

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Wednesday, 8 February 2017 at 9.30 am in the executive meeting room, floor 3 of the Guildhall, Portsmouth.

Present

Councillor Julie Bird (in the Chair)

Councillors Ken Ellcome
Leo Madden

14. Appointment of Chair

Councillor Julie Bird was appointed chair.

15. Declaration of Members' Interests

There were no declarations.

16. Licensing Act 2003 - Summary Review Application - The Royal Standard, 20 Edinburgh Road, Portsmouth, PO1 1DE

PC Pete Rackham, representing the Chief Officer of Police, Hampshire Constabulary as the applicant was in attendance.

Mr Matthew Phipps representing Punch Taverns the premises licence holder, Mr Mark Bicknell (Partnership Manager for Punch Taverns) and Mr Sekip Esen Rende, DPS were also in attendance.

The hearing procedure for 'Reviews of premises licences' was followed.

The licensing officer introduced the report and explained that some additional representations had been received yesterday on the last day for receiving them. Copies had been sent to the committee, Punch Taverns and the Police. The licensing officer also explained that the interim conditions had been undertaken and PC Rackham had inspected the premises and was satisfied.

RESOLVED that the Committee agreed that given since the interim steps hearing and in considering all matters including evidence heard today about dialogue with the licence holders, the relevant DPS and the Responsible Authority as to a range of modifications to the current operating schedule the Committee were suitably impressed by this to the extent that they imposed a number of conditions.

REASONS: The Committee had carefully reconsidered the application from the Responsible Authority, the Police and had also reconsidered the representations received from the Licence holders and or through the representatives in attendance before the Committee today.

The Committee was engaged in reviewing the interim steps to address the immediate problems associated with the promotion of the relevant licensing objectives, that being the prevention of crime and disorder.

The Committee in dealing with the review must consider the application itself, hear the matter including all representations and thereafter consider if appropriate and proportionate what steps may be required which may include whether the current interim steps shall cease or should remain. Upon having heard the matter the Committee may deal with a range of steps as outlined in the report which could include: modifications to the licence, exclusion of a licensable activity, removal of the DPS, suspension of the licence for a period of 3 months or ultimately to revoke the licence.

Having heard the application and considered the evidence the following matters are accepted by the Committee as having been established upon a balance of probabilities and as such upon so being established the Committee is engaged and may sanction or impose steps in order to promote the licensing objectives, the facts as stated are set out below:

- That a very serious incident did occur on the 15th January 2017 and that since the summary review steps have been put in place to aim to address the issues and promote the relevant licensing objectives.
- The Committee now understand that there is a clear management role as between Punch Taverns and the DPS at the premises.
- The Committee accept the clear admissions made as to material failings of the DPS on prior occasions and recognise that a strong risk has been taken by the licensing holding company Punch Taverns.

The Committee was satisfied that the application was validly made and that the appropriate certificate had been prepared. In considering as the Committee must the relevant Statutory Guidance (Section 182 of the Licensing Act 2003) they are taken to paragraph 11.1 which sets out the review process as being a key protection for the community - they are entitled to look to the Police for input in respect to particularly the promotion of the licensing objective of prevention of crime and disorder, this said and whilst recommendations can be made by the relevant Responsible Authority the Committee are not bound to accept them and can depart exercising a discretion as to sanction or steps to be undertaken to promote any of the licensing objectives.

Such sanctions and or steps as are appropriate and proportionate should be aimed at addressing the cause or causes of the identified failings that lead to the instigation of the review in the first place.

Given that since the interim steps hearing and in considering all matters including the evidence heard today about dialogue with the licence holders, the relevant DPS and the Responsible Authority as to a range of modifications to the current operating schedule the Committee are suitably impressed by this to the extent that they would be prepared to accept/impose the following conditions:

- Those as stated in the annex to PC Rackham's letter of 2 February 2017 numbering 1, 2, 3, 4, 5, 6, 7, and 10.
- The Committee would amend condition 8 to impose the obligation to retain two SIA door staff for three months and thereafter to a minimum of one SIA staff member with a recommendation that additional security be employed if any appropriate risk assessment would suggest it is necessary.
- Condition 11 shall now start 'The licence holder and any DPS shall maintain a duty register giving details of each and every person, including the DPS, employed at the premises including all times of availability and absence and shall provide upon request such details to the Police or council officers as appropriate
- Condition 12 is deleted.
- Condition 13 shall remain save that the obligation to retain two members of staff one of whom shall be a personal licence holder will apply weekly from Friday 12noon until Sunday close of business and Bank Holidays if open.
- In the event of any incident happening the DPS shall report to any Responsible Authority and Punch Taverns such occurrence immediately.
- No sales of alcohol by way of off sales from premises.

The licence will be amended as above.

The Rights of Appeal are set out in the Licensing Officer's report.

17. Exclusion of the Press and Public

RESOLVED that the following motion was adopted:

"under the provisions of Section 100A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded for the consideration of the following item on the grounds that the report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972."

Agenda item and paragraph numbers:

Item 5 - Local Government (Miscellaneous Provisions) Act 1976 and/or Town Police Clauses Act 1847 - Mr T
(under exemption paragraph numbers 1, 2 & 3).

Exemption paragraph numbers 1, 2 & 3:

1. Information relating to an individual
2. Information that is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

18. Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 - Consideration of Private Hire Driver Licence - Mr T

RESOLVED that that Private Hire Driver Licence currently issued to Mr T be revoked with immediate effect.

The meeting concluded at 12.50 pm.

Councillor Julie Bird
Chair