause of the concerns that the representations identify and that the remedial action taken should generally be directed at the cause and be no more than appropriate and proportionate. In particular where the cause of the identified problem relates to poor management decisions, the Committee may consider the appropriate action.

It has been brought to the Committee's attention that certain criminal activity that may arise in connection with licensed premises should be treated as particularly serious and in this case the illegal purchase and consumption of alcohol by minor's was specifically referred to. In fact the guidance at 11.26 to 11.28 deals with this matter

The Police stated in evidence that the sale of alcohol to underage persons had occurred on three occasions and that on the first occasion, which resulted in a review of the premise licence, conditions were imposed relating to Challenge 25 and staff training.

Subsequently, the premises have sold alcohol to underage persons on the 6th December 2013 and the 19th February 2014. Further, on the 31st January, a police investigation revealed that there were a number of other breaches of the premises licence.

In their defence, the representative for the licence holder stated that on the second occasion (6th December 2013), the gentleman concerned has only just started to work at the premise and his training had been arranged for later that week. On the third occasion, the person serving was not an employee but was just helping out.

The Committee takes the view however that having imposed relevant conditions previously they should have been adhered to.

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The Committee have been impressed by the fact that the Designated Premise Supervisor has subsequently put in place measures to ensure that these problems do not occur again and are aware that this is family run premises with limited cash flow.

The Committee have considered the steps available to it to promote the licensing objectives in the interests of the wider community and firstly considers that further modification of the licensing conditions were not appropriate.

Since the premise licence was utilised predominately for the sale of alcohol there was no point in excluding that licensing activity as that would in effect close the premises. The committee did seriously consider the removal of the Designated Premise Supervisor but in view of the action taken by her that was not considered reasonable.

This is of course, a serious matter and revocation of the premise licence was considered but having taken into consideration all of the evidence the Committee have decided that one further chance should be given to enable the licence holder and the DPS to prove that the premises can trade responsibly.

However, criminal activity has taken place within the premises and therefore the Committee are disposed to:

1. Suspend the premise licence for a period of one month to enable the premises to embed the remedial actions proposed by the DPS.
2. In addition the Committee warn the licence holder and the DPS that any further breach of licence conditions could result in a further review of the premise licence and possible revocation thereof.

A written decision will be issued to that effect.

COUNCILLOR MRS JOAN WINFIELD
Chair