

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON MONDAY, 17 DECEMBER 2012

PRESENT: Mr P J Holbrook – Chairman
Mr A J Ward Mr L H Young

Also in attendance at the meeting to submit information were:-

Mr L Carvell (Corporate Manager – Licensing) to present Paper M122
Ms C Hayward – Police and Trading Standards representative
Inspector P Crick
Inspector B Kidd Stanton } Suffolk Constabulary
PC C Lannigan }
PC G Pinyoun }
PC I Rafferty }
Mr J Garrett - Trading Standards
Mr B Lewry - Titan Security
Mr A Aylott - Licence holder's representative
Mr D Pratt - Licence holder/premises supervisor

1. DECLARATION OF INTERESTS

None declared.

2. LICENSING ACT 2003 – SUMMARY REVIEW HEARING REPORT EASTERNS STATION LOUNGE, SUDBURY

The Corporate Manager – Licensing informed the meeting of additional documentary and other information that had been provided in advance of the hearing. Regulation 18 of the Licensing Act 2003 hearing regulations applied and the additional documentary and other information was allowed to be heard.

The Licence Holder's representative submitted that the application made by the Chief Officer of Police for a summary (expedited) review under Section 53A of the Licensing Act, on grounds of 'serious disorder', was unlawful and should instead have been made under Section 51 of the said Act. The Police and Trading Standards representative claimed that the hearing should continue.

The hearing adjourned at 10.15 a.m. and resumed at 10.35 a.m. to enable the Members of the Licensing Sub-Committee to take advice on whether the hearing should proceed.

The Members advised that what constituted serious disorder is a matter for judgement by the Police. They have made that judgement and the Licensing Sub-Committee is not the appropriate body to decide that. The licence holder could have challenged the decision of the Police in the High Court, but chose not to do so, therefore, it was the Licensing Sub-Committee's opinion that the review hearing should continue.

The Chairman of the Sub-Committee referred to the procedure to be followed at the meeting, a copy of which had been circulated with the Agenda.

The Licensing Officer submitted a report ([Paper M122](#)) requesting the Sub-Committee to determine an application made by the Chief Officer of Police under Section 53A of the Licensing Act 2003 for a summary (expedited) review of Premises Licence BPL0072 held in respect of Easterns Station Lounge, 31 Station Road, Sudbury.

Following the presentation, the Licence Holder's representative asked a point of clarification of the Licensing Officer in relation to previous application and hearing proceedings for Easterns Station Lounge.

The Police and Trading Standards representative then gave an opening address as to why her clients had made an application for a summary (expedited) review of the Premises Licence. Each party had also included additional evidence by way of CCTV footage that had been transposed onto a DVD. Whilst neither side had seen each other's evidence, neither side objected to the showing of the evidence.

The Police and Trading Standards representative then called as a witness Inspector Kidd-Stanton. Following the evidence given the Licence Holder's representative and Members questioned Inspector Kidd-Stanton.

The Police and Trading Standards representative then called as a witness PC Lannigan. The Licence Holder's representative and Members then questioned PC Lannigan.

The Sub-Committee broke for lunch at 1.00 p.m. at this point and resumed at 1.30 p.m.

The Police and Trading Standards representative then continued with her opening statement which included the showing of CCTV footage which was accompanied by some further evidence from PC Rafferty who was called as a witness. PC Rafferty was then questioned by the applicant's representative.

A second piece of CCTV evidence was also shown.

The Police and Trading Standards representative then called PC Pinyoun as a further witness. PC Pinyoun was then questioned by the Licence Holder's representative and Members.

The Police and Trading Standard's representative then called Mr B Lewry from Titan Security as a witness. Mr Lewry was questioned by the Licence Holder's representative and Members.

The Police and Trading Standards representative then called Mr J Garrett from Trading Standards as a further witness. Mr Garrett was then questioned by the Licence Holder's representative and Members.

The Licence Holder's representative then made an opening statement, circulated photographs at the meeting and showed CCTV evidence.

The Licence Holder's representative was questioned by the Police and Trading Standards representative and Members.

All parties were then requested to provide closing comments to the meeting. Following this all parties withdrew to enable the Committee to deliberate the application.

The relevant parties were then invited back into the meeting and the Council's decision, which was unanimous, was notified.

RESOLVED

- (1) That Premises Licence BPL0072 for Easterns Station Lounge, 31 Station Road, SUDBURY shall be suspended for a period of 2 (two) calendar months.**
- (2) That the Sub-Committee is satisfied based on the balance of submissions and supporting information/evidence provided by the parties to the hearing that, since August 2012, there has been a failure of the premises management to promote the licensing objectives.**
- (3) That the Sub-Committee views the sale of alcohol to under-age persons as a particularly serious issue, and in this regard the premises management has manifestly failed to promote the protection of children from harm licensing objective.**
- (4) That, in this instance, the Sub-Committee has concluded to not modify any existing conditions of licence.**

The determination of the Licensing Sub-Committee made under section 53C of the Licensing Act 2003 does not take effect until (a) the end of the period given for appealing against the decision (21 days), or (b) if the decision is appealed against, until the appeal is disposed of.

The business of the meeting was concluded at 5.55 p.m.

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Chairman