

EAST STAFFORDSHIRE BOROUGH COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the Meeting of the Licensing Act Sub-Committee held in the Coltman VC Room, Town Hall, Burton upon Trent on Tuesday 1st October 2018.

Present:

Councillors Mrs P L Ackroyd (Chairman), D F Fletcher and Mrs B Toon.

Officers Present:

Mrs A Wakefield (Solicitor) and Mrs H Farman-McKenna (Licensing Officer).

121/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

122/18 **APPOINTMENT OF CHAIRMAN**

Resolved:

That Councillor Mrs P L Ackroyd be appointed Chairman for this meeting.

123/18 **URGENT BUSINESS**

There was no urgent business brought forward to the Licensing Act Sub-Committee pursuant to Rule 12.

124/18 **OBJECTION TO APPLICATIONS FOR TEMPORARY EVENT NOTICES – THE LOCOMOTIVE, 28 STATION STREET, BURTON UPON TRENT, STAFFORDSHIRE DE14 1AU**

(CE) The report of Mark Rizk (Head of Service), regarding an objection to the following temporary event notices was considered.

Sunday 7th October 2018 between 0300 hrs and 0800hrs
Sunday 11th November 2018 between 0300hrs and 0500hrs
Sunday 18th November 2018 between 0300hrs and 0500hrs
Sunday 25th November 2018 between 0300hrs and 0500hrs
Sunday 2nd December 2018 between 0300hrs and 0500hrs
Sunday 9th December 2018 between 0300hrs and 0500hrs
Sunday 16th December 2018 between 0300hrs and 0500hrs
Sunday 23rd December 2018 between 0300hrs and 0500hrs
Tuesday 25th December 2018 between 0300hrs and 0500hrs
Sunday 30th December 2018 between 0300hrs and 0500hrs
Tuesday 1st January 2019 between 0300hrs and 0500hrs

Inspector Karen Cooke, Sergeant James Finn, Ms Lisa Roberts and Ms Nicky Bills - Police Licensing Officer (Staffordshire Police) attended the sub-committee meeting.

Mrs Parmjit Kaur, the applicant, attended the sub-committee meeting and was accompanied by Mr Henry Skudra (Barrister) and Mr Paul Lalli (Director - Locomotive Pub Company Limited).

The sub-committee heard oral evidence from the following witnesses:

Mrs Helen Farman-McKenna (Licensing Officer - East Staffordshire Borough Council)

Sergeant James Finn (Licensing Manager – Staffordshire Police)

Mrs Lisa Roberts (Licensing Officer – Staffordshire Police)

Miss Nicky Bills (Licensing Officer – Staffordshire Police)

Mr Henry Skudra (Barrister)

Mrs Pam Kaur (Premises Licence Holder)

Resolved:

The sub-committee had been required to listen to arguments on a preliminary point prior to dealing with the substantive agenda item.

At the outset of the hearing the Licensing Authority received a request from Staffordshire Police that the application for the temporary event notices of the Premises Licence in respect of the Locomotive be held in private. That request was prompted by the fact that the evidence on which Staffordshire Police had based their evidence formed part of an ongoing Criminal investigation. Mr Skudra had made submissions to the effect that his client took a neutral stance on this point.

The Licensing Authority had determined Staffordshire Police's request and had decided that the public should be excluded from the whole of the hearing of this application. The Licensing Authority concluded that in this instance the public interest in excluding the public outweighed the public interest in holding the hearing in public. There was a strong likelihood that if the evidence before the sub-committee were to be made public at this time then potential criminal proceedings would be jeopardised and the potential defendant's ability to receive a fair trial could be prejudiced.

On the substantive matter, the Chairman stated that the hearing had been necessitated by Staffordshire Police lodging objections to 11 temporary event notices given by Mrs Parmjit Kaur in respect of events to be held at the Locomotive, 28 Station Street, Burton upon Trent between 7th October 2018 and 1st January 2019.

The sub-committee heard submissions from Ms Lisa Roberts and Ms Nicky Bills and Sgt James Finn of Staffordshire Police about incidents of crime and disorder at the premises during its ordinary, licensed, hours of operation.

Counsel for the applicant reminded the sub-committee that the system of permitted temporary activities was intended as a light touch process, and he had invited the sub-committee to consider the intended temporary events in isolation from the usual operation of the premises. He also suggested that it may be possible to overcome the Police's objections by means of applying one or more of the licence conditions to the temporary events.

The sub-committee had considered whether each of the particular temporary events at this particular venue would undermine the licensing objectives, specifically the crime and disorder licensing objective. In reaching their decision, the sub-committee had taken into account the incidents of violent and drunken behaviour at the premises described to them by the Police and shown on CCTV footage played during the hearing. In addition the sub-committee had taken into the submissions of Counsel – including what Mr Skudra had to say on the subject of the light touch regime and his reminder that the purpose of the hearing was not to be a “mini review”. Sgt Finn had confirmed that it was not the intention of Staffordshire Police to bring a mini review. For the avoidance of doubt, the sub-committee had confined themselves to considering the effect of

these temporary events, at this premises, on the licensing objectives. In carrying out that process they had had regard to the evidence of Staffordshire Police.

The sub-committee accepted the objections of Staffordshire Police that holding these eleven temporary events would undermine the crime and disorder licensing objective and they had concluded that applying any or all of the conditions of licence would not cure the harm. The sub-committee therefore determined that the appropriate course of action was to issue counter notices in response to each of the Temporary Event Notices given by Mrs Kaur.

Chairman