

**MINUTES OF: LICENSING SUB-COMMITTEE
HEARING UNDER THE LICENSING ACT 2003**

DATE OF MEETING: 11th January 2024

PRESENT: Councillors Marriott (Chair), Neal and Thompson

**IN ATTENDANCE: Mr S Hussain, Legal Officer
Miss S Chadwick, Public Protection Manager
PS S Dundon, Responsible Authority (Applicant)
Mr L Barrett, Licence Holder
Councillor Kenyon (Public gallery)
Press**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

1.1 There were no apologies for absence.

2. CHAIRMAN'S INTRODUCTION

2.1 The Chair welcomed all parties to the meeting and asked members of the Sub-Committee and Council officers to introduce themselves.

3. DECLARATIONS OF INTEREST

3.1 No declarations were made.

4. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE FOR HASLINGDEN TRADES CLUB, 7 REGENT STREET, HASLINGDEN, BB4 5HQ

4.1 The hearing procedure was followed.

4.2 The Chair asked the applicant (the Police) and the licence holder to introduce themselves.

4.3 All parties attended the hearing with regard to the application for the review of a premises licence for Haslingden Trades Club, 7 Regent Street, Haslingden, BB4 5HQ.

4.4 All parties consented to a public hearing.

4.5 The Public Protection Manager presented the report.

4.6 The applicant (the Police) outlined their reasons for applying for a review of the premises licence.

4.7 Members asked questions of the applicant.

4.8 Clarification was provided.

4.9 The licence holder responded to the representations made by the responsible authorities.

4.10 Members asked questions of the licence holder.

4.11 Clarification was provided.

- 4.12 The applicant, licence holder and the Public Protection Manager left the room whilst the Committee deliberated.
- 4.13 The applicant, licence holder and the Public Protection Manager returned to the meeting for the announcement of the decision.

5. DECISION

- 5.1 After giving consideration to all the written and verbal representations made by the Responsible Authorities and Licence Holder, and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action on the review of the premises licence under Section 52(4) of the 2003 Act.

Resolved:

The licence would be suspended for a period of 30 days. In arriving at this decision, the Sub-Committee took into consideration that the licence holder had received a formal caution from the Licensing Authority on 16th August 2023.

The Sub-Committee considered the representations made in relation to the use of controlled drugs and under-age drinking at the premises. The Sub-Committee was not satisfied that there were sufficient policies in place for the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee considered that the protection of public safety objective had also been undermined due to the fact that alcohol had been served after hours on more than one occasion and other licensable activities had taken place after hours.

The Sub-Committee considered representations that anti-social behaviour had taken place which had caused a public nuisance.

Furthermore, the Sub-Committee considered that there was insufficient management control at the premises. As a result, the premises were operating without a licence for some time, it had operated beyond the opening hours and there was a lack of compliance with the premises licence and the licensing objectives on the part of the licence holder and designated premises supervisor (DPS).

The Sub-Committee removed the conditions offered as part of the operating schedule labelled as Appendix B in the report and replaced them with the following updated conditions.

Condition 1 (goes hand in hand with conditions 2 and 3):

Before any member of staff is authorised to sell alcohol from the premises, they must receive training in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the licensing objectives, licensing offences, age restricted product policies and signs of drunkenness.

Condition 2:

The premises licence holder must ensure that all staff receive refresher training in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the licensing objectives, licensing offences, age restricted product policies and signs of drunkenness.

Condition 3:

Training records must be documented and must be retained for a rolling period of 18 months. Such records must be made available for inspection by a Police Constable or Authorised Officer on demand and must be made available in a visible and legible form, or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form. Training records must be signed and dated by the person receiving the training and the trainer.

