

LICENSING ACT 2003 SUB-COMMITTEE

Tuesday, 25 August 2009

Application for the review of a premises licence under Section 53A of the Licensing Act 2003 (premises associates with serious crime or disorder)

Decision Notice

This is 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 have considered the relevant legislation and the Guidance issued by the Department for Culture, Media and Sport in relation to Expedited/Summary Licence Reviews.

The Sub-Committee note the seriousness of the incident on 23 August 2009. The Sub-Committee are satisfied that the premises are associated with both serious crime or serious disorder.

The Sub-Committee heard from the Premises Licence Holder's solicitor that this was an opportunistic attack. However the Sub-Committee noted the use of weapons which suggests an element of pre-meditation.

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

The Sub-Committee were also concerned about the police evidence of lack of co-operation from members of staff at the premises regarding the incident.

The Sub-Committee considered the police evidence that there was a risk of reprisals if the premises remain open. The Sub-Committee note that the parties involved in the incident are local to the area and conclude that there is a real risk of a recurrence of serious crime and disorder at the premises.

The Sub-Committee do not consider that the imposition of conditions is 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 are not confident that a recurrence of serious crime and disorder could be prevented by an undertaking by the DPS to bar the families concerned.

The decision is that the premises licence will be suspended with immediate effect pending a review of the licence within 28 days.

The premises licence holder 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