

Licensing Act 2003 Sub-Committee

Tuesday, 25 August 2009

Present: Councillor Keith Iddon (Chair) and Councillors John Walker and Stella Walsh

09.LAS.07 APOLOGIES FOR ABSENCE

There were no apologies for absence.

09.LAS.08 DECLARATIONS OF ANY INTERESTS

None of the Sub-Committee Members declared in the principal agenda item under consideration.

09.LAS.09 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENSING ACT 2003 (PREMISES ASSOCIATED WITH SERIOUS CRIME OR DISORDER)

The Sub-Committee considered an application under Section 53A of the Licensing Act 2003 for a summary review by Lancashire Police in relation to the premises known as The Clayton Brook.

The Sub-Committee considered relevant legislation and the guidance issued by the Department for Culture, Media and Sport in relation to Expedited/Summary Licence Reviews.

The Sub-Committee noted the seriousness of an incident which took place on 23 August 2009, and had been satisfied that the premises was associated with both serious crime and serious disorder.

The Sub-Committee heard from the Premises Licence Holder's solicitor that the incident had been an opportunistic attack. However the Sub-Committee noted the use of weapons which suggested an element of pre-meditation.

The Sub-Committee noted with concern the repeated absences of the Designated Premises Supervisor (DPS). Although the Sub-Committee sympathised with the DPS's personal circumstances and his bereavement, they considered personal factors could not be allowed to seriously prejudice the licensing objectives.

The Sub-Committee had also been concerned about the police evidence of lack of co-operation from members of staff at the premises regarding the incident. From Police evidence the Sub-Committee considered that there would have been a risk of reprisals if the premises remained open. The Sub-Committee noted that the parties involved in the incident were local to the area and concluded that there was a real risk of a recurrence of serious crime and disorder at the premises.

The Sub-Committee did not consider that the imposition of conditions was a practical way of preventing the recurrence of serious crime and disorder at the premises in the immediate future.

Given the weaknesses in the management of the premises the Sub-Committee had not been confident that a recurrence of serious crime and disorder could have been prevented by the DPS barring the families concerned.

At the conclusion of their deliberations, the Sub-Committee **RESOLVED - that the premises licence be suspended with immediate effect pending a review of the licence within 28 days.**

The Premises Licence holder was advised that he may make representations against these interim steps. On receipt of representations the Council must hold a hearing within 48 hours of receipt to consider whether the interim steps should continue.

Chair