

LICENSING SUB-COMMITTEE 2

MONDAY 14 MARCH 2016 AT 9.30AM

PRESENT: Councillors Ms Franklin, Morton, Shepherd

ALSO PRESENT: Councillor Stothard was present at the meeting as the substitute Member.
Mr Collins, Chairman of Upperby Men's Institute
Mr Riley, Vice Chairman of Upperby Men's Institute
Mr Thompson Graham, Designated Premises Supervisor, Upperby Men's Institute

OFFICERS: Assistant Solicitor
Licensing Officer
Licensing Manager

There were no objections to the three Members of the Licensing Sub Committee. Councillor Stothard left the meeting.

LSC2.01/16 APPOINTMENT OF CHAIRMAN FOR THE MEETING

RESOLVED – That Councillor Morton be appointed as Chairman of Licensing Sub-Committee 2 for this meeting. Councillor Morton thereupon took the Chair.

LSC2.02/16 APOLOGIES FOR ABSENCE

There were no apologies for absence.

LSC2.03/16 DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

LSC2.04/16 APPLICATION FOR A PREMISES LICENCE – UPPERBY MEN'S INSTITUTE, 41 LAMB STREET, CARLISLE.

The Licensing Officer submitted report GD.17/16 regarding an application for a new Premises Licence to allow the 'on and off' sale of alcohol and Regulated Entertainment for Upperby Men's Institute, 41 Lamb Street, Carlisle.

In addition to the Council's Licensing Officer, Assistant Solicitor and Democratic Services Officer, the following people attended the meeting to take part in proceedings:

Applicant

Mr Howard Collins, Chairman of Upperby Men's Institute
Mr Kenneth Riley, Vice Chairman of Upperby Men's Institute

Designated Premises Supervisor:

Mr Malcolm Thompson, Upperby Men's Institute

Other Person making Relevant Representations:

None

Responsible Authority Representations

None

The Assistant Solicitor outlined the procedure for the meeting. All parties confirmed that they were happy to proceed.

The Licensing Officer reported that an application had been received for a Premises Licence under the Licensing Act 2003 for Upperby Men's Institute, Lamb Street, Carlisle which would enable the club to hire out the function room for various events to non-members. The Premises Licence would also allow members of the public to enter the building freely and purchase alcohol in the bar and lounge areas. Upperby Men's Institute had previously been a member's only club until its Club Premises Certificate was withdrawn by the Licensing Committee in January 2015.

At the time of submission the application received representations from two Responsible Authorities, Cumbria Police and Carlisle City Council as the Licensing Authority. Both of the objections were detailed in the report and related on the undermining of the crime and prevention, public nuisance and protection of harm objectives. There was serious concern that the existing committee would not manage the premises lawfully as they had been responsible for the withdrawal of the Club Premises Certificate.

As a result of the representations the applicant had attended a meeting at the Civic Centre on 17 February. The applicants agreed to include the suggested conditions from the responsible authorities and the Club Secretary stated that the Committee intended to offer further conditions which would be verified in writing.

The Licensing Officer reported that since the publication of the report the Upperby Men's Institute Committee had held an Emergency General Meeting on 26 February 2016 and the standing committee received a vote of no confidence by a majority of the club members. A new committee had been formed and their names had been submitted to the Licensing Manager, a copy of which was circulated to the Sub-Committee. The committee had also agreed to additional conditions on the Licence which were also circulated to the Sub Committee.

As a result of the change in Committee the Licensing Authority and Cumbria Police had withdrawn their representations. Copies of the withdrawal letters were circulated to the Sub-Committee.

In response to Members questions the Licensing Officer clarified that the Premises Licence would allow members of the public to enter the premises and it allowed for the responsible authorities to enter the premises to monitor the conditions of the licence.

Mr Collins, Chairman of Upperby Men's Institute address the Sub-Committee in support of the application. He stated that the Club had been in existence for 50 years and the previous licence had been held by people who did not have any business sense. When the Members became aware of the licensing issues they called a meeting and all of the

Committee apart from the Secretary resigned due to a vote of no confidence. A new Committee was voted in and they had agreed to all of the conditions on the licence. Mr Collins added that he was confident that the Club would operate correctly and the proper laws would be understood. He explained that he had been the Club Chairman previously for five years and therefore knew the business well.

In response to questions Mr Collins confirmed that the previous Committee members would not have any part in running the Club and although they were still members of the Club they would not be on the Committee.

Mr Thompson Graham assured the Sub-Committee that clear Challenge 21 posters had been placed in the premises and staff were undertaking the necessary training. He added that another member of staff would become a personal licence holder at some point in the future.

The Licensing Officer outlined the relevant Legislation and the options open to the Panel.

At 9.47am, all parties, with the exception of the Sub-Committee Members, Assistant Solicitor and the Democratic Services Officer withdrew from the meeting whilst the Sub-Committee gave detailed consideration to the matter.

The parties returned at 9.55am to hear the Sub-Committee's decision.

The Sub-Committee's decision was:

APPLICATION FOR A PREMISES LICENCE
Section 17, Licensing Act 2003
Upperby Men's Institute, Lamb Street, Carlisle

This matter concerned an application for a Premises Licence for Upperby Men's Institute, Lamb Street, Carlisle. Representations had been made by Cumbria Police and the Licensing Authority, both representations had been withdrawn.

The Sub-Committee had considered the application and the representations and had taken into account the evidence before it. In particular, it had listened to the submissions made by:

1. Mr F Watson, Licensing Officer, Carlisle City Council
2. Mr H Collins, Chairman of Upperby Men's Institute

And the written submissions made by

1. Mrs S Stashkiw, Licensing Manager, Carlisle City Council
2. PC John Brooks, Force Alcohol & Licensing Co-ordinator, Cumbria Police

After careful consideration, the Sub-Committee has unanimously decided to grant the application for a premises licence for Upperby Men's Institute, Lamb Street, Carlisle as set out in the application and additional voluntary conditions.

The Sub-Committee gave the following reasons for this decision:

1. All the conditions have been agreed with the Police and Licensing Authority
2. Representations from Responsible Authorities had been withdrawn

The Sub-Committee have also added the following condition to the licence:

‘The Committee will forward to the Licensing Authority details of any member being proposed to become a Committee member prior to that person becoming a Committee member.’

The decision would be confirmed in writing.

(The meeting ended at 10.00am)