

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 19 November 2014

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10 am

Present: Councillors: Pauline Bradberry JP
Glenvil Greenwood-Smith
Richard Gell

Also present:

Julia Smith
(Health Protection Manager)
Rita Groves
(Licensing Enforcement Officer)
PC Kevin Murphy
Mr Steve Burnett

Mr Christopher James
Mebs Kassam
Barbara Wiggins

Representing

East Northamptonshire Council

East Northamptonshire Council

Northants. Police Licensing Unit
Solicitor acting on behalf of Rushden Band
Club

Representative

Legal Advisor to the Panel

Democratic Services Officer

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenvil Greenwood-Smith be appointed Chairman of the Panel for this hearing.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

No Declarations of Interest were noted.

4. APPLICATION FOR A REVIEW OF THE CLUB PREMISES LICENCE FOR RUSHDEN TOWN BAND CLUB, 76 STATION ROAD, RUSHDEN, NN10 9SG

Mrs Julia Smith, the Health Protection Manager, reported on an application to review the Club Premises licence at Rushden Town Band Club, 76 Station Road, Rushden, NN10 9SG.

An application to review the Club Premises Certificate at the Rushden Town Band Club was received on 30 September 2014 from the Police. The appropriate Blue notice had been displayed on the premises during the required consultation period.

The matters for which a review to the Club Premises Certificate was sought related to the prevention of crime and disorder. The main reason for the review request was breaches of the licensing legislation and conditions of operation imposed by the Club Premises Certificate.

The following representations had been received following consultation:

- East Northamptonshire Council's Licensing Enforcement Officer,
- Members of the public

The representation received from the Licensing Enforcement Officer supported the review application. The representation related to concerns with respect to compliance with the Club Premises Certificate and its conditions.

The representations received from the public supported the Club and its contribution to the local community and to those that utilised the facilities.

Evidence from the Police

PC Kevin Murphy had attended to represent Northamptonshire Police. The Review had been called because of a tragic incident which had taken place at the premises on 20 September. PC Murphy confirmed that the premises did not have a history relating to crime and disorder. PC Murphy also confirmed that he was not at liberty to disclose any information relating to the incident because of ongoing investigations.

There had been a breach of licensing conditions which PC Murphy had witnessed during a pre-arranged visit to the premises on 23 September with the East Northamptonshire Council's Licensing Enforcement Officer (LEO), Mrs Rita Groves, and another local Police Constable. On arrival at the premises at 10.15am it was apparent that alcohol had been served to a small number of members of the Club, although licensing conditions stipulated that alcohol should not be served before 10.30am.

Other breaches of the licence included:

- No working CCTV camera to monitor arrivals and departures
- The two committee members present had no knowledge of any of the four Licensing Objectives
- There was no signage relating to the selling of alcohol and the "protection of children"
- No up to date copy of the signing in book for Members and guests

PC Murphy also noted a concern regarding the rear door of the property and the ease of access to an upstairs room that the Club used for private functions.

PC Murphy advised the Panel that a meeting had been held with Club committee members, the Solicitor acting on behalf of the Club, the Police and East Northamptonshire Council and confirmed that the Club had responded positively to proposals for new conditions relating to the licence.

Questions to the Police

There were no questions

Evidence from representative Mrs Rita Groves

Mrs Groves confirmed that a visit had taken place with the Police to the Rushden Band club premises. Mrs Groves noted the individuals already drinking in the bar area. It was also noted that during discussions, it appeared that non-members had attended functions in an upstairs function room, without being signed in, in which case a Temporary Event Notice should have been arranged. Mrs Groves also noted the easy access problems with the rear door to the premises and the lack of appropriate signage.

Mrs Groves advised the Panel that the Club intended to vary the timings on the club premises licence in the future and obtain a TENs licence when private functions were held in the upstairs function room.

Questions to the LEO

There were no questions.

Evidence from the Club's Solicitor

Mr Steven Burnett advised that he would be representing the Rushden Town Band Club. Mr Burnett informed the Panel that the Club regretted the position in which they had found themselves. Mr Burnett noted that the Club was grateful to the Police for confirming that the incident did not happen as a result of poor management. Members had shown their support for the Club by attending the Panel Hearing.

