

## **DECISION OF THE LICENSING SUB COMMITTEE**

### **Date of hearing:- 17/9/20**

We have considered the application for a Summary Review of the Premises Licence of Corner Pocket and Majestic Suite, Bank Street, Mexborough and have taken into account the Application made and the evidence presented today, the steps that are appropriate to promote the Licensing Objectives, the Home Office Guidance and the Statement of Licensing Policy.

The Committee have carefully considered the matters raised by the Police and Superintendent Thomas in the Certificate and notice and the practical implications of all of the interim steps available including taking no action or modification of the licence. Based on the evidence of serious crime contained in the application the authority has concluded that it is necessary to take the interim step of suspending the licence with immediate effect.

In reaching their Decision the Licensing Sub Committee was mindful of the requirement of the Licensing Act 2003 and that in carrying out its functions under the Act, must do so with a view to promoting the licensing objectives. In considering all of the above factors, the Committee, balancing the interests of all parties to the hearing has resolved to suspend the licence with immediate effect pending the full review hearing. The sub-committee deemed the above step to be necessary to uphold the licensing objective of Crime and disorder.

The committee heard that there had been a serious incident on Sunday 13<sup>th</sup> September 2020 and it was put to them that this meets the definition as set out in the relevant legislation and they agree. In fact it is noted that this appears to have been agreed by the Premises. The Police further say that there have been other incidents which they are only now aware of and have categorised these as under reporting. Without any details the committee is unable to make any determination on these incidents other than it is unlikely that they would amount to serious disorder or crime which is the relevant factor for the hearing today. It is of course likely that these issues will be raised when the full review is heard.

Whilst the committee notes the comments about the Covid security issues all agreed these were not serious disorder nor serious crime.

Regarding the incident on 13<sup>th</sup> September the committee heard evidence that the premises were aware there was an issue with some patrons and sought to deal with their disruption. It appears that there is CCTV of this incident and although none was presented today there is no dispute that the incident was commenced or at least carried on in the premises until they were removed. From there the incident escalated to a serious violent assault which gives the committee great concern. This would suggest there was a number of opportunities for the DPS, who was on site, the manager, other staff in the premises and the door staff to intervene to prevent the incident escalating.

Most concerning it is being put to the committee today that the door staff are an issue and have been replaced. This seems to be a reaction to the incident on Sunday rather than the premises having general concern over the operation of the door staff which it seems have contributed to this situation. Neither have we heard that the incident was reported to the police by anyone at the premises. The Police have raised that they have concerns that if the premises remains open then there is a risk of something happening in the future and therefore it is proportionate for the licence to be suspended and the committee agrees.

The Committee are aware that the Police have already sought to close the premises under separate powers and that the premises is actually closed until the determination of that process. The Police explained that they believe the correct forum for dealing with licensed premises is the licensing authority and therefore the committee accepts it is entirely reasonable to ask the licensing committee to deal with this matter. It would seem that utilising both legal powers has the propensity for there to be confusion but the committee does accept that the only power where an immediate closure could be enacted is through a Closure notice. This accords with the police's view that they have concerns about serious crime and order at the premises and sought to close immediately.

The premises have said that the request for suspension is disproportionate and that the premises are well managed and invited the committee to do nothing other than amended some conditions. The Committee have carefully considered whether any modifications to the licence would ensure there would be no further serious crime or disorder. The matter of the door staff was put to the committee as being resolved whilst also saying that it is impossible to get good door staff for the area. This committee is therefore concerned that replacing the company will not deal with the potential issues. Other suggested modifications were around record keeping which the committee does not regard as being able to deal with serious crime and disorder in the premises. The committee has considered if there are any other modifications that could be considered but having reviewed the current conditions feel these should ensure the licensing objectives are upheld but clearly this is not the case. It is open to the committee to remove the DPS but however it is not felt that this would

resolve these issues as at no point has with the police nor the premises suggested there are any issues with the DPS. In fact it appears it was the manager of the premises that was dealing with this incident.

Both parties mentioned that there are matters that will need to be raised at the full review and it is expect that clarification on the quality of door staff will feature in this process.

For the avoidance of doubt the interim steps shall cease to have effect on the determination of the full review hearing, subject to appeal, but without prejudice to the powers of the Licensing Sub-Committee in dealing with that review

The premises licence holder is entitled to make representations to the local authority against the interim steps. If such representations are made, a hearing will be convened for those representations to be considered.

A full review hearing will take place within 28 days from the date of the application.