

LICENSING PANEL

Date: 30 October 2009

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:00am

Present: Councillors: -

Glenn Harwood (Chairman)
Peter MacGovern

Brian Northall

PART A ITEMS

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

2. DECLARATION OF INTERESTS

No interests were declared.

3. MINUTES

The minutes of the meeting held on 3 July 2009 were approved and signed by the Chairman.

4. REVIEW OF THE CLUB PREMISES CERTIFICATE AND PREMISES LICENCE FOR THE IRTHLINGBOROUGH TOWN BAND CLUB

The Licensing Officer reported on an application for a review of the existing Club Premises Certificate and Premises Licence for the Irthlingborough Town Band Club under the Licensing Act 2003.

The Review had been requested by the Police under the crime and disorder, public safety and protection of children licensing objectives of the Act. The grounds for the review resulted from a combination of continuing levels of reported incidents and complaints from the public, together with evidence of a failure on the management to run the premises in a fair and lawful manner.

The statutory bodies had been consulted and representations were received from Northamptonshire Fire and Rescue Service, Environmental Services and one local resident in support. The Police had recommended that extra conditions be imposed on the Licence if approved. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as Appendix 1 to these minutes at page 6 below).

PC Andy Glover, representing the Police Licensing Unit, spoke in support of the review. The

Police had requested the Review mainly because of the number of incidents that the Police had dealt with at the Club over the past two years and the serious nature of some of these incidents. The management of the Club appeared to have a disregard for licensing law and had not been co-operative with the authorities in resolving the perceived problems at the Club. A request to remove the current Designated Premises Supervisor had also been ignored by the Club. PC Glover recommended that the Premises Licence should be revoked and the Club Premises Certificate be suspended for a period of time deemed appropriate by the Panel. He made a number of other suggestions to prevent future incidents at the Club and to ensure that the Club's management accepted their responsibilities under the Licensing Act.

Vicki Potter, a Special Constable, spoke confirming that she had been assaulted whilst attending an incident outside the Club on 14 June 2009.

Tom Morrissey, East Northamptonshire Council's Licensing Enforcement Officer, confirmed a number of points made in his submitted statements. Amy White, a Technical Officer at the Council, spoke about the health and safety inspection she had undertaken at the Club in September and the work required to comply with safety regulations.

The Panel noted the comments made by Northamptonshire Fire and Rescue Service about the fire safety issues at the Club.

Stephen West, the Club's President, spoke objecting to the Review. The Club provided an important social facility for the local community. He said that the Club was well run and that the incidents reported by the Police often originated elsewhere in the Town. No underage drinking was allowed and the Club's management carefully controlled who entered the premises. Work was currently being undertaken to ensure that the Club complied with licensing and safety regulations and included the installation of new CCTV equipment and alarm system. The Club was making efforts to co-operate with the Police and other authorities and that there had been no reported incidents at the Club over the last two months. He asked that the Club's Premises Licence should not be revoked and that no additional conditions be imposed on the Club Premises Certificate.

Philip Hullat and Mr Berwick, both members of the Club, also spoke objecting to the Review.

The Panel asked Mr West and PC Glover a number of detailed questions about their submissions and asked them to sum up their cases.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the Solicitor to the Council, the Panel retired to consider the application and evidence presented, and it was

RESOLVED:

That Irthlingborough Town Band Club's Club Premises Certificate be suspended for one month with additional conditions imposed on the Certificate (see pages 4 and 5 below); the Club's Premises Licence be revoked; and that Mary Ann Turiccki, the Club's Designated Premises Supervisor be removed from this position with immediate effect.

The Chairman read out the following statement giving the reasons why the Panel had taken the above decisions: -

"The Licensing Panel has considered the applications for a review of both the Club Premises Certificate and the Premises Licence for the Irthlingborough Town Band Club. The Panel

took into account the Licensing Officer's report, the Fire and Rescue Service's inspection report, the ENC Environmental Service's health and safety inspection report, the written and verbal evidence provided by the Police and representations both supporting and objecting to the reviews.

After careful deliberation and consideration of the Licensing Objectives, East Northamptonshire Council's Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003, the Panel had reached the following decision.

(a) Review of the Premises Licence

1. The Premises Licence be revoked.

Reason - Evidence presented to the Panel demonstrated there had been many incidents requiring Police attendance. The Panel believed that most of these incidents had breached all **four** of the licensing objectives.

There were a number of incidents of fights and/or assaults recorded in the Police's statement. In particular, the Panel found the following incidents directly related to the operation of the premises:

Incidents – (755) dated 2 February; (810) dated 17 May; (818) dated 18 October; (735) dated 15 March 2008; (6 and 16) dated 14 June; and (34) dated 30 August 2009.
Crime Reports – NB/8027/09 and NB/10189/09.

In addition, Special Constable Potter gave evidence that she had been a victim of an assault whilst attending a reported incident at the Club on 14 June 2009. In the Panel's view the above incidents demonstrated that the licensing objective "the prevention of crime and disorder" was not being complied with.

The Panel recognised that a number of the reported incidents had occurred prior to the issuing of the Premises Licence in July 2009. However, the Panel took into account that there had been no change of management at the time and concluded that such incidents were likely to occur again.

