

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Wednesday, 31 January 2018 at 9.30 am in the Executive Meeting Room, floor 3 of the Guildhall, Portsmouth

Present

Councillors Hannah Hockaday (in the Chair)

Gemma New
Steve Pitt

8. Appointment of Chair

Councillor Hockaday was elected as Chair for this meeting.

9. Declarations of Members' Interests

There were no declarations of members interests.

10. Licensing Act 2003 - Review Application - S2 Snooker Club, 223 Kingston Road, Portsmouth, PO2 7EG

The meeting was adjourned to start at 10.07am to allow Mr Chin to Lam sufficient time to attend and be assisted by Ms Bridget Wong - he confirmed that she would help translate where needed and present his case.

Derek Stone, Principal Licensing Officer, presented his report on behalf of the Licensing Authority.

PC Jason Pearce presented the review application on behalf of the police as a Responsible Authority, and some CCTV footage from the premises was viewed.

Nickii Humphreys, Licensing Manager, PCC presented her representation as a Responsible Authority.

(There were no interested parties.)

Mr Chin To Lam, assisted by Ms Wong, presented his case as the Premises Licence Holder.

The chair ensured that there was the opportunity for each of the parties to be questioned by each other.

There was also the opportunity to sum up by the Applicant for the review (the police), the responsible authorities (Licensing Manager) and finally the Premises Licence Holder.

Decision of Revocation

This matter had been referred to the Committee by the relevant Responsible Authority, the Police, and the Licensing Authority, who sought a determination before the Committee as to the appropriateness of the current licence being maintained based upon a range of material failings with respect to the following licensing objectives: prevention of crime and disorder, protection of children from harm and public safety. With respect to the Licensing Authority they asserted that the licence holder had failed to maintain any of the appropriate licensing objectives.

The Committee had heard and read the relevant representations of the Police and Licensing authority both relevant Responsible Authorities in respect to this application and had been advised as to the range of powers available under the 2003 Act, in addition the Committee had been advised as to the appropriate statutory guidance under Section 182 of the Act. In particular paragraph 11.17-11.19 of the guidance along with paragraphs 11.21-11.23.

The Committee considered the evidence offered by the police and in particular in support of the contention that the current licence be revoked is consistent with the promotion of the licensing objectives of the prevention of crime and disorder, public safety and protection of children from harm.

The Committee could see that the current licence holder and DPS has failed to engage with the Responsible Authorities and additionally that there were numerous incidents from 5th November 2015 and culminating in the very serious assault occurring on 12th November 2017 that were set out by the Police with commendable brevity and clarity clearly showing a continued pattern of inappropriate management or relevant promotion of the applicable licensing objectives. The Committee was also aware of the material breaches to the existing licence conditions (SIA staff, CCTV system, data retrieval and venue capacity).

In addition, the Committee heard the mitigation and comments as put forward by the licence holder Mr Chin To Lam.

The discretion of the Committee was engaged by reason of the review being requested.

The Committee having scrutinised the representations made by the relevant authorities were, on balance, entitled to look to the Police as being the main source of advice and guidance on matters relating to the promotion of the licensing objective (crime and disorder) and as such felt that they, the Committee members were able to accept the reasonable and proportionate representations made by the Police as being both accurate and clear.

Having heard the representations of the licence holder and having considered his written response to the Licensing Authority contained in the documents, the Committee was mindful of the following facts as having been established upon a balance of probability and further that they have specifically been taken to the relevant statutory guidance under Section 182 of the 2003 Act they were entitled, on balance, to conclude that the following facts had been established:

1. The Committee accepted that on 12th November 2017 a 17 year old was assaulted during an incident at the premises. The minor was in attendance at the premises in breach of the current licence both as to the age requirement and membership requirement (Annex1, conditions 1 and 2).
2. CCTV shown to the Committee showed general and large scale customer violence with inadequate SIA provision being evident to quell the violent behaviour.
3. It was self-evident that the level of risk assessment and security provision in place at the venue was neither existent nor an appropriate response and not as such consistent with functional management, thereby failing to promote any of the applicable licensing objectives.
4. It was clear that the abilities of the current DPS were not consistent with promoting any of the licensing objectives; the Committee could not see a basis/reason for considering the implementation of conditions as being something Mr Lam could comply with.

The Committee stated that each application for a review shall be considered on merit and with due consideration as to each specific set of facts.

RESOLVED - The Committee was not persuaded that the current licence holder is in any way able to work to the current licence and having considered all matters including the range and severity of all incidents of licensing breach, was of the opinion that the licence should be revoked with immediate effect.

(The responsible authorities and the licence holder have a right to appeal this decision.)

The meeting concluded at 1.36 pm.

Chair