

MINUTES OF LICENSING PANEL MEETING - THURSDAY, 28 SEPTEMBER 2017

Present:

Councillor G Coleman (in the Chair)

Councillors

Humphreys D Scott

In Attendance:

Mrs Sharon Davies, Senior Licensing Solicitor

Mr Chris Williams, Democratic Services Adviser

1 APPOINTMENT OF CHAIRMAN

The Licensing Panel considered the appointment of a Chairman for the meeting.

Resolved:

That Councillor G Coleman be appointed Chairman for the meeting.

2 DECLARATION OF INTEREST - LICENSING

There were no declarations of interest on this occasion.

3 PROCEDURE FOR THE MEETING

The Chairman explained the procedure for the meeting including that an equal time limit of twenty minutes had been allocated for all parties.

4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- HEATWAVE, DICKSON ROAD

The Licensing Panel considered a licence review for Heatwave, 1A, Dickson Road. The review had been requested by the Licensing Authority. The Police and Children's Social Care had submitted representations in support of the application.

Mr Marshall, Head of Licensing Service, described the reasons for the review; namely that Heatwave had broken one of the conditions of the licence namely; operating beyond the agreed opening hours. As a result, issues related to noise, nuisance, anti-social behaviour, delayed dispersal and crime and disorder had become particularly evident in the area surrounding the premises and in general in the Queen Street and Dickson Road localities.

Concerns had been raised after a number of visits to the premises by the Licensing Service and Police who observed breaches of the licence conditions on a number of occasions. In addition, when the licence holder was questioned regarding the conditions on the licence, he was unable to provide satisfactory answers. Mr Marshall added that he hoped any action taken against the premises might serve as a warning for other nearby operators to change their business model or style of operation to minimise the type of issues previously alluded to.

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Sgt Helen Parkinson, Lancashire Constabulary, echoed Mr Marshall's comments and reported on a series of incidents that had involved crime and disorder either at or close to the premises and in the general vicinity over a period of 12 months. She added that it had become increasingly difficult for the Police to allocate sufficient resources to the area and the current situation regarding incidents occurring had become untenable.

Sgt Parkinson described the impact on the emergency services of the incidents occurring regularly in and around the premises. Members of the Panel were shown CCTV footage of one incident in particular at the premises, which was shown to provide evidence of the type of incidents that had begun to occur more often and nearly always between the hours of 02:30 and 06:00 primarily on Saturday, Sunday and Monday mornings.

Mr Marshall and Sgt Parkinson acknowledged that this period of time coincided with the closing time of two major nightclubs in close proximity to the venue and as such was the most profitable time for fast food establishments. However, they both agreed that the safety of the public and upholding the Licensing objectives should be the primary concerns and as such recommended that the opening times of Heatwave be reduced and the last serving time be brought forward to 03.00. Mr Marshall added that in his opinion, there was now a greater need for licence holders to robustly uphold their licence conditions and work with the Local Authority and Police to minimise the issues that had become commonplace in the area.

The licence holder was in attendance along with a legal representative, Mr Colebourne who presented the case on behalf of the licensee. It was suggested that the issues of crime and disorder and general anti-social behaviour prevalent in the general vicinity of the premises were as much an issue for the other premises nearby and especially with the two licensed premises. Mr Colebourne suggested that perhaps the hearing should be deferred so that his client's premises could be dealt with alongside others in close proximity and not in isolation. Mr Marshall disagreed on the basis that the reason his client's licence was under review was for breaches of the conditions attached to the licence and some of the other nearby premises had not fallen foul of those conditions and therefore the Licensing Service had no grounds to review their operations.

Members discussed the case in detail and reasoned that the night time economy in the locality that the premises operated within had issues with crime and disorder and general nuisance in a general sense and that this was not all attributable to the individual establishment. The Panel noted that those issues had failed to reduce significantly in their frequency despite prior agreements with premises regarding their opening hours, a situation that had worsened following breaches of the licence conditions. As a result, upholding the licensing objectives in the areas had become increasingly difficult for the Licensing Authority and it was agreed that action needed to be taken against those premises in breach of licence conditions. The Panel accepted that changes to the licence conditions, particularly in relation to the permitted hours of operation could have an adverse financial impact on the premises.

However, the Panel felt that there was sufficient cause for concern afforded to the licence holder given a pattern of non-compliance and lack of awareness of the licence conditions. In addition, the number, nature and frequency of offences and public disorder directly related to the premises and those in the general vicinity were too great to ignore. By

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allowing the premises to continue to operate until 5am and beyond, the Panel felt that the resulting delay in dispersal of revellers was contributing significantly to the issues inherent in the locality and undermined the licensing objectives.

Resolved:

That within the conditions of the Premises Licence for Heatwave, 1A Dickson Road, the operating hours for the provision of late night refreshment be reduced to 23:00-03:00 daily.

Chairman

(The meeting ended at 2.00 pm)

Any queries regarding these minutes, please contact:

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