The Fire and Rescue Inspection report and the East Northamptonshire Council environmental health and safety inspection report made it clear that scant regard had been given to the second licensing objective of public safety.

Many of the recorded incidents involved a large number of youths being outside the Club according to the evidence (namely ICI 6 - 14 June 2009; 734 – 21 March 2008; and 810 - 17 May 2008), provided by the Police. These large groups of youths had often been rowdy, resulting in anti-social behaviour, which did not comply with the third licensing objective; the prevention of public nuisance.

The Panel were particularly concerned at the number of incidents involving young people under the age of 18. The Panel noted the Police's concerns about this issue and took into account the letter from the Police Licensing Unit bringing this matter to the attention of the Licence Holder. The letter also formally warned the Licence Holder that any future incidents of this nature could trigger a Review of the Licence. The significant number of these incidents suggested to the Panel that the fourth licensing objective; the protection of children from harm, was not receiving due regard.

It was for all of the above reasons that the Panel had decided to revoke the Premises Licence.

(b) The Designated Premises Supervisor

With immediate effect, because the Panel had revoked the Premises Licence, Mary Ann Turiccki, the Designated Premises Supervisor (DPS) of the Irthlingborough Town Band Club, be removed from this position.

The Panel was convinced by the amount of evidence presented to it by the Police Licensing Unit and from individual witness statements that the current Designated Premises Supervisor (Mary Ann Turiccki) had failed in almost every respect to take her duties and responsibilities seriously. She was reported as having been deliberately obstructive and unhelpful, frequently intoxicated and under the influence of alcohol. It was considered that when in this condition, the DPS would be incapable of managing situations correctly and was in direct breach of the condition imposed on the Premises Licence which stated that "the Licence Holder is to ensure no member of the bar staff consume alcohol during their on duty hours".

(c) Review of the Club Premises Certificate

The Panel believed there was enough evidence from the Police, the Licensing Enforcement Officer, the Fire and Rescue Service and East Northamptonshire Council's Environmental Services, that the Club's Committee had failed to run the premises properly.

Whilst the Committee had begun to address some of the deficiencies, there was still some way to go. Therefore, the Panel had decided to suspend the Club Premises Certificate for a period of one month, which would allow the remaining changes and improvements required by the Fire and Rescue Service and Environmental Health to be implemented.

The Panel also required the existing additional conditions of the Premises Licence to be transferred to the Club Premises Certificate, with the exception of the requirement for SIA door supervision.

The Club Premises Certificate shall be altered in order that there was a reduction of opening hours by one hour and that the premises were to be closed and secure by 23:00 hours daily Monday to Sunday.

The Panel noted that many of the reported incidents occurred at around midnight and believed that slightly earlier closing would prevent further incidents.

Reason – The prevention of crime and disorder and the prevention of public nuisance.

The Club shall introduce membership cards which should show, as a minimum, the following information - name, date of birth and image of the holder. The card had to be made available for examination upon request by any police officer, or local authority officer, or other member. The cards shall be introduced by no later than 31 January 2010.

Reason - The protection of children from harm and the prevention of crime and disorder.

The Licence Holder shall ensure that all staff members received suitable training in identifying conflict behaviour; how to resolve conflict behaviour; and to make available to the Licensing Authority the documentary evidence to prove such training was compliant with this condition. All staff should receive this training by no later than 31 January 2010.

Reason - The prevention of crime and disorder.

The Licence Holder shall introduce a refusals book both for “refusal of entry” to the Club and when “refusing to dispense alcohol in accordance with the Challenge 21 Scheme.” These books were to be made available for examination upon request by any police officer, local authority officer, or other authorised person. The books shall be introduced by no later than 1 December 2009.

Reason - The protection of children from harm and the prevention of crime and disorder.

The Panel advised the Club’s Committee to recognise there were issues with the Irthlingborough Town Band Club that conflicted with the four licensing objectives. The Panel also advised the Committee to take this into account when appointing senior members of the Club. In particular, the Panel recommended that the Committee should consider that the President of the Club was also a Personal Licence Holder.

The Panel welcomed the efforts the Club had made recently to improve the situation and reminded them further infringements or breaches of the licensing objectives could result in a further review”.

The Chairman mentioned that the Panel’s decision would be sent in writing to the Club within 21 days and that they would be advised about their right of appeal to the Magistrates Court if they were aggrieved with the Panel’s decision.

Chairman

**REVIEW OF THE CLUB PREMISES CERTIFICATE AND PREMISES LICENCE FOR THE
IRTHLINGBOROUGH TOWN BAND CLUB**

The representations received had been analysed by the Licensing Officer and extracts placed under the relevant licensing objective: -

Public Safety

(a) Northamptonshire Fire and Rescue Service

The premises had been inspected on 5 August 2009 and a number of fire safety deficiencies were recorded, these were management based deficiencies and show that the premises were poorly managed with regards to fire safety.

(b) Environmental Services

The premises were inspected for health and safety on 30 September 2009. There were a number of infringements identified from that visit and these should be taken into account when considering this review.

Representation from a local resident in support of the Club.

The representation received from the local resident stated that they had not heard of any problems associated with the Club and had witnessed the Club enforce the rules around alcohol sales without ID, stopped serving those who had had too much to drink and asked people not to cause a nuisance as patrons left the premises.