

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Wednesday, 7 March 2012

- COUNCILLORS PRESENT:** Councillors Duncan, Ford and Patel
- OFFICERS:** Mohammed Rahman (NBC Solicitor)
Phillip Bayliss (Principle Licensing Officer)
- FOR THE APPLICANT:** Sgt Worthington (Northamptonshire Police)
PC Bryan (Northamptonshire Police)
- FOR THE REPRESENTORS:** Mr Nolan – Leaseholder
Mrs Nolan – Leaseholder

1. REVIEW OF THE JOLLY CRISPIN 134 GREAT RUSSELL STREET NORTHAMPTON NN1 3RB

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

The Licensing Officer outlined the purpose of the Summary Review and explained that the application had been submitted due to an incident of serious crime and/or disorder on the 11th February 2012. On the 14th February 2012, a summary hearing took place and the Sub Committee considered it necessary and proportionate to suspend the Premises Licence until the Review hearing and to remove the Designated Premises Supervisor (DPS – Andrea Harris). The Licensing Officer then explained the procedure of the hearing.

Application for the Full Review

Sgt Worthington (Northamptonshire Police) addressed the Sub Committee and outlined the main reasons for the initial expedited review. He stated that there had been a large-scale disturbance at the premises, which had resulted in three people being injured. He further informed Members that a number of statements had been taken from Officers present at the scene.

One PC stated that on arrival various people were heavily intoxicated and a number of people were covered in blood. He was approached by Andrea Harris, who in his opinion also appeared to be intoxicated as she was slurring her words and displayed aggressive behaviour towards the Officer.

Another PC reported that on entering the premises, he observed large amounts of blood next to the dance floor and a man lying on the floor – who appeared to have a severe injury to his eye. Another man also appeared to be bleeding as a result of a head injury. It was stated that he refused medical assistance and was uncooperative with the Police who were trying to assist him.

A further statement from a PC detailed how inside the premises a male was lying on the floor, covered in blood. There was evidence of blood splatters and splashes in a number of areas of the premises and the floor was covered in a mixture of blood and broken glass due to the incident. The PC was of the opinion that Andrea Harris was heavily intoxicated as she had slurred speech, glazed eyes and was uncooperative when being questioned at the scene – her main concern seemed to be whether or not she would be able to open the premises the following day and how long the police would be present.

The Sub Committee were informed that on arrival the Police were aware that alcoholic beverages were still being consumed on the premises but they were not aware how long in advance they had been served.

Sgt Worthington explained that contact had been made with the victims the injuries of which included one person who had a fractured face, jaw and an eye injury that had left him blinded in one eye. The second victim had cuts and bruises. The Police had attempted to communicate with both the victims to establish the details of the incident, but neither victims had made a complaint and were evasive when questioned by the Police. The Police explained that since the expedited review, they had liaised with Mr and Mrs Nolan (the premises licensee) and had agreed a satisfactory way forward. They had agreed that the DPS (Andrea Harris) be removed, the Personal License Holder (Mr Nolan) to be on the premises and on duty after 7pm when alcoholic drinks would be served, the Personal License Holder not be intoxicated and that CCTV be installed.

The Chair asked what would be considered as 'not intoxicated'; the Police suggested that the current drink drive limit be regarded as the general measure although it was noted that this would be difficult to Police. Due to those concerns the Solicitor suggested that the Personal Licence Holder be restricted to no alcohol whilst on duty as a means to make policing the condition easier to manage.

Representations by the Respondents

Mr Nolan, the leaseholder of the premises, commented that he had been in the business for 30 years and that having worked closely with the Police following the incident, he was determined that the premises be put back into the community for the local residents. He stated that prior to the incident, he had been somewhat distanced from the Premises but that following events he was determined to get the premises back on track with the introduction of a pool and darts teams, lunch time food menu and a refurbishment to enhance and change the image of the pub and that he would be in full control of the premises and would be the DPS on duty from 7pm onwards every evening.

In response to a question asked by the Sub-Committee, the Police explained that reprisals had been mentioned at the last hearing but that neither victims had made a complaint and therefore reprisals could not necessarily be ruled out, but that there was no hard evidence that should there be any reprisals that they would be undertaken on the premises. Mr Nolan stated that should there be any reprisals, they would not be taking place on the premises and thanked the Police for the work they had done.

There being no further questions, the Sub Committee adjourned at 10.15am to make a decision and the solicitor was called for advice.

The Determination

The Sub Committee reconvened at 10.31am

The Sub-Committee considered the matter, which was originally instigated by an application by the Northamptonshire Police for an Expedited Review of the Premises Licence.

On 14 February 2012, the Sub-Committee came to the conclusion 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 at the time was to remove the DPS and to Suspend the Premises License. These were Interim Steps, which took effect immediately.

Having heard that during the interim period, the Northamptonshire Police, and the Premises Licence Holders, Mr & Mrs Nolan have been in communication with each other, and have worked together to resolve the matter.

It was noted that both parties had come to an agreement that conditions should be added to the Premises Licence. Those suggested conditions were:

1. There is a change of DPS and Mr Nolan will become the new DPS
2. A Personal license holder to be 'On Duty' at all times alcohol is being sold after 19.00hrs and will not be intoxicated
3. A CCTV system is installed within the premises (which we understand has been installed and approved by the police).

The Sub-Committee deliberated and were very impressed that there had been positive movement from Mr & Mrs Nolan. The Sub-Committee believed that the conditions suggested would uphold the Licensing Objectives, and therefore it was determined that the conditions be added onto the Premises Licence. However, the condition about the Personal License holder stated that:

- A Personal license holder to be 'On Duty' at all times alcohol is being sold after 19.00hrs and no alcoholic beverage shall be consumed by the those Personal License holders who would be on duty at those times.

The Sub Committee members wanted to make it clear that it was very important that the operating and opening times on the Premises License would be adhered to, as serving alcohol later or having the premises open longer than the specified times would not be tolerated.

It was noted that should any party not be happy with this decision, all parties would have 21 days to appeal the decision to the Magistrates Court.

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The meeting concluded at 10.42am

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