

CARLISLE CITY COUNCIL

Report to:- THE CHAIRMAN AND MEMBERS OF THE LICENSING SUB COMMITTEE

Date of Meeting:- 4th August 2009

Agenda Item No:-

Public	Operational	Delegated Yes	
Responsible Authority	Representations	Included	Attending
Cumbria Constabulary	Yes	Yes	Yes
Police Witnesses:			
PC1735 Minnion			
St Bedes Social Club:			
St Bedes Club Committee			Yes
Claire Hill			Yes

Title:- APPLICATION BY ST BEDES SOCIAL CLUB TO VARY THE DESIGNATED PREMISES SUPERVISOR

Report of:- DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

Report reference:- LDS 68/09

Summary:-

The Licensing Authority has received an application from St Bedes Social Club to vary the Designated Premises Supervisor in accordance with Section 37 of the Licensing Act 2003. The Sub Committee is asked to consider the application in light of a notification of objection made by Cumbria Constabulary.

Recommendation:-

It is recommended the Committee determines the application in accordance with one of the options set out in paragraph 1.7

J A Messenger
Licensing Manager

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:- The Application, written comments from Cumbria Constabulary a copy of which is attached to this report.

To the Chairman and Members of the Licensing Sub Committee on 4th August 2009

1 The Application

An application has been made under Section 37(1) of the Licensing Act 2003, to vary the Premises Licence of St Bedes Social Club to specify Claire Hill as Designated Premises Supervisor. **(App. 1)**

1.1 Applicant

The Committee, St Bedes Social Club, Silloth Street, Carlisle

1.2 Current Designated Premises Supervisor

Miss Dian Spour
Personal Licence Number: PAO 556 (Issued by Allerdale Council)

1.3 Proposed Designated Premises Supervisor

Miss Claire Hill
Personal Licence Number PA717 (Issued by Carlisle City Council on 13/04/07).

2 Notice of Objection

In accordance with Section 37(5) of the Act, a notice of objection has been received from Cumbria Constabulary in relation to the application to vary the Designated Premises Supervisor. **(App. 2)**

2.1. Grounds for the objection

The Police have stated that the grounds for the objection are:

- Miss Hill's appointment as Designated Premises Supervisor would undermine the crime and disorder objective which the police and licensing sub committee have addressed recently.
- The detail of their objections is contained within the notice of objection.

2.2 The notice of objection has been copied and forwarded to the Premises Licence Holder as well as the proposed designated premises supervisor

3 PREMISES HISTORY

- | | |
|-------------------------|---|
| 5 th Aug 05 | Conversion of Club Registration Certificate to Club Premises Certificate under Licensing Act 2003. |
| 11 th Jul 06 | Caution letter forwarded from Licensing Office to Mr Swailes regarding complaints of noise by residents and unlicensed activities |

taking place at the premises. Mr Swailes had previously attended a meeting at the Civic Centre with the Licensing manager prior to the warning letter.

- 4th Dec 06 Variation application for Club Premises Certificate to extend the hours of licensable activities. Representations were made by residents and police.
- 5th Feb 07 Variation application to extend the hours of licensable activities. Determined by a Licensing Sub Committee when the application was refused.
- 26th Feb 07 Mr Swailes appeared before Carlisle Magistrates Court for carrying out unlicensed activities during November and December 2006. He was fined £700.
- 1st Mar 07 New application submitted for a Premises Licence by Mr Swailes. Two representations were made by residents as well as the police. Following consultation between Mr Swailes and the objectors he then volunteered further conditions to be added to the application, As a result the objections were withdrawn.
- 5th Apr 07 New Premises Licence issued.
- 12th Jan 09 Application from police to review Premises Licence.
- 24th Feb 09 Licensing Sub Committee suspended the Premises Licence for 3 months and removed Mr Swailes as Designated Premises Supervisor.
- 21st April 09 An appeal by St Bedes Club was heard at Carlisle Magistrates Court and a decision was made to remit the case to the Licensing Authority for reconsideration.
- 12th May 09 Licensing Sub Committee decided to keep the Premises Licence in Force with Miss Diane Spour as Designated Premises Supervisor. Further conditions were added to the licence by the Sub Committee. The minutes of this meeting are attached (**App 3**).

4 PREMISES LICENCE

Premises: St Bedes Social Club Silloth Street Carlisle . Premises Licence PL364. A copy of the current Premises Licence is attached to this report (**App. 4**).

