

LICENSING SUB COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Monday, 16th April, 2018 at 10.00 am

Present: Councillor Mike Smith in the Chair;

Councillors David Griffiths and Christine Quinn-Wilcox (as substitute for Cathy Mason).

Apologies for Absence: Councillors Helen Hollis and Cathy Mason.

Officers Present: Julian Alison, Lynn Cain and Kieran Stockley.

LSC.3 Appointment of Chairman

RESOLVED

that Councillor Mike Smith be appointed Chairman for the duration of the meeting.

LSC.4 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

Councillor Christine Quinn-Wilcox declared a Non Disclosable Pecuniary/Other Interests regarding her current position as District Ward Councillor for Selston.

LSC.5 Hearing for Application for a New Premises Licence – Selston FC (Selston Sports Association)

The Chairman introduced himself and asked the Committee Members, officers and those parties present to introduce themselves.

In attendance were Mark Wilson, representative for Selston Football Club and Donald Basdell for Selston Town Cricket Club.

The Council's Licensing Team Leader outlined the application. He asked all present at the meeting to note that the table entry regarding Late Night Refreshment (both indoors and outdoors), as outlined on page 7 of the agenda, should read 23:00 hours and not 0:00 as stated.

The Chairman then invited Mark Wilson and Donald Basdell, the representatives on behalf of the Applicant, to put forward their case to the Sub Committee.

Following this and in accordance with adopted procedure, the Sub Committee Members and the Legal Officer were offered the opportunity to ask questions of the representatives for the Applicant for the purposes of lucidity and further explanation.

Due to the fact that no Interested Parties were in attendance at the meeting, the Legal Officer outlined the nature of the representation as received and questions were invited accordingly.

Finally, the Chairman invited the representatives for the Applicant to sum up their case.

The Chairman and Members of the Sub Committee then withdrew from the hearing in order to deliberate upon the application and representations made in respect of it.

The hearing was adjourned at 10.32 a.m.

The Chairman and the Sub Committee Members subsequently returned to the room and the hearing was reconvened at 10.55 p.m.

The Legal Officer delivered the Sub Committee's findings, the decision and reasons as follows:-

The Sub Committee had taken into account the evidence put before it at the hearing and also took into account the contents of the application and written representations.

Findings of the Sub Committee:

1. No representations were received from any Relevant Authority;
2. No representations were received from Nottinghamshire Police specifically in connection with anti-social behaviour or crime & disorder in the area;
3. The objection received was speculative and there was no evidence of anti-social behaviour or crime & disorder connected to this Premises;
4. There was no evidence to suggest that the Licensing Objectives would be undermined;
5. The Premises had been operating 7-8 functions per year for 10 years with no complaints received.

Reasons:

1. As to 1 and 2, the conditions proposed by Nottinghamshire Police and offered by the Applicant were appropriate for to the promotion of the Licensing Objectives;
2. As to 3, in the absence of the objectors, the Sub-Committee felt that the addition of a condition about signage should alleviate these concerns;

3. As to 4 and 5, the Applicant had evidenced and was willing to continue to work with the responsible authorities etc. to address any concerns relating to the promotion of the Licensing Objectives.
4. Licensing law is not the primary mechanism for the general control of Anti Social Behaviour but rather a part of a holistic approach to the management of the District.
5. There are other mechanisms available and in place for controlling problems of crime and disorder and public nuisance in the area.
6. If a Responsible Authority and/or Interested Party feel that the licence cannot be or is not being adhered to then a review application can be made to the Licensing Authority for the licence to be reviewed.

RESOLVED

that the decision of the Licensing Sub-Committee (in exercise of its powers delegated by Ashfield District Council as Licensing Authority) was to grant the application for a premises licence subject to the following conditions:

- A The mandatory conditions, the conditions offered by the Applicant (and agreed with Nottinghamshire Police), the conditions consistent with the Operating Schedule and the embedded restrictions on the use of the premises; and
- B The conditions as attached by the Licensing Sub Committee as a result of this hearing:

Agreed Conditions

CCTV

A CCTV system with recording equipment shall be installed and maintained at the premises. Cameras shall encompass all ingress and egress to the premises, the car park and all areas where the sale/supply of alcohol takes places. The CCTV equipment shall be maintained in good working order and:

- be of evidential quality;
- indicate the date and time;
- be retained for 31 days;
- All staff employed at the Premises shall be trained to use the system for viewing, playback and recording;
- The original images should be made available for inspection immediately upon request to Officers of responsible authorities;
- Copies of the recordings shall be provided in a format which can be viewed on readily available equipment without the need for specialist software.

Incident Log

An incident book or electronic record shall be kept to record all instances of crime, disorder and damage to the property. This book shall be made available for inspection and copying by the Police or any other authorised person upon request and all such books shall be

retained at the premises for at least 12 months.

Training

All members of staff shall be fully trained in the retail sale of alcohol. The training shall be on-going and each member of staff shall be reviewed every 6 months. All details of the level(s) of training will be recorded in an electronic or paper record. These records shall be made available for inspection and copying by the Police and/or any other authorised person from a responsible authority immediately upon request. All records should be retained at the premises for at least 12 months.

Challenge 25

A challenge 25 scheme shall be implemented and enforced at all times. Any person who appears to be under 25 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of photographic identification (e.g. passport, driving licence or PASS accredited card).

Signage

Challenge 25 notices shall be displayed in prominent places throughout the premises.

Additional Conditions:

Signage

Notices shall be displayed in prominent places including all ingress and egress to the premises and the car park advising all members/patrons to be respectful to residents and leave the premises/area in a quiet and orderly manner.

Considerations:

In making its decision, the Sub-Committee considered:

1. The report;
2. The submissions made by the Applicant;
3. The objection;
4. The District's Statement of Licensing Policy;
5. The Secretary of State's Guidance issued under s182 of the Licensing Act 2003 (April 2017);
6. The Relevant Legislation (inc. Licensing Act 2003 the Human Rights Act); and
7. The four licensing objectives, namely:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

Each objective being of equal importance.

On consideration of the submissions and by virtue of the guidance issued

under section 182 of the Licensing Act 2003 (April 2017) the Licensing Authority only imposed conditions which were offered by the Applicant and/or it regarded as necessary and proportionate for the promotion of the Licensing Objectives.

The Sub-Committee were satisfied that the conditions would address the concerns of the Interested Parties going forward.

If a Responsible Authority and/or Interested Party felt that the licence was not being adhered to then a review application could be made to the Licensing Authority for the licence to be reviewed.

Appeal

The decision to be notified to the parties in compliance with the legislation and regulations. The parties have a right to appeal against the decision to the Magistrates' Court within 21 days of the receipt of the notification of the decision.

The meeting closed at 10.55 am

Chairman.