

## LICENSING SUB – COMMITTEE

**HELD: 15 DECEMBER 2011**

Start: 10.30am

Finish: 6.10 p.m.

PRESENT: Councillor Kay (In the Chair)

Councillors: M Pendleton  
Sudworth

Officers: Principal Solicitor (Mr. L. Gardner)  
Senior Licensing Officer (Ms. M. Murray)  
Member Services Officer (Mrs. J. Brown)  
Senior Environmental Health Officer (Mrs. J. Antrobus)

In attendance: Police Sergeant 1506 A. Bushell (Lancashire Constabulary)  
Inspector S Swift (Lancashire Constabulary)  
P.C. Wells (Lancashire Constabulary)  
PCSO McKee (Lancashire Constabulary)  
Mr. J. McHugh (in support of premises licence)  
Mr. G. McHugh (in support of premises licence)  
Mr. L. McHugh (in support of premises licence)  
Mr Martins (in support of premises licence)  
Mr. J. Hart (Barrister)

### **42. APOLOGIES**

There were no apologies for absence received.

### **43. MEMBERSHIP OF THE COMMITTEE**

There were no changes to Membership of the Committee.

### **44. URGENT BUSINESS**

The Chairman had indicated that a report relating to a Temporary Event Notice – submitted in respect of Embargos, 62 Birkrig, Skelmersdale be considered as an item of urgent business by reason of special circumstances, namely due to Section 105(2) of the Licensing Act 2003 (the Act) - if an Objection Notice is submitted by the Lancashire Constabulary against a Temporary Event Notice, a hearing must be held within 7 working days after the date of receipt. The Licensing Service received the Temporary Event Notice on Thursday 8 December 2011 and on the same day the Lancashire Constabulary submitted an Objection Notice, therefore a hearing must take place before 19 December 2011.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 307 to 326 of the Book of Reports in respect of a Temporary Event Notice submitted under the Act in respect of Embargos, 62 Birkrig, Skelmersdale.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act 2003. The Committee is restricted by the Act to consider only the ‘prevention of crime and disorder’ Licensing Objective.

On hearing evidence from the Applicant and Lancashire Constabulary into consideration the Sub – Committee:-

RESOLVED: That the Temporary Event Notice in respect of Embargos, 62 Birkrig, Skelmersdale be UPHELD and the event allowed to take place.

**45. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**46. DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**47. MINUTES**

RESOLVED: That the Minutes of the meeting held on 6 December 2011 be received as a correct record and signed by the Chairman.

**48. LICENSING HEARING PROCEDURE**

The Chairman referred to the above procedure.

**49. APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF EMBARGOS, 62 BIRKRIG, SKELMERSDALE.**

Consideration was given to the report of the Assistant Director Community Services as contained on pages 263 to 305 of the Book of Reports in respect of the review of a Premises Licence in respect of Embargos, 62 Birkrig, Skelmersdale.

Further consideration was given to a witness statement from Lancashire Constabulary requesting that Members consider revocation of the Premises Licence in light of new information.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act 2003. It considered the relevant Licensing Objectives on this occasion were the ‘prevention of public nuisance’, ‘prevention of crime and disorder’ and the ‘protection of children from harm’.

On hearing evidence from the Respondent, Senior Environmental Health Officer and Lancashire Constabulary into consideration the Sub – Committee:-

- RESOLVED:
- A. The Committee considered that there is sufficient evidence to show that there has been breaches of the conditions applied to the licence and therefore that under its Licensing Policy the Committee issue a yellow card warning. If a further review is received regarding problems arising from the premises the presumption of that review will be to revoke the licence.
  - B. That the DPS or an employee holding a personal licence shall be in charge and on the premises at all times it is open to the public.
  - C. That there shall be no irresponsible drinks promotions were the price of the drinks shall be no less than 75% of the regular selling price on the premises.
  - D. The following conditions under Annex 1 be removed from the wording of the premises licence as they are mandatory conditions:-
    - Supply of alcohol
    - Dispensing of alcohol into the mouth
    - Free tap water
    - Exhibition of films
  - E. That the following conditions under Annex 2 shall be removed:-
    - Closing hours on the Sunday and Bank holiday weekend shall be 02.00
    - Any Member found to break club rules and/or act in an unsociable manner shall have their membership revoked and not be allowed back onto the premises.
    - Recorded music can continue until close, but the final thirty (30) minutes at a reduced volume' shall be removed.
  - F. That the condition regarding the noise limiter in Annex 2 shall remain, however the permitted noise level will be set in consultation with a Senior Environmental Health Officer'.
  - G. The condition regarding CCTV in Annex 2 shall be amended to state CCTV:- A tamper proof digital CCTV system will be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system will have internal and external cameras and record for 24 hours every day, the images will be retained for a minimum of 28 days' and there will be, at all times licensable activity is provided, someone at the premises who can operate and download the images from the system and these will be provided to any responsible authority upon reasonable request.

- H. The condition regarding the removal of bottles from the premises shall be amended to state:-Customers will not be permitted to take any glasses or bottles out of the premises and no alcohol purchased for consumption on or off the premises shall be consumed in any outside area of the premises, including any area set aside for smoking’.
- I. That the premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the Police and Local Authority. This policy shall state that any person who does not appear to be at least 25 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard driving licence or passport’
- J. That the DPS will ensure that all staff are trained in preventing sales of age restricted products to underage persons. This training will be ongoing with refresher training taking place on a regular basis. This training will be recorded and copies of these records will be made available upon request to any responsible authority’.
- K. That no performance involving striptease or nudity will take place without the prior approval of the Licensing Authority
- 1) That applications for approval shall be in writing and will detail together with an adequate plan of the premises:
  - 2) The performance area
  - 3) The means of access and egress to and from the performance area
  - 4) The dressing room arrangements
  - 5) Security arrangements, including the means by which physical contact between performers and customers will be prevented
  - 6) The appearance and content of advertising material; outside and inside the premises
  - 7) The means by which potential customers will be made aware of the nature of the performance
  - 8) That no performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
  - 9) That performers shall not be the subject of any advertising involving the distribution of leaflets, promotion by canvassers or by touting.
  - 10) That neither the DPS, the performer(s) or any person concerned with the licensed premises or the entertainment shall encourage or permit others to encourage the audience to throw money to or otherwise give gratuities to the performer(s).

- L. That whenever the premises provides licensable activity on a Friday, Saturday or Sunday, there will be a minimum of 3 door supervisors employed at the premises from the time of opening until the premises closes.
- M. That a record shall be kept on the premises by the DPS of every person employed on the premises as a door supervisor. The record shall contain the following details:
- Name, address;
  - Date of birth;
  - His/her Security Industry Authority licence number.
- That record shall be kept for a six month period and made available upon request to any responsible authority.
- N. That a written record of refusals of entry or ejection from the premises shall be kept on the premises and shall be kept for a six month period and made available upon request of any responsible authority.

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- CHAIRMAN -