4.1 Holder of Premises Licence

The Committee of St Bedes Social Club

5 POLICY FRAMEWORK

5.1 Statement of Licensing Policy

It is a corporate objective to promote a healthy and safe Carlisle. The determination of an application to specify a person as designated premises supervisor in accordance with the Act and its statement of licensing policy fulfils that objective.

Para. 4.3.3

In the event of police representations, the authority will not normally specify a person as designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person's known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he has been granted a licence.

5.2 Section 182 Licensing Act 2003 - DCMS Guidance to Licensing Authorities

Para. 2.13

The designated premises supervisor is the key person who will usually be charged with the day to day management of the premises by the premises licence holder, including the prevention of disorder.

Para. 4.25

The police may object to the designation of a new premises supervisor where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a particular designated premises supervisor is first appointed or transfers into particular premises and their presence, in combination with particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to minors (a relevant offence) and then transfers into premises known for under age drinking.

Para. 4.26

Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as designated premises supervisor immediately, and in such cases, the issue would be whether they should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.

6 THE LEGAL POSITION

- 6.1 In accordance with Section 39(3) of the Act, where a notice has been given under Section 37(5) the authority must:

- (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
- (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.

6.2 An appeal may be made to the Magistrates' Court against the decision of the authority by the applicant or Police within 21 days from the date of being notified.

7 THE FINANCIAL IMPLICATIONS

7.1 None

8 RISK MANAGEMENT IMPLICATIONS

8.1 By determining the application in accordance with the relevant sections of the Act, the statement of licensing policy and guidance offered by the secretary of state, the licensing authority is ensuring that the all of the licensing objectives are considered fully.

9. REASON FOR DECISION/RECOMMENDATION

9.1 The Licensing Authority has received an application from St Bedes Social Club to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003. A notice of objection has been received from Cumbria Constabulary, in relation to an application by St Bedes Social Club to vary the Designated Premises Supervisor at the premises. The Police have stated that the grounds for the objection are: Miss Hill's appointment as Designated Premises Supervisor would undermine the crime and disorder objective which the police and licensing sub committee have addressed recently.

9.1 The application will be determined in accordance with the relevant sections of the Act, the statement of licensing policy and guidance offered by the secretary of state.

10. OPTIONS

10.1 Grant the application

10.2 Reject the application in accordance with paragraph 6.1(b) above

F Watson
Licensing Officer

App. 1.

Carlisle City Council

Licensing Manager, Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk

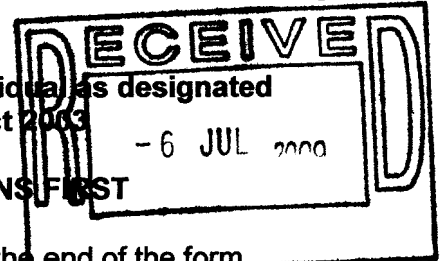
CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

CA09

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/we COMMITTEE ST BEDES SOCIAL CLUB
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PL 364

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description
6 SILLOTH STREET
CARLISLE

Post town CARLISLE Post code (if known) CA2 5UR

Telephone number (if any) 01228 527527

Description of premises (please read guidance note 1)
SOCIAL CLUB

Part 2

Full name of proposed designated premises supervisor

CLAIRE HILL

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

PA717
CARLISLE CITY COUNCIL

Full name of existing designated premises supervisor (if any)

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

CANNOT TRACE LICENCE
PREVIOUS DPS WAS IN POSSESSION OF IT.

Please tick yes

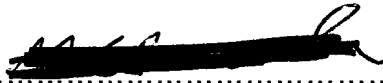
- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature



Date

6-7-09

Capacity

COMMITTEE MEMBER

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

THE COMMITTEE
ST BEDES SOCIAL CLUB

Post town

CARLISLE

Post Code

CA2 5UR

Telephone number (if any)

01228 527827

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

CA16

Carlisle City Council
Licensing Manager, Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk



Consent of individual to being specified as premises supervisor

I CLAIRE HILL
[full name of prospective premises supervisor]

of

[REDACTED] ORTON ROAD, CARLISLE, CA2 7HD
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

ST BEDES SOCIAL
[type of application]

by

THE COMMITTEE, ST BEDES SOCIAL CLUB
[name of applicant]

relating to a premises licence PL364
[number of existing licence, if any]

for

ST BEDES SOCIAL CLUB
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

CLAIRE HILL
[name of applicant]

concerning the supply of alcohol at

ST BEDES SOCIAL CLUB
[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PA717
[insert personal licence number, if any]

Personal licence issuing authority

CARLISLE CITY COUNCIL
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

C Hill

Date

6/7/09

App. 2.

