

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 6 January 2011

PRESENT: Councillor Caswell (Chair); Councillors Reeve and Varnsverry

M Rahman	Solicitor
P Bayliss	Principle Licensing Officer
S Holden	Trainee Solicitor

For the Applicant

PC David Bryan	Northants Police
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Representors

Jason Stevens	HC Solicitors
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1. **EASTERN DISTRICT SOCIAL CLUB, CRESTWOOD ROAD, NORTHAMPTON, NN3 8JJ**

The Chair introduced the Committee and welcomed everyone to the meeting.

Outline of the Application by the Licensing Officer

The Licensing Officer outlined the application by Northamptonshire Police for the review of a Club Premises Certificate on the grounds of the Licensing Objective of Crime and Disorder. He also summarised the objections that had been received from members and committee members of the Eastern District Social Club. It was noted that some objections were not admissible due to their relevance and subject area. The procedure for the hearing was also clarified.

Application for the Review

PC Bryan from Northamptonshire Police confirmed that they had applied for the review of a Club Premises Certificate on the grounds of the Licensing Objective of Crime and Disorder. Operation Norvik, an Organisational Crime Unit operation using undercover officers infiltrated criminal activities such as wholesale cocaine, counterfeit money and stolen goods. On conclusion of Operation Nordic there were two successful convictions in relation to the Eastern District Social Club, in the President of the club, Kevin Bell and the manager, Teresa Shaw (previously Bell).

Arrests were made in March 2009 but Northamptonshire Police were unable to apply for the certificate review until a time that all criminal matters had been dealt with. Northamptonshire Police believed that the Eastern District Social Club was still a concern for crime and disorder matters as shown in the witness statement of PC Bryan dates 23 December 2010 with information from Crimestoppers regarding drug dealing, unlicensed Sky Sports and pilferage of electricity in December 2010. In addition there was an incident in November 2010 as the police were called to an incident where the Eastern District Social Club barman allegedly assaulted a male member.

It was the opinion of Northamptonshire Police that the level of criminality at the Eastern District Social Club warranted the consideration of the revocation of their Club Premises Certificate. Northamptonshire Police believed that members and committee members at the

club were aware of the criminal acts that took place on the premises between 2007 and 2009.

Questions to the Applicant

The Sub-Committee Members had no questions at this time.

Jason Stevens, of HC Solicitors, referred to the statement of 9 November 2010 and if Northamptonshire Police had verified if the list of trustees was correct at the time of the criminal activity. It was confirmed by PC Bryan that the club submitted this information in April 2010 and it was not confirmed as correct for the time of the criminal activity.

Mr Stevens asked why Northamptonshire Police were of the opinion that members and committee members were complicit to the criminal acts that took place on the premises. PC Bryan confirmed that Northamptonshire Police believed that the extensive level of criminality would have been noticeable to others. At this time Mr Stevens noted the use of undercover officers in Operation Norvik and the relevance of this to the visibility of the criminality. PC Bryan noted that the knowledge of criminality within the club membership was shown in the petition as it stated that individuals that had attracted the attention of the police had and still had an association with the club.

Mr Stevens wished the Sub-Committee to dismiss the witness statement dated 23 December 2010 as there was no supporting evidence to this. It was also noted that as the information in the witness statement was from an anonymous source it may have been malicious. Also the incident in November 2010 where a man was ejected from the club as this was dealt with by the club and the man in question did not press charges. PC Bryan wished these items to be considered as supporting evidence to the criminality between 2007 and 2009.

Mr Stevens questioned the source of the information regarding Kevin Bell's ownership of the Eastern District Social Club. PC Bryan responded that the information had been disclosed by Teresa Shaw (previously Bell) to the undercover officers.

Representation by the Representors

Jason Stevens of HC Solicitors confirmed that he was representing the club and all of its members, 300-400 people plus the local community. The club accepted the criminality that took place and it was noted that the courts had dealt with this and the persons concerned were no longer associated with the club.

Mr Stevens wished to inform the Sub-Committee that since this application was submitted the club members had been offended and appalled by the opinion of Northamptonshire Police, in that they were complicit to the criminality that took place between 2007 and 2009. The Police had already confirmed that Undercover Officers were deployed to discover the criminality that took place, which established that the criminality was not in fact visible to those not directly involved. Mr Stevens also wished to note that this assumption of guilt by Northamptonshire Police was in fact contradictory and for this reason the application to revoke the Club Premises Certificate was disproportionate and retrospective to the tangible criminality that took place between 2007 and 2009.

