

LICENSING SUB COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Wednesday, 31st July, 2019 at 10.00 am

Present: Councillor Warren Nuttall in the Chair;
Councillors Tony Brewer and Rachel Madden.

Apologies for Absence: Councillors Caroline Wilkinson.

Officers Present: Rachel Newton, Mike Joy and Julian Alison.

LSC.8 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations of interest were made.

LSC.9 Hearing for an Application for a New Premises Licence: Door 57, Nabbs Lane, Hucknall

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

In attendance were Mr. Brian Willows (Applicant) and Interested Parties Mr. Kevin Breedon and Mr. Mick Green.

The Chairman explained the procedure to be followed throughout the hearing.

The Licensing Team Leader then proceeded to outline the application for a Premises Licence.

The Chairman then invited the Applicant, Mr. David Willows, to put forward his case to the Sub Committee. Following this and in accordance with adopted procedure, the Interested Parties, Sub-Committee Members and Legal Officer were given the opportunity to ask questions of the Applicant for the purposes of clarity and further explanation.

Mr Kevin Breedon, representing the Interested Parties, was then invited to put forward his case, on behalf of himself and the local residents he was representing. Mr Breedon outlined the nature of the representations and concerns regarding the application for a new Premises Licence.

Following this and in accordance with adopted procedure the Applicants, the Sub Committee Members and Legal Officer were given the opportunity to ask questions of the Interested Parties for the purposes of clarity and further explanation.

Finally, the Chairman invited the Applicant and the representative for the Interested Parties to sum up their respective cases.

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 10.25 a.m.

The Chairman and Sub Committee Members subsequently returned to the room and the hearing reconvened at 10.50 a.m.

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

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 applicable under the Licensing Act 2003; and
- B.** The following conditions put forward by the Applicant following consultation with the Licensing Authority in the Revised Operating Schedule:
 - 1. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:
 - The need to ensure the responsible sale and supply of alcohol
 - The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage
 - The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years' old.

Records of the training programme shall be maintained and made available to Authorised Officers upon request.

The Premises Licence holder shall provide a "refresher" training

session to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every six months.

2. A Premises Daily Register shall be held at the premises. This Register shall be maintained for a rolling minimum period of 12 months, and shall record:
 - The name of the person responsible for the premises on each given day.
 - The name of the person authorising the sale of alcohol each day.
 - All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call.
 - Any refusals on grounds of age and/or intoxication (to include date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused)
 - Any calls to or visits by Nottinghamshire Police or the Licensing Authority in relation to any crime and disorder / public nuisance or like related matter.

The Designated Premises Supervisor shall check the Premises Daily Register on a weekly basis ensuring that it is completed and up-to-date, sign the Premises Daily Register each time that it is checked, and make the Premises Daily Register available for inspection by any Authorised Officer throughout the trading hours of the premises.

3. The premises shall implement written policies and procedural statements and/or management action plans. Such documents shall include, but not be limited to, the following:
 - Safeguarding Children & Vulnerable Adults
 - Responsible Service of Alcohol
 - Underage Sales and False Identity
 - Acceptable Form of Identification
 - Challenge “25”
 - Zero Tolerance of Drugs

The above policies and procedural statements shall be “live” documents, subject to amendment following consultation with the Licensing Authority, Environmental Health Department, and Nottinghamshire Police.

4. The Premises Licence holder shall ensure that all staff employed at the premises are aware and understanding of the policies / procedures referred to at Condition 3 and the content of such policies and procedures and that they carry out their duties in

accordance with them.

Any necessary and justifiable deviation from those agreed shall be fully documented within the Premises Daily Register.

5. A CCTV system shall be installed and operative in the premises when licensable activities are taking place. All recordings used in conjunction with CCTV shall:

- Be of evidential quality
- Indicate the time and date
- Be retained for a period of 31 days

Recordings to be made available for inspection to the Police or any other authorised person when requested.

6. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage, other than to any external area owned or legally occupied by the Premises Licence Holder.
7. A "Challenge 25" scheme shall be in operation at the premises, as detailed within the Operation Policies document, and when events are held at the premises consisting of licensable activities, "Challenge 25" notices shall be displayed in prominent positions within the premises.
8. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises.

Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

9. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces

Reasons

The Sub-Committee's reasoning behind its decision was based on it being satisfied that:

1. The granting of a premises licence with conditions supports the licensing objectives.
2. Granting a premises licence with conditions allows the licensing authority to exercise more control over the premises and address some of the concerns raised by the Interested Parties.

3. 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.
4. There are other mechanisms available and in place for controlling problems of anti-social behaviour and/or public nuisance in the area.
5. The Applicant confirmed that he does not currently intend to serve food on the premises which addresses some of the concerns raised by the Interested Parties. This type of establishment is likely to attract a different clientele than nearby venues meaning it is less likely that there will be largescale movement of patrons between nearby premises later at night.
6. Some of the concerns raised by Interested Parties were in respect of an unrelated Licensed Premises in the vicinity. Where allegations of specific activities or behaviours which undermine the licensing objectives are associated with the running of another venue they must be addressed by reference to that venue's Premises Licence and should not affect this Licence Application which must be considered on its own merits.
7. The Applicant is willing to work with the community, responsible authorities and Licensing Authority to address any concerns relating to the promotion of the Licensing Objectives.
8. If an Interested Party feels that the license cannot be, or is not being, adhered to, or that the Licensing Objectives are being undermined in any way, an application can be made to the Licensing Authority for the license to be reviewed. At a review hearing it is open to the Licensing Authority to impose additional conditions on the Licence or to revoke the Licence if necessary.

The Sub-Committee considered all the evidence carefully including the representations made by the Applicant and the Interested Parties. The Sub-Committee took into account the District's Licensing Policy, the Secretary of State's Guidance issued under s182 of the Licensing Act 2003, the Human Rights Act and 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.

Appeal

The decision would 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 10.52 am

Chairman.