CUMBRIA CONSTABULARY

Telephone: 01228 558384
Facsimile: 01228537151

Please ask for: PC 1735 Minnion

North Cumbria Area

Police Station
39-43 Shadygrove Road
Carlisle
Cumbria
CA2 7TL



CUMBRIA
CONSTABULARY

My Reference: 1735

Your Reference:

15th July 2009

The licensing manager
The Civic Centre
Carlisle

Dear sir/madam,

I wish to lodge with yourselves a formal police objection to the appointment of Miss Claire Hill 12/07/1984 as the designated premises supervisor at St Bedes Social club, Silloth Street, Carlisle.

As you are aware since November 2008 there has been significant police involvement at the social club following on from complaints from the local residents in the Silloth street area of crime/disorder and anti-social behaviour all of which emanated from the club. This culminated in a licensed premises review in which a number of actions were taken by the licensing sub-committee these included the removal of Mr Raymond Swailes as DPS at the premises and the imposition of various premises license conditions as agreed by the police and Mr Swailes.

In addition to this Mr Swailes agreed to have no involvement in the running of the social club and presented to the police and licensing sub-committee Miss Diane Spour, Spour was introduced as the new manager/DPS of St Bede's social club. Miss Spour had entered into a business arrangement with Mr Swailes in that she would lease the social club from him for a monthly fee and she would exclusively manage the club, this arrangement would ensure Mr Swailes had no involvement in the running of the club. Miss Spour was introduced as a strong manager with a comprehensive track record in managing licensed premises; she agreed to bring wholesale change to the social club which involved the implementation of new policies and procedures specifically designed to tackle the problems of crime/disorder and antisocial behaviour at the club. The appointment of Spour was considered by the police as positive step; the social club has historically been associated with crime and disorder problems and required an experienced manager to take the club forward to everybody's satisfaction.

Miss Spours plans for the club, following lengthy consultation with the police and licensing sub-committee were found to be agreeable, and on the 12th May 2009 the premises license for St Bedes club was finalised.

On Monday 6th July 2009 I was informed by Miss Diane Spour that Mr Raymond Swailes had terminated her lease of the club with immediate effect and had installed a new manager at the club who had applied for DPS status. The reason for Diane Spours dismissal is disputed by both sides, however Raymond Swailes claims that Diane's poor management of the club was putting the premises license at risk so he had no alternative but to remove her from the club.

On Wednesday 8th July 2009 I met with Raymond Swailes and Claire Hill at St Bedes social club.



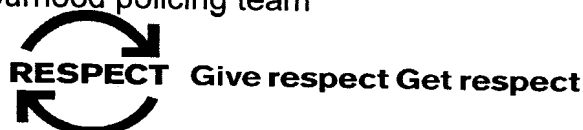
RESPECT Give respect Get respect

Claire Hill was introduced to me as the new manager manager/tenant of the club, having taken over the lease of the premises in light of Diane Spours dismissal. I was also informed that Claire Hill had applied for DPS status at the club. Having spoken at length with Hill and given the situation at the club as outlined above I wish to oppose Hill's application as DPS for the following reasons;

- Claire Hill has limited managerial experience in the licensing trade, indeed her only experience is working as a member of bar staff/bar manager at St Bedes Social club for approximately 4 years. It was during this time that the vast majority of problems in relation to crime and disorder occurred at the club. There is no evidence that during this time Claire Hill took any actions to reduce the incidents occurring at the club.
- Claire has no policies or procedures in place to deal with problems of crime and disorder at the club. Upon speaking to her on the 8th July 2008 she was unaware of the terms and conditions of the premises licence having never seen the document. This shows an alarming lack of preparation and knowledge concerning the issues currently surrounding the club and the actions needed to resolve these problems.
- During the licensed premises review of the social club on the 24th February 2009 the police made representations to the licensing sub-committee that any manager/DPS at the club should have experience and knowledge of running a licensed premise. The social club has considerable issues and demands a competent manager to run the establishment in a proper manner. Without this it is entirely realistic that the club will continue to have an adverse effect on the surrounding community. Raymond Swailes assured the police and licensing sub-committee that in Diane Spour he had leased the club to a competent person. However Diane Spour has now been removed from the club and it is proposed by Raymond Swailes to go against the wishes of the police and licensing sub-committee by appointing a DPS/manager (Claire Hill) who cannot demonstrate she has any of the skills required to competently manage to club.
- Claire presents an unprofessional and unorganised approach towards a managerial position. The business relationship between her and Raymond Swailes does not appear to be clear. It seems Claire is being directly influenced and manipulated by Raymond Swailes. Since Raymond has owned the club and managed it, the club has been dogged with problems. By appointing Claire Hill who also presents a weak character, Swailes is again able to dictate the management style of the club.

