

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Monday, 21 March 2011

COUNCILLORS PRESENT: Councillors Woods, Wilson and Markham
COUNCILLOR APOLOGIES
OFFICERS: Mohammed Rahman (NBC Solicitor)
Phillip Bayliss (Principle Licensing Officer)
Steven Holder (NBC Trainee Solicitor)

FOR THE APPLICANT: PC Dave Bryan (Northamptonshire Police)

FOR THE REPRESENTORS: Barry Slazberg
Ralph Pickering
Paula Gale
Trevor Dawes

1. FAR COTTON WORKING MEN'S CLUB, MAIN ROAD, NORTHAMPTON, NN4 8EN

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

Councillor Irene Markham made a personal declaration of interest on the grounds that she knew of Mr Barry Slazberg (representing the club); she had met him during Mayoral Duties in the past and had no other affiliation with him.

Outline of the Application by the Licensing Officer.

The Licensing Officer outlined the application for a review of the Club Premises Certificate in respect of Far Cotton Working Men's Club. The application was submitted by PC David Bryan representing Northamptonshire Police and related to an event that took place at the club on Friday 21 January 2011. The application for a review was submitted on the grounds of one of the Licensing Objectives contained within the Licensing Act 2003; -

- 1) The prevention of crime and disorder.

The Licensing Officer then explained the procedure for the hearing.

Application for the Review of the Club Premises Certificate

The Applicant informed the Sub-Committee that on the 12 January 2011 Northamptonshire Police had received a Temporary Event Notice (TEN) from the Secretary of the Far Cotton WMC, Mrs Paula Gale. The event applied for was an amateur boxing club presentation, to be held on the 21 January 2011.

A T.E.N needs to be applied for 10 clear working days before the proposed event, therefore the application had not been submitted on time. Checks conducted with the Borough Council Licensing department confirmed that they had also received a T.E.N on the same date and had issued a Counter Notice refusing the application.

On 17 January 2011 the Applicant wrote to the Club explaining that it would be an offence to carry on with the proposed event and also left a message on the voicemail of the applicant.

On 21 January 2011 Northamptonshire Police were informed that the event was to go ahead. As a result of a meeting between police officers it was decided that instead of attending the event with the purpose of closing it down, and in light of available resources, an Inspector would attend and collect evidence.

It subsequently came to light that Mrs Gale had changed her mobile phone number and had not received the message left by PC Bryan.

After the event Mrs Gale was interviewed by the Police and received a caution. The Applicant advised the Sub-Committee that in accepting the caution Mrs Gale had accepted the transgression.

Questions to the Applicant

Members asked the Applicant whether the event had been well ordered. In response the Applicant said that the Inspector had made a visit at 7.55pm and that there had been no further need to return to the premises.

Mr Slazberg acting as a representative of the Club asked the applicant if he thought it was reasonable to expect the Club to close down the event when the Police Inspector that had attended had expressed concern over possible consequences if they closed the event. The applicant responded that the Police do have discretionary powers to consider what may have been the most appropriate response.

He also asked whether a response could not have been sent faster as the letter dated 17 January 2011 had only been received two days prior to the event. The response was the letter had been sent in two working days.

Representation by the Representors

Mr Slazberg, acting for the Club admitted that there was an unlicensed event held on Friday 21 January 2011, however he felt that there were mitigating circumstances that should be taken into account.

Once the Club received the letter on the 20 January 2011, the day before the event, they felt that it was too late to cancel the event. They contacted local Councillors Glynane and Reeve who met them at the Club that evening, the Councillors had been sympathetic and said they would take up the issue the following day. It was not until the afternoon of the event that the Club were advised that there was nothing that could be done regarding obtaining a Licence for the event.

Mr Slazberg stated that the Police had advised the Club that they would not have had any objections to the event if the correct notice had been given.

The Club did not accept that the grounds for the review was the prevention of crime and disorder, in the opinion of the Club their only crime had been their failure to complete the relevant paperwork in time.

Questions to the Representors

In response to a question from Councillor Markham Mr Slazberg agreed that they had left it late to apply for the T.E.N, but said that the paperwork had been completed in December but that due to several circumstances Mrs Gale had not actually submitted it. He stated that the Club had learnt from this and would submit any future applications as soon as their

Management Sub-Committee had agreed the event. This was also the reason that the phone contact number had been incorrect as the phone number given was the one held by Mrs Gale at the time of completing the form but subsequently she had had a new phone at Christmas.

In response to a question from Members it was stated that approximately 180 people had attended the event.

Members asked whether there had been any attempt to make contact with the Borough Council Licensing Officers. Mrs Gale confirmed that she had visited the Guildhall on 20 January 2011 and it had been explained to her that there wasn't any way that the Licence could be issued.

Members asked whether the Club had had insurance for the event. The Club representatives said that the Club did have public liability insurance but they had not taken out any additional insurance for the unlicensed event.

Members asked on what basis the event had been held and were informed that the Boxing Club had promoted the event and the Working Men's Club had allowed the use of the room without charge.

Summing up by the Applicant

PC Bryan commented that in bringing the application for the review the Police were not looking to revoke the licences from Community Associations but felt that it was important to send a message that unlicensed events are treated seriously. The Police were not under an obligation to contact the Club when the Licence had been refused but having done so the Club, by going ahead with the event had been aware that it was in breach of the Licensing Regulations.

Summing up by the Representors

Mr Slazberg acknowledged that the Club had been at fault and that Club management had learnt important lessons from this incident. He maintained that it would still have been too difficult to cancel the event at such short notice and to close the event on the night would have led to disorder. He stated that the Club did have respect for the law and asked the Sub-Committee to take this into consideration.

The Determination

The Sub-Committee heard all of the representations and considered the written submissions with regards the application by Northamptonshire Police for a Review of the Club Premises Certificate of the Far Cotton Working Men's Club.

The Review was prompted by Police concerns relating to the Prevention of Crime & Disorder. However, the Sub-Committee was also very concerned about other Licensing Objectives including the Protection of Children from Harm and Public Safety, in particular, the risk of not having the correct insurance cover for an unlicensed activity, in this case Boxing.

Therefore, the Sub-Committee came to the conclusion that on a Balance of Probabilities, there was a risk that the Licensing Objectives have not, on this occasion, been promoted and upheld by the Club, in line with the legislation.

The Sub-Committee noted the fact that this event was to encourage and support a positive

activity for local youths, which would ultimately benefit the wider community. It was also noted that the Police have put forward no other objections for such an event being held at the Club.

However, this had to be balanced against the fact that the clear provisions of legislation have not been followed, even though the offence was pointed out prior to the event taking place.

The Sub-Committee therefore concluded that in order to promote and uphold the Licensing Objectives a sanction must be imposed, and the only viable course of action was to suspend the Club Premises Certificate. The Suspension would be for a period of 10 days. This suspension would take effect 21 days after the service of the Decision Notice.

All parties have the right to appeal the Sub-Committees decision to the Magistrates Courts within 21 days of the date of the decision.

The meeting concluded at 3:35 pm