

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 21 February 2012

PRESENT: Councillor Malpas (Chair) Eales and Ford

OFFICERS Mehboob Kassam (NBC Solicitor)
Phillip Bayliss (Principle Licensing Officer)

FOR THE APPLICANT PC Bryan Northants Police
PS Mark Worthington Northants Police
Fire Officer S Richards

1. REVIEW OF THE PRINCE OF WALES

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

No one from the Prince of Wales, or any representative, was present at the Review Hearing. The Sub Committee received evidence from the Licensing Officer that adequate notice for the hearing had been served and decided that the Review should proceed. Notification of the hearing had been sent on 5th February 2012 and 15th February there had been a further letter and a copy of the Review papers.

The Licensing Officer outlined the purpose of the hearing and explained that an application for the review of the premises had been received from Northamptonshire Police on 2 of the Licensing Objectives; the prevention of crime and disorder and the prevention of public nuisance. The Licensing Officer then explained the procedure of the hearing.

Application for the Review

PC Bryan from Northamptonshire Police confirmed that they had applied for the review of the premises on the grounds of the Licensing Objectives of Prevention of Crime and Disorder and prevention of public nuisance.

The Prince of Wales holds a Premises Licence that authorises the sale by retail of alcohol until 23:00 hours and the premises must close to the public by 23:20 hours Monday through to Saturday and on Sundays 22.50. The licence also authorises Regulated Entertainment in the performance of live music and the playing of recorded music. Live music must cease at 23:00 hours Monday to Saturday and 22.30 hours on Sunday.

On 22nd April 2011 at 01:28 Police took a report from a resident within the vicinity that loud music was coming from the premises. As they were made aware of this complaint by the Police Northampton Borough CCTV monitored the premises. At this point CCTV reported that three males had exited the premises and were fighting. Police Officers attended the scene and found that one of the males had left the premises, but had returned to look for his car keys. He could not find them but had refused to leave until they were found. Officers stated that all persons involved were in their expert opinion intoxicated and drunk. Officers said that all persons involved were unhelpful and it took some time to calm the situation.

On 30th October 2011 at 01.16 Police Sergeant Watters attended the premises. He clearly heard loud music when he entered the premises and found several people in the bar drinking alcohol. Members of staff present claimed to be unaware of the hours of the

operation of their licence.

Again on 13th November 2011 at 01:16 Police Sergeant Watters attended the premises. He clearly heard loud music when he entered the premises and found several people in the bar drinking alcohol.

On Saturday 12 December 2011 at 00:25 hours, a multi agency team including PC Bryan, PS Worthington, a Northampton Borough Council Licensing Officer, Environmental Health Officer and a member of the Northants Fire Service visited the premises. Audio visual evidence of that visit was played to the Sub Committee.

Approximately 20 people were still on the premises, some drinking and with almost full pints. There was music being played. The till indicated that the last transaction had taken place at 01:23, although this was probably 00:23 and the till clock had not been adjusted after the clocks had gone back. No Designated Premises Supervisor or Premises Licence Holder was on the premises. The person behind the bar was Tina Downing who had been present at Sergeant Watters visit on 13th November 2011.

Police Officers had a meeting with Mr Bampkin, the Premises Licence Holder on 23rd January 2012 when he *was informed of the review hearing. Since that time there has been no contact

The Sub Committee questioned whether there had been a review of the premises in 2008 and this was confirmed. At that time the Designated Premises Supervisor was Miss M Haynes, who was still listed as the DPS, it was believed that she lived on the premises, but had not been present on any of the occasions that the Police had visited.

The Fire Officer, Mr Richards, was also present at the multi agency inspection. He addressed the Sub Committee, stating that whilst he was present at the inspection he had been approached by various people whom he believed to have been under the influence of alcohol to the extent that he believed that their ability to evacuate the premises in an emergency would have been compromised. The premises did not appear to have a manual fire alarm system. Three doors signed as fire exit doors were locked shut.

On 13th January 2012 a full fire safety inspection was undertaken. Mr Richards and another Fire Protection Officer visited the premises and met Mr David Bampkin and Marie Haynes. When asked if a fire risk assessment had been conducted Ms Haynes produced a folder which contain a letter of deficiencies which had been sent from the Northamptonshire Fire Service in April 2008.

Mr Bampkin said that from 1st December 2011 either he or Marie Haynes were on site. The locking of the doors was assigned to previous business partners/employees. There was no evidence that emergency lighting had been tested and Fire Extinguishers had not been checked since February 2008. There was no manual system to raise a fire alarm. Ms Haynes was stated to be living on the premises. A further letter of deficiencies has been issued.

Representation by the Respondent

There was no respondent or representative present.

Questions to the Respondent

There was no respondent or representative present.

Summing up by the Respondent

There was no respondent or representative present.

Summing up by the Applicant

PC Bryan stated that Mr Bampkin had only recently become the Designated Premises Supervisor, although he had a longer association with the premises. He had concerns over the impact on the Police being repeatedly called to manage breaches in licensing conditions.

PC Bryan was unable to suggest any conditions that he felt would resolve the problems and was most disappointed that no one from The Prince of Wales was present at the hearing and considered that this was an indication that the problems were not being taken seriously.

P.C Bryan also stated that he could not see how the current situation at the Prince of Wales could be redeemed

The Determination

There being no further questions, the Sub-Committee adjourned at 16.20 to make a decision and the Solicitor was called for advice.

The Sub-Committee reconvened at 16.50.

The Sub Committee thanked everyone for attending the Review.

It was noted for the record that the Prince of Wales had had sufficient notice of the hearing and that Mr Bampkin, the holder of the Premises Licence had been made aware of the hearing. No one from the Prince of Wales, or any representative had attended.

On a balance of probability the Sub Committee was satisfied that the current operation of the premises is not promoting the Licensing Objectives of the prevention of crime and disorder and the prevention of public nuisance.

Therefore the Sub Committee decided that it was appropriate and proportionate to revoke the premises licence from the Prince of Wales particularly given PC Bryan's view that the current situation at the Prince of Wales cannot be redeemed.

The decision takes effect 21 days after receipt of notification by the Prince of Wales and can be appealed at the Magistrates Court.

In the meantime the Sub Committee urged the Fire Officer to urgently review the public safety concerns at the premises and take whatever appropriate action thought necessary.

The meeting concluded at 4:55 pm