In summary I feel that Claire Hill is insufficiently qualified or experience to hold the DPS status at St Bedes Social club as outlined above. The club is unique in the challenges it presents and as agreed previously needs an experienced manager, as the DPS Hill would be in day to day charge of the premises and as such her appointment would undermine the crime and disorder objectives which the police and licensing sub-committee have addressed recently at the club.

Andrew Minnion Pc 1735
Carlisle city west neighbourhood policing team



App. 3.

LICENSING SUB-COMMITTEE 2

TUESDAY 12 MAY 2009 AT 10.00AM

PRESENT: Councillors Boaden, Mrs Farmer and Morton.

ALSO PRESENT: Councillor Bell was present at the start of the meeting as the substitute Member.

LSC2.03/09 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.

LSC2.05/09 ADJOURNMENT

RESOLVED – That the meeting would be adjourned until 10.10am to allow for Sergeant Higgin to read the Licensing Officer's report to enable him to attend the meeting as a representative for Cumbria Police.

LSC2.04/09 APPLICATION TO REVIEW A PREMISES LICENCE BY CUMBRIA POLICE – ST BEDES SOCIAL CLUB, SILLOTH STREET, CARLISLE

The Licensing Officer submitted report LDS.42/09 regarding an application for the review of a premises licence in accordance with Section 51 of the Licensing Act 2003 in respect of premises known as St Bedes Social Club, Silloth Street, Carlisle.

In addition to the Council's Licensing Officer, Principal Solicitor and Trainee Committee Clerk, the following people attended the meeting to take part in proceedings:

St Bede's Social Club

Hillary Holland, Cartmell Shepherd Solicitors

Designated Premises Supervisor:

Diane Spour, St Bedes Social Club

Applicant

Sergeant Richard Higgin, Cumbria Constabulary

All parties agreed that it was not necessary for the Principal Solicitor to go through the procedure of the meeting. It was also agreed that the background to the review would not be discussed again and consideration would be given to any changes and reasons for changes since the meeting on 24 February 2009.

The Licensing Officer reported that an application had been received, in February 2009, from Cumbria Constabulary under Section 51 of the Licensing Act 2003, for a review of the premises licence relating to St Bedes Social Club, Silloth Street, Carlisle.

The review application related to evidence of increased crime and disorder and Public Nuisance as well as concerns for residents' welfare and public safety. On 24 February 2009 the Licensing Sub Committee had considered the application to review St Bedes Club Premises Licence. The decision of the Sub Committee was to suspend the Premises Licence for a period of three months and Mr Swailes was to be removed as Designated Premises Supervisor. The Sub Committee also added further conditions to the Premises Licence upon re-instatement, the Committee of St Bedes Club appealed against the decision.

The Licensing Officer reported that following an agreement between Cumbria Constabulary and the Committee of St Bedes Club, the Magistrates Court remitted the matter back to the Licensing Sub Committee to review its decision on the application of both parties.

The Licensing Officer stated that discussions had taken place between Mrs Holland on behalf of St Bedes Social Club and Cumbria Police regarding the future running of the premises and the following issues had been agreed:

- Mr Swailes had been replaced as Designated Premises Supervisor by Diane Spour
- Miss Spour had taken over the lease of the property and Mr Swailes had no input whatsoever as to the running of the premises
- No alcohol would be supplied after 11.30pm on any day in any part of the premises
- An area outside the patio doors leading into the car park may be set aside for the consumption of alcohol outside subject to the following conditions:
 - Only plastic glasses to be used in the area
 - A maximum of four tables to be provided in the area
 - There must be a suitable screen around the area at least six feet in height to prevent smokers and others congregating around the exterior of the area to minimise noise disruption
 - The outside area to be closed at 5.00pm every day and not used after that time
 - Subject to permitted use of the area no customers would be permitted to take drinks in open canisters outside the premises

The Licensing Officer added that the following conditions imposed by the Licensing Sub Committee on 24 February 2009 and would remain unchanged:

- At any time when a private function was being held at the club at least two SIA accredited door supervisors would be employed at the premises both during the function and when customers left the premises

- The CCTV system would be extended to cover the car park area and the entrance area
- A designated smoking area would be located in the South West corner of the car park, clearly marked and identified adjacent to the rear wall
- The tables and chairs near to the entrance would be removed
- Take full part in the Pubwatch scheme including being a full member with radio.