Condition 4:

A colour CCTV system will be installed in the premises and will display on any recording, the time and date of the recording and;

- The system will be operated during permitted hours authorised by the premises licence,
- The cameras shall be sufficient in number to view any area for licensable activity and any exit/entry and the area immediately outside the main entrance,
- Signs will be displayed in the premises to indicate that CCTV is in use and when dealing with incidents or unruly behaviour, staff shall indicate that CCTV is recording the incident,
- The system is kept in a working order, is checked regularly and any faults are rectified promptly,
- Images and recordings to be kept for at least 31 days and will be available to an Authorised Officer or Police Constable upon request, and
- The recordings can be accessed and downloaded to another removable device (eg, USB stick, DVD or similar).

Condition 5:

All persons purchasing alcohol who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:

- A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
- Photo driving licence
- Passport

Condition 6:

Posters shall be displayed in prominent positions around the till advising customers of the “proof of age” required under the “Challenge 25” policy at the premises. Such posters shall be capable of being easily read from the area immediately behind the bar where any customers would normally stand to order and purchase drinks from the premises.

Condition 7 (goes hand in hand with condition 8):

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

Condition 8:

Signage in font size of 32 or larger must be conspicuously displayed at the bar and all public exits advising customers that drinks are not permitted to be taken outside in accordance with the condition above.

Condition 9:

Prominent, clear and legible signage (in not less than 32 font) must be displayed at all exits from the premises requesting the public to respect local residents and to leave the area quietly.

Condition 10:

A refusals book shall be kept at the premises to record details of all refusals to sell alcohol and age restricted products. This book shall contain:

- The date and time of the incident,
- The product which was the subject of the refusal
- A description of the customer,
- The name of the staff member who refused the sale
- The reason the sale was refused.

This book shall be made available to Police and all authorised council officers on request. Nothing in this condition prevents the refusals book being maintained in electronic format. Where stored electronically, the records must be backed up on a regular basis and at least on a weekly basis.

Such book or logs shall be retained for a rolling 6 month period. This is defined as a period of 6 consecutive months determined on a rolling basis with a new 6-month period beginning on the first day of each calendar month.

Condition 11 (goes hand in hand with above condition 12):

The Designated Premises Supervisor shall regularly and at least monthly check the refusals book to ensure it is being consistently used by all staff. The designated premises supervisor shall sign and date when inspected.

Condition 12:

The consumption of alcohol on the premises shall cease at 23:30 Monday to Saturday and 23:00 hrs on a Sunday.

Condition 13:

An incident log (which may be electronically recorded) shall be kept at the premises, and made available on request to a Police Constable or Authorised Officer. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

Such logs shall be retained for a rolling 6 month period. This is defined as a period of 6 consecutive months determined on a rolling basis with a new 6-month period beginning on the first day of each calendar month.

Condition 14:

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

Condition 15:

A written code of conduct for employees which must suitably cover the areas of integrity, objectivity, confidentiality, professional behaviour and professional competence as well as disciplinary action for failure to comply with the code of conduct must be operated at the premises. Such policy shall be made available to a Police Constable or Authorised Officer of the Council upon request. Such policy must be implemented within 30 days of this determination hearing beginning on the day after the determination hearing is concluded.

Condition 16:

A written drugs policy which aims to prevent customers and/or staff from bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operated at the premises. This policy must be made available to a Police Constable or Authorised Officer of the Council upon request.

Condition 17:

A written drugs policy which aims to prevent customers and/or staff from bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operated at the premises. This policy must be made available to a Police Constable or Authorised Officer of the Council upon request.

A three-month inspection would take place by the Licensing Officer from the expiry of the suspension to be satisfied that the conditions and licensing objectives are being met.

Authorisation was given to the Licensing Officer to amend these conditions to be consistent with what has been agreed and the intentions.

This decision was made because the Sub-Committee were satisfied that these measures were necessary to satisfy the following licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm

5.2 A determination notice would be served on all parties in due course.

5.3 There was a right of appeal for all parties before the Magistrates' Court within 21 days of the date of service of the Determination Notice.

The meeting commenced at 10.00am and finished at 12.07pm