

MINUTES OF LICENSING COMMITTEE MEETING - 3RD FEBRUARY 2014

Present:

Councillor Hutton (in the Chair)

Councillors

Brown Green Matthews Ryan

Elmes Lee M Mitchell

In attendance:

Mrs S Davies, Principal Solicitor- Licensing
Mr L Beattie, Executive and Regulatory Manager
Mr B Williams, Counsel for the Authority

1. DECLARATIONS OF INTEREST

The following declarations of interest were made

1. Councillor Green declared that PC Lisa Evans who had submitted evidence was a friend of his daughter's
2. Councillor Matthews declared that Mr Craig Southall who had submitted evidence of behalf of Yates's and Blackpool Pubwatch was a friend of his son.
3. Councillor Lee declared that he had previously worked at Marks and Spencers and so knew Gillian Croston who submitted evidence on behalf of the Police.

2. MINUTES OF THE MEETING HELD ON 9th December 2013

Resolved: That the minutes of the meeting held on 9th December 2013, be signed by the Chairman as a correct record.

3. EXCLUSION OF PUBLIC AND PRESS

Resolved: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the parts of the item, including the decision making referred to at Agenda items 3 on the grounds that it would involve the likely disclosure of exempt information namely legal counsel's advice protected under legal privilege as defined in paragraph 5 of Part 1 of Schedule 12A of the Act.

4. EARLY MORNING RESTRICTION ORDER

The Committee considered a report on an Early Morning Restriction Order and the relevant representations regarding the advertised proposal.

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On Monday the 3rd February 2014 and Tuesday the 4th February 2014, the Committee received representations from Mr Philip Kolvin QC on behalf of Lancashire Constabulary.

Mr Kolvin outlined the view of Lancashire Constabulary that such an Order was necessary and proportionate. Mr Kolvin highlighted the evidence already submitted regarding the evidence of crime and disorder within the proposed EMRO area and the police's view of the benefits of a terminal hour.

Mr Kolvin called on the following witnesses: Chief Inspector Richard Debicki, Mr Francis Sheridan (Grand Metropole Hotel), Mr Brian Colley (Chaucer Guest House), Mr Edward Tunstall (Northern Rail), Mr Frank Landini (Licensed Hackney Carriage Driver), Mr Bill Lewtas (Licensed Hackney Carriage Driver), Mr Chris Heaton (Former owner of Thoroughgoods Newsagents and Off Licence Springfield Road), Mrs Heather Haskell (Hotelier), Mrs Susan Stonehouse (Hotelier), Ms Sara Jones and Mr Michael Hiller (Wilkinson's), Mr David Wilson (Hotelier), Ms Gillian Croston (Employee at Marks and Spencers), Mr Simon Cooper (Delivery Office Manager Royal Mail), Mr Darren Mackinson (Blackpool Council employee), Mr Kyle Roberts (Security Guard), Miranda Hobbs-Watt (on behalf of the Police and Crime Commissioner), John Quinn (Blackpool Victoria Hospital), Dr Arif Rajpura (Assistant Chief Executive- Public Health, Blackpool Council), Mr Jahander Mumdz (Restaurant Owner), Mr Steve Morton (Public Health Practitioner, Blackpool Council), Mr David Rigby (Ambulance Service North West), Mr Gary Doherty (Chief Executive Blackpool Victoria Hospital), Chief Inspector Ian Mills, Sergeant Sarah Salisbury, Sergeant Caroline Hannon, Constable Scott McAlpine, Constable Jamie Robinson, Police Statistician Tara Lucey.

The Committee adjourned for lunch at 12.35 on Monday and reconvened at 1.15pm and then adjourned at 3.40pm. The Committee reconvened at 9.30am on Tuesday the 4th February until 12.40pm when it adjourned for lunch to reconvene at 1.20pm until 4.50pm.

