

Meeting Commenced:
Meeting Adjourned:
Meeting Reconvened:
Meeting Finished

GENERAL LICENSING SUB-COMMITTEE

3 March 2015

Present: Councillors Barker, Hezelgrave and Redfern

26/14 Appointment of Chair

Resolved to appoint Councillor Barker as Chair of the General Licensing Sub Committee.

27/14 Apologies

There were no apologies.

28/14 Late Items to be Introduced by the Chair

There were no late items.

29/14 Declarations of Interest

There were no declarations of interest.

30/14

The Sub-Committee has considered an application for the summary review of a Premises Licence for these premises under section 53A of the Licensing Act 2003 (premises associated with serious crime, serious disorder or both).

The Sub-Committee has heard evidence from: Sandra Mansell, (Licensing Team), Police Constable Dunn (Derbyshire Police), and has taken into account the representations made by Mr Phipps, the solicitor acting for the premises licence holder and from Mr Talbot from Spirit Pub Company (Leased) Ltd.

DECISION

In making its decision, the Sub-Committee has had regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Home Office Summary Review Guidance and the Human Rights Act 1998, and has carefully considered all the evidence presented to it.

The Sub-Committee has made this decision to promote the 4 Licensing Objectives namely:

- (a) Prevention of crime and disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance;
- (d) Protection of Children from harm.

Findings

There was a valid application together with a certificate under section 53A(1)(B) of the Licensing Act 2003 served within the correct time period to consider an expedited review.

Following on from an incident in the early hours of Saturday 28 February 2015, police came across a male who had been detained outside of the D'Gio public house by staff from the Wardwick Tavern for an assault on a member of door staff. It transpired that the detained male was bleeding heavily having been stabbed at least three times within the premises caused by an unidentified sharp bladed implement. At the location on the street where the male had been detained, the police recovered a snooker/ billiard/ pool ball in a sock, and this was a weapon which had allegedly been used to hit a member of the door staff to the head. Both males were taken to hospital due to their injuries. The member of door staff being later released with a large lump on his head. The other male remains in hospital where his wounds require stitching and he has fluid on his lungs which requires draining.

Arising from the facts in paragraph 5.2, the premises is associated with 'serious crime and serious disorder'. At the point of the hearing being convened, the PLH and/or the DPS had not cooperated satisfactorily with the police investigation into the events and offences, in so far as either or both had failed to provide an access code to enable the CCTV imagery to be reviewed, in breach of the licence conditions. Emerging today is an obvious shortcoming in the policies of the Premises Licence Holder in maintaining and enforcing the leaseholder responsibilities in relation to fulfilment of the premises license conditions.

The sub-committee found that based on the evidence from Derbyshire Constabulary there has been a failure to promote the licensing objectives due to the premises being concerned with a number of illegal activities.

The Sub-Committee has RESOLVED to:

Take the following interim steps pending the hearing of a full review:

Suspend the Premises Licence for the Wardwick Tavern, with immediate effect.

As per the DCMS guidance on Expedited/Summary Reviews under the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) these interim steps will remain in force until a full Review hearing is held or an appeal is disposed of resulting from that full review hearing, whichever is later.

The reasons for this decision are as follows:

Having taken into account the 4 licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the Council's licensing policy and the Human Rights Act, the Sub-Committee sought to balance the interests of the Premises Licence Holder and the representations made by Derbyshire Constabulary as a responsible authority.

The Sub-Committee was satisfied that one or more of the four licensing objectives have been, and in future will be, undermined, without these interim steps being taken.

The date set for a full review of this Premises Licence shall take place on the 26 March 2015 at 10am at the Council House, Corporation Street, Derby, DE1 2FS.

MINUTES END