

STATUTORY LICENSING REGULATORY BOARD SUB-COMMITTEE

26th August, 2011

1. **Present:-** Councillors Wilson (Chairman), Noble & M Sheard.

2. **Appointment of Chairman**

RESOLVED that Councillor Wilson be appointed Chairman of this Regulatory Board Sub-Committee hearing.

3. **Declarations of Personal Interest**

There were no declarations of personal interest from Members in respect of items on this agenda.

4. **Exclusion of the Public and Press**

RESOLVED that the public and press be excluded from the meeting during the consideration of the following item because of the likely discussion of exempt information as defined by Paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

5. **Expedited Review of Premises Licence – The Old Post Office, Huddersfield Road, Barnsley**

The Panel was asked to consider a request for a expedited review of the Premises Licence in respect of The Old Post Office, Huddersfield Road, Barnsley in accordance with Section 53A of the Licensing Act 2003.

It was reported that on the 25th August, 2011 an application had been received from the South Yorkshire Police for an expedited review to be held to review the premises licence in respect of The Old Post Office.

The existing premises licence was issued in the name of Mr B W and a copy of the current licence detailing the licensable activities, conditions attached to the licence and opening hours was circulated at the hearing.

The Sub Committee was also reminded that an application for a variation of the licence had been considered by a Sub Committee of the Statutory Licensing Regulatory Board on the 6th June, 2011 which had been granted subject to conditions. In summary, this would enable one 'large scale' outdoor event to be held each year.

The application for the expedited review had been submitted based upon certain events over the last 12 months which had culminated in a number

of alleged incidents occurring on the 24th August, 2011 details of which were outlined.

In connection with the above, the Panel were presented by Ms. KG with a schedule of incidents that had come to the attention of the Police at or in the vicinity of the premises during 2010/11 (18th September, 2010, 31st May and 24th August, 2011) on the basis of which the Police were requesting the Sub Committee to remove all regulated entertainment from the current licence.

The Licensee, Mr BW, the Designated Premises Supervisor Mrs W attended the meeting and were represented by Mr C G (Solicitor) who They submitted that the incidents occurring on the 18th September, 2010 and the 31st May, 2011 had been considered by a Statutory Licensing Regulatory Board Sub Committee at the time of the variation request which had subsequently been granted. They felt, therefore, that incidents occurring on these dates should be discounted. With regard to the incidents occurring on the 24th August, they questioned the 'severity' of the Crime and Disorder said to have occurred and outlined the steps that had been taken to address the types of issues that had been identified. They made particular reference to the 'large scale' event planned for the 10th September, 2011 which was being organised in accordance with the conditions imposed by the Licensing Authority as part of the licence variation approved on the 6th June. This was being organised by 'external' promoters and the steps being taken to address potential issues were outlined. The Licensee and his representatives stressed the importance of event being allowed to continue in the light of the severe financial implications this would have if it were to be cancelled. They reported that, pending a full review of the licence (and without prejudice), they might be willing to consider some form of interim steps being taken which would result in the removal of regulated entertainment "provided that:

- This did not preclude the playing of background/incidental music which was not licensable
- The proposed restriction on regulated entertainment did not apply to persons attending pre-booked private functions held in the function room
- No interim steps were taken to preclude the 'large scale externally organised event planned for the 10th September."

It was also claimed however that there were currently no proposals to organise further 'Tuesday night' events in 2011 similar to the one held on the 24th August, 2011.

The Sub Committee was being asked by the Police to impose interim measures pending a full review of the licence which would have to be held within 28 days of the receipt of the application. The Sub Committee noted the options available to it in the light of the evidence presented which, in summary, were as follows:

- Take no action
- Modify the conditions of the premises licence
- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor
- Suspend the licence

The presentation of the evidence engendered a full and frank discussion of all the issues raised and questions of a detailed and general nature were raised and answers were given to members questions where appropriate.

After considering all the evidence presented, it was unanimously:-

RESOLVED that in the light of the evidence presented and the representations made, no action be taken in respect of the Premises Licence pending a full review at a meeting of the Sub Committee to be held at 3.00 pm on Wednesday 21st September, 2011.

The grounds for this decision were as follows:-

- At a variation application hearing on the 6th June, 2011 the Sub Committee heard evidence relating to the matters set out in the first and second paragraphs of the report presented today (incidents on the 18th September, 2010 and the 31st May, 2011) and heard evidence from the Police. The Sub Committee approved the application which would allow the 'externally organised' event on the 10th September, 2011 to go ahead subject to the imposition on the licence of strict conditions which were considered to be necessary and adequate to ensure that any potential drug related and other problems would be avoided or minimised..
- The Sub Committee in determining this application for an expedited review was therefore only concerned to consider whether any subsequent events should cause a reconsideration of that previously determined position. Effectively, this meant the incidents alleged to have occurred on Tuesday 24th August 2011.
- The Sub Committee was mindful that the stringent conditions that had been applied to the 'external event' to be held on the 10th September did not apply to the event held on the 24th August and that their application would on the balance of probabilities have been effective against the types of incidents alleged to have occurred on that date
- The Sub Committee was not satisfied that there was sufficient evidence of **Serious Crime** (as defined for the purposes of Section 53A of the Licensing Act 2003 by reference to section 81 of the Regulation of Investigatory Powers Act 2000) having occurred on the 24th August to warrant taking any further measures.

- The Interim application to remove all regulated entertainment from the licence was, therefore, refused
- There were, however, grounds for concern over the running of the Tuesday night events, therefore, pending a full review of the licence, the Sub Committee approve the measures volunteered by the Premises Licence holder's solicitor, namely
 - The operating Schedule will be amended to the extent that there will be no further 'Tuesday student night' events of the type held on the 24th August (whether on a Tuesday or otherwise). However this will **not** prevent:
 - The playing of background/incidental music;
 - The holding of any pre-booked private functions held in the function room; or
 - the holding of the 'externally organised' event planned for the 10th September, 2011

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Chairman