On Wednesday the 5th February, the Committee reconvened. It received evidence from Mr Craig Southall, Manager of Yates Blackpool and Chairman Blackpool Pubwatch. He outlined the case from the licensed trade for alternative measures to be used rather than the imposition of an Early Morning Restriction Order. These alternative measures were included in the representations at pages C82 to 99.

The Committee then received representations from Mr Mark Marshall through his representative Mr Trevor Colebourne on behalf of the Licensing Authority.

Mr John Gaunt then presented the case on behalf of Funny Girls calling Mr Basil Newby to give evidence.

The Committee adjourned for lunch at 12.30pm and reconvened at 1.10pm.

On the afternoon of Wednesday 5th February, the Committee received evidence firstly from Ms Claire Smith President of StayBlackpool.

The Committee then received representations from Mr Mark Sargeant (Kaos Bar), Mr Andrew Buchanan (Director of Operations Daniel Thwaite's and Sons), Mr John Coen on

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behalf of Punch Taverns and Mr Dave Daley, on behalf of Unite the Union and as Designated Premises Supervisor for the Castle Pub.

The Committee heard the first part of Mr Peter Bowden of Worldwide Clubs' evidence and then adjourned at 4.20pm reconvening at 9.30am on Thursday the 6th February to hear the conclusion of his evidence.

The Committee then heard from Mr Stuart Green (Operations Director and Designated Premises Supervisor at Club Sanuk, Mr Gerald Gouriet QC on behalf of the Association of Licensing Multiple Retailers (ALMR), Mr Stephen Walsh QC on behalf of the Stonegate Pub Company and finally from Ms Pearl Mina, a Local Resident and Public Relations/ Media Specialist.

The Committee adjourned at 12.45pm and reconvened at 1.30pm.

Mr Kolvin QC produced and disseminated some further documentation comprising of three statements from the following witnesses; Chief Inspector Mills, Tara Lucey and Sgt Sarah Salisbury. Some concern was expressed by the parties and the Committee gave all parties the opportunity to consider that further information, Mr Kolvin QC having helpfully summarised the content and purpose of the same. The Committee agreed to consider that documentation with the exception of the file note appended to Sgt Salisbury's statement which Mr Kolvin QC stated he would not rely on in any event. Having sought legal advice, the Committee considered that the parties had agreed to the inclusion of this further documentation in accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

Mr Kolvin QC made his closing submissions and then Mr Gouriet QC, Mr Walsh QC, Mr Daley, Mr Bowden, Mr Holmes (Funny Girls), Mr Southall, Mr Newby and Mr Seargent all made brief submissions in response that were duly recorded and considered by the Committee.

The Committee adjourned at 2.50pm on Thursday the 6th February 2014 and agreed to reconvene the following day at 10am for decision making.

The Committee reconvened to make its decision on Friday 7th February 2014 at which time it agreed that under Section 100 (A) of the Local Government Act 1972, the public be excluded from this part of the meeting on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act.

The Committee gave its reason for decision in writing to all parties in the decision notice and this forms appendix a to these minutes

Resolved:

1. That the Committee recommends the Council not to proceed with the introduction of Early Morning Restriction Order as proposed.
2. That the Council supports the formation of a multi agency Night Time Economy Working Group including but not limited to the representatives of the Lancashire

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Constabulary, the Licensing Committee, the relevant Cabinet Members, the Heath Sector, Pubwatch, Trade Organisations and more general Tourist Organisations and asks the Licensing Committee to meet at the earliest opportunity to formalise its membership.

3. That subject to the agreement of (2) above, the Night Time Economy Working Group present its initial recommendations to the Licensing Committee within three months of its creation.

4. That the Council requests the Chief Executive to write to the Chief Constable of Lancashire Constabulary requesting him to give urgent consideration to increasing the levels of policing in the night time economy having regards to the Licensing Committee's stated view that additional police officers deployed in strategic locations reduce crime and disorder within the night time economy. This letter should request the Chief Constable to report back to the Licensing Committee within 3 months.

Chairman

(The meeting ended at 12:30 pm on the 7th February 2014)

Any queries regarding these minutes, please contact:
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