

Crawley Borough Council

Minutes of Licensing Sub Committee

15 July 2009 at 5.00 p.m.

Present:

Councillors A G Brown, B J Burgess and S Kaur
Councillor B McCrow (Substitute – Observing)
Councillor L A Walker (Observing)

Officers Present:

T Baldock	Group Manager for Food, Licensing and Occupational Health
J Green	Committee Clerk
M Lyons	Licensing Officer
A Williams	Legal Clerk

Also in Attendance:

Applicant Mr C Boyle, Sussex Police (Observing)

1. Appointment of Chair

RESOLVED

That Councillor B J Burgess be appointed Chair for the meeting.

2. Members' Disclosure of Interests

No disclosures of interest were made by Members.

3. Application to Review a Premises Licence – Co-operative Group Ltd, 8, Maidenbower Square, Maidenbower

The Sub-Committee considered an application by Sussex Police for the review of the premises licence held by the Co-operative Group Ltd in respect of 8, Maidenbower Square, Maidenbower.

Report ES/217 of the Head of Environmental Services was presented by Mike Lyons, a Licensing Officer for Crawley Borough Council. The Sub-Committee was also informed that, following discussions between the two parties, the Police and the Co-op had now reached an agreement on a possible way forward involving a variation of the licence conditions together with a voluntary suspension of the sale of alcohol for a period of two weeks. A copy of the Memorandum of Agreement setting out the terms agreed by the two parties, together with associated correspondence had been previously circulated to the Sub-Committee. It was pointed out that there was an error in the Memorandum of Agreement in that paragraph 4 referred to the meeting taking place on 14 July and, obviously, this should have been 15 July.

The documents relating to the Memorandum of Agreement, together with the submission by the Police had not been available for five clear days before the meeting and the Chair, therefore, agreed that there were special circumstances justifying their urgent consideration in compliance with Section 100(B) of the Local Government Act 1972.

The Sub-Committee was asked in correspondence from the two parties to consider whether it felt able to approve the terms agreed between them. Alternatively, it was suggested that the Sub-Committee might wish to adjourn the hearing to deal with any concerns that they might have or to consider representations from representatives of the parties.

The Sub-Committee had a general discussion about the application. In particular, it was noted that, in the review application, the Police had originally asked the Sub-Committee to consider suspending the premises licence for six weeks. In this connection, the Licensing Officer reported that, shortly before the start of the meeting, he had received an e mail from the Police which included a summary of the Police's reasoning behind the proposed reduction in the period of suspension to two weeks and a suggestion from the Police that he provide this information to the Sub-Committee, if appropriate. The Sub-Committee took legal advice on whether this additional information could be considered at the hearing and was advised that, as the information had been received before the meeting and in support of the Police's representations, it could be taken into account in accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Licensing Officer went on to read out the new information, which is here summarised. The reasons for the proposed reduction in the suspension period were described by the Police as many fold. However, in particular, the Police had taken into consideration information which had been provided during mediation in connection with refusals systems, training and steps that had been taken following the underage sales. The Police had also taken into consideration the Co-op's positive, open and honest approach. The fact that, by agreeing to compromise, the additional conditions could be implemented at an earlier stage than they would be if a committee decision were to be appealed had also been a factor. Importance had also been placed on the fact that suspension would be immediate and that the community could see that there was a definite move to break the link between the sale of alcohol to children and the premises.

Having taken into consideration the information provided by the Police, the Sub Committee continued to question whether the way forward as proposed by the Police and the Co-op was sufficient to prevent further problems occurring. It was felt that a more detailed explanation about how changes might be achieved through these proposals would assist the Sub-Committee in determining whether the revised period of suspension was sufficient to enable training to be carried out and to break the link between the premises and the sale of alcohol to children.

RESOLVED

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the hearing. The Sub Committee considered that the public interest in taking such action outweighed the public interest in the hearing taking place in public.

4. Application to Review a Premises Licence – Co-operative Group Ltd, 8, Maidenbower Square, Maidenbower

The Sub Committee gave further consideration to the application and to the matters raised at the meeting.

RESOLVED

That, in accordance with Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing be adjourned until Thursday 23 July, 2009 at 5.00 p.m. to allow for consideration to be given to representations from the parties.

5. Re-admission of the Public

The Chair declared the meeting re-open for consideration of business in public session and announced the Sub Committee's decision to adjourn the hearing

6. Closure of Meeting

With the business of the Sub-Committee concluded, the Chair declared the meeting closed at 5.45 p.m.

B J BURGESS
Chair