

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LICENSING ACT 2003

LICENSING SUB-COMMITTEE MEETING

DECISION NOTICE

FRIDAY, 16 JUNE 2017

PRESENT: Councillor L D Lea (Chairman)

Councillors B A Hughes and G Lockett

IN ATTENDANCE: N De Bruin - Principal Legal Officer
M Towers - Senior Officer (Housing, Public Health and Licensing)

1 **REVIEW OF PREMISES LICENCE FOR STANLEYS, 23-25 ST EDWARD STREET, LEEK**

Applicant: Staffordshire Police represented by PC James Finn and accompanied by PS Karen Cooke from Staffordshire Police Licensing Team, and joining the meeting part way through PC Andy Platt and SC Gibson from the local Policing Team

Licensee: Mr Ranvir S Gill accompanied by Mr Sam Dawson, manager

For the Licensing Authority: M Towers, Senior Licensing Officer

Also attending as observers, throughout or for part: Councillor Bowen, Executive portfolio holder for licensing, Ms Abigail Hill from the Leek Post and Times, Mel Steadman, Licensing Officer and Mark Hitchen, Community Protection Officer

Introduction

The hearing was called to consider an application by the Staffordshire Police Northern Licensing Unit for a review of the premises licence for Stanleys, 23-25 St Edward Street, Leek, ST13 5DR under Section 51 of the Licensing Act 2003 on the grounds of the following Licensing Objectives:-

- The Prevention of Crime and Disorder;
- Public Safety;
- The Protection of Children from Harm.

None of the Councillors declared an interest in the application although Councillor Lockett wished it to be noted that as a Leek Councillor she did know Mr Gill.

Representations from PC Finn were made on behalf of the Staffordshire Police, from Mr Gill on his own behalf as licensee and from Mr Towers on behalf of the Licensing Authority. The Sub-Committee also viewed CCTV/police body cam recordings made on the nights of the 27.11.16, 10.12.16, 13.2.17 and 12.5.17 and considered one item of further information submitted by the police which had been served on Mr Gill prior to the meeting.

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Decision

The Sub-Committee carefully considered the report, the content of the DVDs submitted by Staffordshire Police and all the representations made to them on behalf of all parties. The s182 Guidance and the Council's Licensing Policy were considered.

In accordance with section 52(4) Licensing Act 2003 the Sub-Committee determined to revoke the licence.

Reasons for the decision

There had been a number of breaches of licence conditions as set out in the evidence from the police that had not been rectified in a timely way. Failure to adhere to licence conditions had undermined the licensing objectives of prevention of crime and disorder, public safety and the protection of children from harm.

Advice given to the licensee regarding compliance with conditions and drug use at the premises had not been implemented or had been implemented very slowly and evidence showed that drug use at the premises including in areas to which members of the public ought not to have access continued, crime appeared to be taking place in the premises on a regular basis.

It appeared that the licensee had committed a criminal offence by serving underage persons which offence could have avoided by compliance with his licensing conditions relating to Challenge 25 on which he'd had clear advice from Trading Standards. The CCTV had not been functioning in accord with conditions since at least October 2015, although the Sub-Committee accepted that it may be working now.

The licensee did not appear to be attending PubWatch meetings as required by condition or to be complying with their exclusion scheme which was a requirement of membership of PubWatch; neither had he paid his subscription as required. Further, staff who appeared to be working in the premises, with or without pay, had been inadequately trained, contrary to licence condition, and a refusals book required by condition was not being kept (although it was understood these matters may have been rectified) all of which undermined the licensing objectives.

The licensee had manifestly failed to comply with advice given to him on numerous occasions by police officers and by Trading Standards and had shown disregard for licence conditions all of which were designed to promote the licensing objectives.

The DPS did not exercise any management control over the premises, so it would seem pointless removing the DPS to replace him with another when by the licensee's own admission in interviews with the police on 8th February 2017 and 21st March 2017 he was the one who ran all aspects of the premises and was in sole control of it. It was not clear what role the new manager Mr Dawson would have - no indication was given as to what experience Mr Dawson had and how he would ensure compliance with licensing conditions or tackle the problems with drug use in the premises.

The Sub-Committee were unable to conclude based on the evidence how much the incidents of disorder referred to by the police were as a result of the licensees' management or mismanagement of the premises. However, the breaches of condition, which were long standing in relation to CCTV, sales to underage persons, out of hours sales, lack of any attempt to prevent drug use and failure to heed sound

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practical advice showed a lack of understanding of the principles of good management of a licensed premise and undermined the licensing objectives.

While the Sub-Committee noted that the licensee said he had now taken steps to rectify breaches those previous breaches were so serious and long standing that even if the licensee had now rectified the breaches, in the face of this review, they had no confidence that he would comply in future. Even at this hearing Mr Gill had said he wasn't working when he was, he also said the premises were shut when there was an altercation even though customers were clearly seen spilling out of the premises on the DVD; also he said he'd trained Mr Dawson in February and yet he'd told the police in March that it was only him in the bar and then told the Sub-Committee that he'd only appointed Mr Dawson 3 weeks ago. In addition the Licensee had told the Sub-Committee that he continued to allow known drug users onto the premises.

Accordingly the Sub-Committee had no alternative but to revoke the licence which was necessary for the promotion of the licensing objectives.

Right of Appeal

The Premises Licence Holder may appeal against this decision.

Any appeal must be made in writing to the Staffordshire Magistrates Court within 21 days from the date of receipt of this Decision Notice.

The meeting closed at approximately 12:40pm

The meeting closed at 11.40 am

_____ Chairman _____ Date