

CARLISLE CITY COUNCIL

Report to:- THE CHAIRMAN AND MEMBERS OF THE LICENSING & REGULATORY PANEL

Date of Meeting:- 9th January 2002

Agenda Item No:-

Public

Operational

Delegated Yes

Accompanying Comments and Statements

Required

Included

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

Planning Services

No

No

Title:-

**BREACH OF PUBLIC ENTERTAINMENT LICENCE
CONDITIONS – THE BORDER RAMBLER, CARLISLE
LICENSEE – THOMAS KEYHOE**

Report of:-

CITY SOLICITOR AND SECRETARY

Report reference:-

TC. 002/02

Summary:-

Thomas Keyhoe is the holder of a Public Entertainment licence in respect of the Border Rambler, Botchergate, Carlisle. On 8th December 2001 he employed an unregistered Door Supervisor, which is contrary to the conditions of his licence. In addition he failed to keep a register of Door Supervisors, which again is contrary to the licence conditions.

Recommendation:-

Members to reach a decision from the options outlined after hearing the submissions.

J M Egan

City Solicitor and Secretary

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Nil

To the Chairman and Members of the Licensing and Regulatory Panel 9th January 2002

NAME Thomas Keyhoe
DATE OF BIRTH 30th August 1971
ADDRESS Border Rambler, Botchergate, Carlisle

HISTORY

1. The Border Rambler Public House is situated in Botchergate, Carlisle. The licensee is Thomas Keyhoe, who is also the holder of a Public Entertainment Licence in respect of the premises.

2. Standard conditions are issued to all PEL licence holders when their licence is granted. Condition 44 states:

Any person who is engaged by the licensee or his employer at or about the entertainment premises in the capacity, as a Door Supervisor shall be registered with the Council. A Door Supervisor is any person employed to vet customers and/or to maintain order.

Condition 45 states:

The licensee shall maintain a register showing in respect of each period of duty that person, their name, registration number, time duty commenced and ceased and signed acknowledgement. This register should be readily available to any authorised officer of the Council or any Police Officer.

3. Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 is the legislation covering Public Entertainment. Paragraphs 1-4 cover the requirements to obtain and renew a Public Entertainment Licence.

Para 12 (2) states:

If any place in respect of which a licence under paragraph 1,2 or 4 above is in force is used for any entertainment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then, subject to sub-paragraph (3) and to paragraph 13 below:-

- (a) the holder of the licence; and
- (b) any other person who, knowing or having reasonable cause to suspect that the place would be so used;-
 - (i) allowed the place to be so used; or
 - (ii) let the place, or otherwise made it available, to any person by whom an offence in connection with that use of the place has been committed,shall be guilty of an offence and liable to summary conviction.

4. On the evening of 8th December 2001, Sergeant Pannone of Cumbria Constabulary visited the premises and discovered that one of the doormen was not wearing a Door

Supervisors Identity Badge. When questioned the Door Supervisor admitted that he was not in possession of a badge, although he had passed the course. The Police informed the Council Licensing Officer of this incident.

5. On 12th December 2001 the Licensing Officer spoke to the Licensee, Thomas Keyhoe at the Civic Centre. Mr Keyhoe agreed that he held the Public Entertainment Licence for the Border Rambler and was aware of the necessity to have registered door staff on duty at his premises. He employed his door staff through the local firm, "Secure Door Management" and believed that they vetted all staff. Whilst the Licensing Officer agreed that a reputable firm such as this should ensure all staff supplied are registered and trained, Mr Keyhoe accepted that it was his responsibility under his licence conditions to ensure that all conditions were complied with. In addition Mr Keyhoe did not maintain a register containing the details required under his licence conditions. Mr Keyhoe has sent a letter of apology to the Council, which he wished to be placed before panel members. (Appendix A).

6. A check of the PEL file in respect of the Border Rambler reveals that there have been no previous complaints of any type in respect of the premises. In addition Sergeant Pannone has verbally informed the Licensing Officer that in his opinion Mr Keyhoe runs an establishment of good reputation.

7. In view of the previous good record of Mr Keyhoe and the premises, it is recommended that this incident not be taken to Magistrates Court and that members reach a decision from the options available after considering the facts of the occurrence.

OPTIONS

1. Issue a letter of warning regarding his responsibilities as PEL Licensee
2. Prepare a prosecution file for Magistrates Court