The Club had been in operation for over 120 years, had a membership of just under 500 and was managed by volunteers. The Club contributed to a number of local charities and it catered for everyone, from individual members to families. The breaches of the licence had not been deliberate however, it was accepted that training on licensing issues would be appropriate and this had been arranged for January 2015.

Mr Burnett confirmed that a visit from the Police and the Council's LEO had taken place to discuss breaches of the licence. The individuals who had been served alcohol at that time were older members of the Club who used the venue to socialise and read their daily newspapers. It was accepted that they were served against the law. For that reason discussions had taken place with a view to formulating further conditions to the licence which would be appropriate for the Club and because no issues had shown up at the premises in the past, Mr Burnett submitted that the new list of conditions was the appropriate way forward.

Questions to the Club's Solicitor

Following a question from the Panel about access through the fire door, Mr Burnett advised that various ways had been discussed and it had been decided to use either security personnel or a Committee Member to monitor access through the rear door. There was also the option of using an electronic keypad to enter.

In response to further questioning from the Panel, Mr Burnett confirmed that all those present at the meeting on 23 September had agreed to the licensing conditions as set out.

At 10.32 am the Panel adjourned to make their decision.

The Panel returned at 11.32am to announce their decision

RESOLVED

The Licensing Panel has considered this application for a Review of the Club Premises Certificate for The Rushden Town Band Club. The review was called for by the Police and the Panel has taken into account the representations made by the Police, ENC's Licensing Enforcement Officer, the respondent's solicitor, a verbal statement by Mr Christopher James in support of Mr Burnett's submission, and also considered written statements in support of the above premises, and all relevant representations, evidence and documents submitted at the hearing.

After careful deliberation and consideration of the Licensing Objectives, ENC's AStatement of Licensing Policy; Guidance issued under Section 182 of the Licensing Act 2003, subsequently updated October 2014. The main consideration was the prevention of crime and disorder.

The Licensing Panel having considered all the above, are of the unanimous view, that on a balance of probability the Rushden Town Band Club have not promoted the licensing objective of preventing crime and disorder. The Panel are concerned that it appears the club has been operating for some time in contravention of the conditions set out in the Club Premises Certificate.

The Panel are also concerned that the senior committee members of the club were not aware of the licensing hours for the club, or any of the four Licensing Objectives.

The Panel are also concerned that the first floor function room was being used without the necessary Premises License or TENS, and also that it could be accessed from outside without the need to pass through a supervised area. This means that when club functions are held upstairs, any member of the public can gain uncontrolled access to the first floor. This lack of control has the potential to lead to incidents of crime and disorder.

The Panel are of the unanimous view to modify the conditions on the Club Premises Certificate as follows:-

The Panel stress that Rushden Town Band Club's Operating Schedule shall remain as is; save for the modification of Condition 1 headed **General** to agreed conditions 1, 2, 3 and 4 in respect of CCTV.

The Panel also imposes the nine conditions, as have been agreed by the Police, ENC's Licensing Enforcement Officer and the Rushden Town Band Club's representative as documented and submitted to this hearing. The Panel particularly note that training will take place for staff and committee members in January 2015. The Panel also note that the rear fire door leading to the smoking area; will be controlled in such a way so as to prevent unauthorised access to the building by members of the public.

The reasons for the decision are

1. The prevention of crime and disorder, and the evidence of the Police and ENC's Licensing Enforcement Officer.
2. The noted breaches of the Club Premises Certificate conditions

The Panel took legal advice in respect of

- 1 The correct legal test to apply for such hearings.
- 2 Section 182 Guidance
- 3 The options available to the Panel

The Decision Notice will be sent out in writing. If any Party, Applicant or Objector who has made a representation, is aggrieved with the Panel's decision, they have the Right to Appeal to the Magistrates Court. That must be done within 21 days of the date given on the Decision Notice.

Councillor G Greenwood-Smith - Chairman

19 November 2014

Chairman