Since the disclosed criminality Mr Stevens confirmed that there had been no complaints or criminal investigations regarding the Eastern District Social Club in the 21 months post the arrests. Mr Stevens also believed that no amendments to the conditions of the certificate or any suspension would neutralise the concerns of the police. It was considered that any decision to revoke the licence would only serve to penalise the innocent and uninvolved members. It was noted to the Sub-Committee that the committee members of the Eastern District Social Club were acting with due diligence.

Questions to the Representor

Members questioned the Eastern District Social Club committee membership confirmed for the period 2007 to 2009 and the ownership status of the club. The Chair also requested the status of employees at the club and the resignation date of Teresa Shaw.

Mr Stevens confirmed that Damian Mairs, Mary Norwood and Terry Butchart were not members of the committee in the 2007-2009 period and Teresa Bell was replaced as president by Adriana Cook and the vice president position had not been filled. The ownership of the club was on a 1000-year leasehold basis and ownership was equally proportioned to all members. It was also confirmed that the employees at the club in the period of 2007 to 2009 were no longer employees of the club.

PC Bryan noted that this application by Northamptonshire Police was not disproportionate as was necessary to meet the licensing objective of the prevention of crime and disorder. Mr Stevens responded that the courts had already dealt with this issue.

Due to Northamptonshire Police's difficulty in accessing the club, the Chair requested that the club appoint a steward to liaise with authorities such as the police to ensure they can gain access when necessary, if the club was to retain their certificate. Mr Stevens confirmed this as a fitting request.

Members wished to note to the members of the committee at the Eastern District Social Club that under the terms of the Certificate that only registered members of the club were able to use the facilities of the club, therefore the club should not be hired for functions such as weddings to non club members.

Mr Bayliss wished to note to the members of the committee at the Eastern District Social Club that the prior manager Teresa Shaw signed the current Gaming Certificate in April 2010 but she resigned on 12 May 2010 and therefore the licence was not valid this was noted to be another offence.

Summing up by the Representor

Mr Stevens confirmed that the review of the club was to consider the new membership at the club and to look forward, not back and that the Sub-Committee should only consider opinions of the Police that were backed up with supporting evidence.

Summing up by the Applicant

PC Bryan confirmed that the application was requesting the revocation in alliance with the statutory guidance around organised crime, the distribution of class A drugs and in light of the new intelligence provided to this Sub-Committee.

The Police did not feel that leniency in this case was possible though they would work with the premises if they were to consider applying for a Premises Licence and a Designated Premises Supervisor rather than a Club Premises Certificate, which would give the Police the ability to address their concerns with the club in the consultation processes.

The Council Solicitor asked if the applicant and representor had discussed the option of a Premises Licence and if so whether it would be considered by the club committee. Mr Stevens took instructions from the club committee and responded that this would not be an option for them.

The Determination

There being no further questions, the Committee adjourned at 12:13 to make a decision and the Solicitor was called for advice.

The Committee reconvened at 13:30.

The Committee considered the evidence put forward by Northamptonshire Police, and although the additional Witness Statement of PC Dave Bryan dated 23 December 2010 had been considered, it was noted that this was intelligence for information only and therefore have not given this document as much weight as the statement dated 9 November 2010. For the same reasons the Committee had not given as much weight to the incident log dated 14 November 2010.

The Committee considered the letter with representations on behalf of the Social Club with the enclosed signed petition but were unable to give this petition the same weight as they would for letters containing representations from individuals.

After consideration, the Committee concluded that on a Balance of Probabilities, there was still a risk that the Licensing Objective of Prevention of Crime and Disorder would not be promoted and upheld in line with the legislation.

Revocation of the Club Premises Certificate was an option considered but the Sub-Committee concluded that this draconian measure was not an appropriate sanction in the current circumstances. It was emphasised that this option was very strongly considered.

The Sub-Committee concluded that in order to promote and uphold the Licensing Objective of the Prevention of Crime & Disorder, the Sub-Committee suspended the Club Premises Certificate for a period of three months.

The Chair explained that the Applicant had the right to appeal the decision after 21 days.

The Chair strongly recommended that the Members of the Club and the members of it's Committee, would use this period of suspension to get their house in order and ensure they make every possible effort to work closely with the Police and all the relevant authorities in promoting and upholding all of the Licensing Objectives.

The meeting concluded at 1:35 pm