

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 14 February 2012

COUNCILLORS PRESENT: Councillors Duncan (Chair) Ford and Patel

OFFICERS: Mohammed Rahman (Solicitor)
Louise Faulkner (Licensing Officer)

FOR THE APPLICANT: Sgt Worthington – Northamptonshire Police

FOR THE REPRESENTORS: Mr Nolan – Leaseholder
Mrs Nolan – Leaseholder
Mrs Harris – Licensee/Designated Premises Supervisor

1. EXPEDITED REVIEW - JOLLY CRISPIN

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

The Licensing Officer outlined the purpose of the hearing and explained that a expedited review had been requested by Northamptonshire Police due to serious crime and/or disorder as a result of a number of incidents on Saturday 11th February 2012. The Licensing Officer then explained the procedure of the hearing.

Application for the Review

Sgt Worthington from Northamptonshire Police confirmed that they had applied for the expedited review due to serious crime and/or disorder. He commented that the premises was licensed to sell alcohol Mondays to Thursdays between the hours of 10am and 11pm, Friday to Saturday 10am to 12 midnight and Sunday 11am to 11pm.

He reported that on Saturday 11th February 2012 at 00.44 the police drove past the premises and witnessed a number of people fighting outside the premises – 44 minutes after the Premises should have closed. At the same time, a call had been received requesting Police assistance, who were subsequently dispatched to the Jolly Crispin. He stated that during the phone call, the operator could hear glass being smashed in the background before the phone was disconnected. On arrival the Police observed tables being thrown, glasses being smashed and pool cues being used as weapons. They were made aware of someone lying on the floor, who was not breathing and possibly unconscious. Due to the seriousness of disorder, it was explained that the Police Supervisor was asked to attend - 16 Police Officers had been in attendance at one point. He explained the there had been two victims of grievous bodily harm, both of whom had been taken to hospital – one with a fractured skull, the other, a fractured eye socket. It was noted that the Police were concerned about the possibility of reprisals, as it had been mentioned at the time of and shortly after the incident.

Sgt Worthington further explained that the licensee and Designated Premises Supervisor (DPS) Mrs Andrea Harris was present but was not in a fit state due to extreme intoxication and thus not in control of the premises. He commented that she had been obtuse and uncooperative with the Police and had offered them little assistance in the delivery of first aid. He suggested that the time the police call was logged also indicated that alcohol was being sold after licensable hours. He also expressed concern that there was no CCTV within the premises.

Sgt Worthington explained that historically there had been a number of issues with the premises and informed the Sub Committee members that in August 2011 there had been a serious assault where the victim had been stabbed/slashed and a corrosive substance had been sprayed throughout the bar area of the premises. In May 2011 it was noted that there had been a failed Test Purchase operation where two children (under 18) had been served alcohol. It was reported that the Police considered it necessary for the expedited review as it had appeared that the Licensee had lost control of the premises and serious violence and disorder had broken out. Therefore the Police requested that interim steps be taken to remove the DPS with immediate effect and that the license be suspended until a full review could be heard.

Representations by the Respondent

Mrs Harris - the licensee and Designated Premises Supervisor explained that on the night of the incident, the ambience in the Jolly Crispin had been pleasant and enjoyable, but that tensions mounted as the night went on. She stated that at midnight, the bar had been closed when she went upstairs to make a cup of tea at which point the fracas had broken out. She stated that having returned to the bar she had gone to the assistance of the unconscious man and did everything in her power to assist the victim. Having cleared the premises of people, she reported that the Police had advised her not to enter the bar area as evidence would be gathered and retired to bed. Her lodger woke her at 2am accompanied by the Police as they had returned requesting a statement and a pool cue, which they wanted for evidence. She commented that she did not want the police going to the bar area alone as there was a lot of glass, alarms that needed to be set and reset and her dog would also be at risk of padding on shards of glass. She further commented that she offered to give the Police a statement the following day, which she stated was why the police had considered her to be uncooperative.

Mrs Harris explained that in the evening, she had not been extremely intoxicated as she had only consumed two glasses of wine and vigorously denied that she was drunk. She reported that due to a broken heel bone, she was prescribed medication, the side effects of which lead the Police to believe that she was under the influence of alcohol.

Mr Nolan, the leaseholder of the premises explained that he had been in the licensing trade for a considerable number of years and stated that during the time when Mrs Harris had been DPS of the premises, he fully trusted her competency and believed that having an affiliation with the local community had stood her in good stead and he continued to believe that she was capable of managing the premises. In response to the concerns expressed by the Police regarding CCTV, Mr Nolan stated that he would be happy to install CCTV if considered necessary.

In response to the statement by Sgt Worthington, Mrs Harris explained that the underage sale had occurred when a temporary member of staff had been on the premises and consequently not work in the premises since the Test Purchase. With regards to the serious assault in August 2011, Mrs Harris explained that it was her son who had been the victim of the unprovoked attack, a disreputable person whom had carried out the attack.

Questions to the Respondents

In response to questions asked by the Sub Committee, it was explained that those people involved in the fight included a number of regulars and a couple of men who had recently been released from prison – who Mrs Harris stated were the instigators of the melee and a number of people had been barred from the premises as a result of the incident. She also informed the Sub Committee that there were approximately twenty-five drinkers in the

premises at the time, with herself as the only member of staff present at the time of the fracas. Mr Nolan stated that he would welcome employing door staff in the future to ensure the safety of customers and staff.

In response to a question asked by Sgt Worthington, Mrs Harris listed the medication she had been prescribed to her.

Summing up by the Applicant

Sgt Worthington requested that the Sub Committee consider the removal of the DPS and asked for the License to be suspended due to the serious nature of crime and disorder. He maintained that he believed Mrs Harris was intoxicated at the time of the incident and had lost control of the premises.

Summing up by the Respondent

Mr Nolan stated that he had worked in the industry for the past 30 years and would assist the Police in dealing with any subsequent reprisals. He reported that he would enquire about CCTV and employing door staff/security to prevent any further incidents.

There being no further questions, the Sub Committee adjourned at 15.22pm to make a decision and the solicitor was called for advice.

The Determination

The Sub Committee reconvened at 15.46

The Sub-Committee considered the Expedited Review of the Premises Licence for The Jolly Crispin, 132 Great Russell Street, Northampton, which was applied for by the Northamptonshire Police.

Having heard the representations put forward from the Police it was noted that they had requested that the DPS be removed and the Premises Licence be suspended. They also took into consideration the submissions from Mr and Mrs Nolan, who represented the Premises License Holder, Nolans Inns and also from Ms Harris, the DPS.

However, due to the seriousness of this matter, which included the injuries suffered, they strongly consider all the options available to them in relation to the Premises Licence.

The Sub-Committee concluded that in order to promote and uphold the Licensing Objectives, and due to the fact that the incidents were considered as both serious crime and serious disorder, the only viable course of action would be to remove the DPS and to suspend the Premises License. These would be Interim Steps, which would take effect immediately.

The Chair commented that the Licensing Committee as a whole, had a duty to ensure that all the Premises in the Borough that hold a licence should be run in a proper manner, and unfortunately it was felt that this was not the case in this instance.

The removal of the DPS and suspension of the Premises Licence were considered both necessary and proportionate and uphold the Licensing Objectives, in particular Public Safety. These steps would also protect the premises from any reprisals and allow Northamptonshire Police time to carry out any other necessary investigations.

The steps would continue until a full Licensing Review could take place, which would be

within 28 days, when the matter would be re-visited.

<TRAILER_SECTION>

The meeting concluded at 15.47pm

M7082