

EAST STAFFORDSHIRE BOROUGH COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the Meeting of the Licensing Act Sub-Committee held in the Meeting Room at the Brewhouse Arts Centre, Burton upon Trent on Thursday 1st March 2018.

Present:

Councillors B G Peters (Chairman), Mrs J Jones and S McKiernan.

Officers Present:

Mrs A Wakefield (Solicitor) and Mrs H Farman-McKenna (Licensing Officer).

91/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

92/18 **APPOINTMENT OF CHAIRMAN**

Resolved:

That Councillor B G Peters be appointed Chairman for this meeting.

93/18 **URGENT BUSINESS**

There was no urgent business brought forward to the Licensing Act Sub-Committee pursuant to Rule 12.

94/16 **APPLICATION TO VARY A PREMISES LICENCE – THE LOCOMOTIVE SPORTS BAR, 28 STATION STREET, BURTON UPON TRENT, STAFFORDSHIRE DE14 1AU**

(CE) The report of Chief Executive, regarding an application to vary a premises licence was considered.

Mrs Parmjit Kaur, the applicant, attended the sub-committee meeting and was accompanied by Mr Duncan Craig (Barrister) and Mr Spartaks Gilucis (Manager).

Ms Nicky Bills - Police Licensing Officer, Inspector Cooke (Staffordshire Police), attended the sub-committee meeting and was accompanied by Mr Charles Streeten (Barrister).

The sub-committee heard oral evidence from the following witnesses:

Mr Charles Streeten (Staffordshire Police Barrister)

Mr Duncan Craig (Barrister)

Mrs Parmjit Kaur (Applicant)

Mrs Helen Farman-McKenna (Licensing Officer)

Resolved:

The Chairman stated that the application before the sub-committee was to vary the premises licence at the Locomotive Sports Bar, 28 Station Street, Burton upon Trent. The sub-committee had been assisted by the detailed written statements provided by the parties and by the submissions of Mr Streeten on behalf of Staffordshire Police, and Mr Craig on behalf

of the Premises licence-holder. During the course of the hearing the applicant had amended the application, so the sub-committee were asked to consider an extension of hours to 3.00 a.m. with a condition that last entry to the premises would be at 2.30 a.m.

The premises is located within the Cumulative Impact Zone adopted by the Licensing Authority and is therefore subject to the special policy which creates a rebuttable presumption that an application of the type before the sub-committee would normally be refused unless it could be shown that the premises concerned would not add to the cumulative impact on the licensing objectives being experienced. As had been acknowledged in submissions, that this was not an absolute policy and where the effect of an application would not be to add to the cumulative impact, the application would be granted.

Mr Streeten had argued that if there was a likelihood of issues attributable to the extended hours then that would be contrary to the Council's Statement of Licensing Policy, and in particular it would be contrary to the Cumulative Impact Policy. He said that incidents at the premises were not necessarily a reflection of the manner in which the premises were run or managed – they were simply a function of the nature of the premises. He had contended that logic dictated that there will continue to be incidents as there currently were and that if the hours of operation were extended, then those incidents would happen later into the night. Mr Streeten said that this would undermine the reason why the Council had a Cumulative Impact Policy (CIP) and he further argued that the test in the CIP was not met. He also contended that it was for the premises licence-holder to demonstrate that there would not be additional issues at the premises – but that she had not done so.

Mr Craig had reminded the sub-committee that the CIP was not something which was absolute and that each case was to be assessed on its own merits. He had drawn the sub-committee's attention to the section 182 Guidance and in particular to 14.30 14.36, reminding them that "Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that were unlikely to add to the cumulative impact on the licensing objectives to be granted." Mr Craig had acknowledged that the Council's own policy broadly echoed those principles. He had also outlined his client's responsible approach to the conditions of her licence saying that all paperwork was completed on time; the premises hosts the Pub watch Scheme; six monthly training was delivered to all staff; a toilet attendant was employed to discourage drug usage in those areas of the premises; and he argued that the additional hour would not impact negatively on any of the licensing objectives.

In the course of the sub-committee's deliberations they had taken into account the fact that there were a large number of conditions on the premises licence, as the sub-committee would expect for a premises of this type – and they had also had regard to the measures in place to ensure compliance with those conditions. The sub-committee accepted that there was a means by which potential problems were identified, as well as mechanisms in place to manage them. The sub-committee noted that a number of the incidents cited in the Police's evidence were drawn from the premises' own records and that the incidents described were managed without the need for Police intervention.

The sub-committee were not persuaded by Mr Streeten's argument that any extension of hours whatsoever would inevitably result in an increased number of incidents, thereby undermining the licensing objectives. The sub-committee accepted Mr Craig's argument that it was possible for the premises licence holder to ensure that by reason of her good management practices there would be no additional cumulative impact on the licensing objectives.

The sub-committee commended the premises licence holder for her responsible approach to her licence conditions and the sub-committee viewed the 2.30 a.m. last entry as an additional positive step. The sub-committee granted the application to vary the premises licence as amended.

158/18 **EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:

That, in accordance with Section 100(A) (4) of the Local Government Act, 1972, the Press and Public be excluded from the Meeting during discussion of the following items as it would likely, in view of the nature of the business to be transacted or the nature of the proceedings that there would be disclosed exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated in brackets before each item number on the Agenda:

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – ALLURE,
6/8 STATION STREET, BURTON UPON TRENT, STAFFORDSHIRE DE14 1AN**

(CE) The report of Chief Executive, regarding an application to vary a premises licence was considered.

Ms Nicky Bills - Police Licensing Officer, Inspector Cooke (Staffordshire Police), attended the sub-committee meeting and was accompanied by Mr Charles Streeten (Barrister).

The sub-committee heard oral evidence from the following witnesses:

Mr Charles Streeten (Staffordshire Police Barrister)

Mrs Helen Farman-McKenna (Licensing Officer)

Resolved:

In view of the adverse weather conditions which prevented the premises licence holder from attending the hearing and with the consent of both parties the Members of the sub-committee agreed to adjourn the hearing of Staffordshire Police's application for a review of the premises licence at Allure, 6/8 Station Street, Burton upon Trent, Staffordshire DE14 1AN until 1.00pm on Wednesday 21st March 2018.

Chairman