

## **MINUTES OF LICENSING PANEL MEETING - TUESDAY, 10 JULY 2018**

### **Present:**

Councillors

Critchley

Humphreys

Hutton

### **In Attendance:**

Mr Lennox Beattie, Executive and Regulatory Support Manager

Mrs Sharon Davies, Head of Licensing Service

### **1 APPOINTMENT OF CHAIRMAN**

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

### **Resolved:**

That Councillor Hutton be appointed Chairman for the meeting.

### **2 DECLARATION OF INTEREST - LICENSING**

There 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 one hour for all parties.

### **4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- THE NEW FLAMINGO CLUB**

The Licensing Panel considered an application for the review of the Premises Licence in respect of the New Flamingo Club, Queen Street. The review had been submitted by Lancashire Constabulary on the grounds of prevention of crime and disorder, public safety and the prevention of public nuisance.

Mr Richard Williams presented the case on behalf of Lancashire Constabulary, he was accompanied by Chief Inspector Lee Wilson and Sergeant Helen Parkinson. Mr Williams started his presentation by reminding those present that the premises had been previously the subject of a review in 2013 where additional conditions had been applied to the licence. The additional conditions had included conditions regarding the minimum numbers of door supervisors to be on duty at various times while licensable activities were undertaken.

Mr Williams commenced his presentation by outlining the key concerns of Lancashire Constabulary. He summarised the concerns as follows; trading outside the permitted hours, non-compliance with the door supervisor conditions and more generally a failure of such a key high-risk premises to have consistent high quality management that were willing to assist the police in dealing with issues in the night time economy. CCTV footage was shown to the Panel regarding the 17April 2018 where the sale of alcohol extended

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past the licensable hours and there had been in the view of the Police violent incidents which could be related directly to premises having been opened late. On questioning from Mr Williams, Sgt Parkinson explained that a key issue therefore had been the lack of awareness of responsible authorities. Sgt Parkinson emphasised that having reviewed social media postings by the club and people within management she had been convinced that this was not the first occasion that this had happened. Sgt Parkinson further expressed concern that there had been an aim of the premises to maximise the number of Temporary Event Notices served to extend the operating hours and to consider splitting the premises to enable further notices.

Mr Williams highlighted the previous warnings issued regarding non-compliance with conditions regarding door staff. He emphasised the police's view that the door staff condition should be the minimum requirement given the need to search customers entering the premises and monitor a range of areas including the outside smoking area.

Mr Williams continued by expressing concern regarding the situation in terms of the frequent changes to the position of Designated Premises Supervisor including the resignation of Carl Payne on a Saturday night and his subsequent reinstatement as Designated Premises Supervisor. Mr Williams explained that such a dysfunctional management could be considered as showing how the structure had fallen apart as had been particularly concerning at a high risk late night venue.

In conclusion Mr Williams suggested that the Police would seek conditions restricting movement between Buzz and the New Flamingo and one requiring CCTV behind the bars and in addition a meaningful suspension to allow the premises time to reflect and develop a fit for purpose management structure.

Ms Sarah Clover presented the case on behalf of the Licence Holder, she was accompanied by Robert Bagshaw, Proposed Designated Premises Supervisor, Dean Bennett, Operations Manager, Basil Newby, Managing Director and Carl Payne, current Designated Premises Supervisor and assisted by her colleague Paul Henocq.

Ms Clover highlighted the premises had operated in Blackpool for more than 30 years without significant problems and Mr Newby's company had been experienced in the late night economy for the same and the hours of operation were vital to the venue's iconic status.

Ms Clover highlighted to members the view of the licence holder that a large proportion of the incidents referred could not be directly related to the premises and were often not as serious as the initial information might reflect. She explained that the view of the licence holder remained that not all incidents had were related to the premises.

Ms Clover then explained that the opening after the permitted hours had been caused by a failure of a member of staff to submit Temporary Event Notices. She explained that the employee that had undertaken the role had informed members of management that the notices had been granted and it had been reasonable for the management of the New Flamingo Club to assume they had in the circumstances. The relevant employee had resigned before he could be disciplined.

Ms Clover expanded on the view of the Licence Holder that communication had broken

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down between the Licence Holder and the Police and while the incidents were regrettable the seriousness had been overstated. She reminded the Panel that the guidance referred to taking only such steps as were necessary and proportionate to uphold the Licensing Objectives and highlighted that a number of issues had arisen due to the actions of a member of staff who had now left the organisation. There had been issues with the existing Designated Premises Supervisor, Mr Payne, but these had been internal with the company and at no point had they impacted on the Licensing Objectives and he was now content to change roles and allow the appointment of Mr Bagshaw as Designated Premises Supervisor.

In response to the suggestion by the Police as to separation of Buzz from the New Flamingo Club, Ms Clover highlighted that this had been suggested at only at the hearing and it had not been made how this would work and the reasoning behind it. The Licence Holder objected to the issue being raised at the meeting and viewed it as unworkable and counter-productive.

The Licensing Panel considered carefully the evidence submitted by all parties. It concluded that there had been a significant undermining of the Licensing Objectives. It agreed that there had been issues with the management set up, that this had led directly or indirectly to the issues identified including the failure of management to spot that Temporary Event Notices had not been applied for. It considered that a suspension of four weeks would be necessary and proportionate to enable improvements to take place in the management structure to ensure that it became fit for purpose. The Panel also agreed to add the condition proposed by the Lancashire Constabulary regarding CCTV cameras to be placed behind each bar to cover all alcohol sales. It did not consider any amendments to the access to Buzz Bar by way of condition to be necessary or proportionate but considered that it might be something that the Licence Holder might explore.

Resolved:

1. That the Premises Licence in respect of the New Flamingo Club be suspended for a period of four weeks.
2. That an additional condition be added to the Premises Licence requiring CCTV cameras to be positioned to cover the bars and record each sale of alcohol.

### **Chairman**

(The meeting ended at 4.50 pm)

Any queries regarding these minutes, please contact:

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