The Licensing Officer reported the relevant sections of the Council's Licensing Policy Framework which had a bearing on the application and should be taken into consideration when making a decision. He also outlined the relevant National Guidance and reminded Members that the application must be considered, with regard given to the representations made and the evidence given before them.

A Member raised concerns that Inspector Quinn had not attended the meeting to discuss the letter which set out the agreement between Cumbria Police and Diane Spour. He added that he felt that there was a notion that the Licensing Sub Committee operated with a "rubber stamp" with regards to the Police. He stated that the Sub Committee did not operate that way and that the decision was far too serious to be considered in such a way.

A Member asked why the time for supply of alcohol had been extended from 11.00pm to 11.30pm and how the closure of the outside area at 5.00pm would be enforced and where the decision regarding tables and chairs outside had come from.

The Licensing Officer had attended the meeting between Cumbria Police and St Bedes Club and he confirmed that the Police had agreed that table and chairs could be placed outside the premises if there was a wall or barrier around them. This would allow access only via the Club and would not allow people to walk around the car park. The barrier would also to be of sufficient height that people going to and from the Club could not hold conversations with persons inside the area.

Mrs Holland responded that the Police may not have attended the Sub Committee as they had understood that the application was a joint application between themselves and the Club.

A Member further commented that he was uncomfortable that the Police and the Club had reached an agreement and then the Club presented it to the Sub Committee. A Sub Committee should be a discussion with both parties.

Further discussion took place with regard to the Magistrates Courts decision to remit the case back to the Licensing Sub Committee and the role of the Sub Committee in reconsidering the decision.

A Member asked if there had been any reported incidents at the Premises since the Licensing Sub Committee on 24 February 2009.

The meeting was adjourned at 10.30am to allow Sergeant Higgin to contact the Police Station and receive an update on any incidents at the Premises.

The meeting was reconvened at 10.50am.

Sergeant Higgin reported that there had been four incidents reported at the Premises since 24 February 2009:

- 14 March 2009 – A male had been causing criminal damage after he had been refused alcohol in the Premises
- 4 April 2009 – Two drunken youths outside the Premises. Nothing in the incident log said the youths had been in the Premises
- 19 April 2009 – Miss Spour had reported loud music from a car in the car park
- 10 May 2009 at 8.50pm – Two people had been arguing with bar staff after being refused alcohol, the situation became violent and the Police arrested two people.

Sergeant Higgin added that two of the incidents had arisen because Miss Spour had refused to serve people who had been barred.

Mrs Holland, on behalf of St Bede's Social Club, then addressed the Sub-Committee highlighting the following:

- The incidents that had been reported were an example of the good management Miss Spour had in place;
- Miss Spour had felt that an 11.00pm closure was punitive from a business point of view. It was difficult to run a function that would end at 11.00pm and so she had asked for a midnight closing. The Police did not want a late closing and felt 11.30pm was a suitable compromise. This allowed Miss Spour to stagger her closing of the bar and the function room and manage customers leaving the Premises.
- There had been long discussions with the Police and complaints had been taken seriously.
- Miss Spour runs the business and has a lease to the building. The Premises Licence belonged to the Committee. Mr Swailes was no longer a member of the Committee and the only interest he had in the business was the rent from the building.

Members commented that they felt the Premises were being run correctly and hoped that the business continued to move in the right direction and praised Miss Spour for her work in making the business a success.

At 11.00am, all parties, with the exception of the Sub-Committee Members, the Principal Solicitor and the Trainee Committee Clerk withdrew from the meeting whilst the Sub-Committee gave detailed consideration to the matter.

The parties returned at 11.11am to hear the Sub-Committee's decision which was as follows:-

This matter concerns an application by Cumbria Constabulary to review the Club Premises Licence at St Bede's Social Club, Silloth Street, Carlisle. It has been remitted back to the Licensing Authority for reconsideration following an Appeal by the Club against the previous decision made on 24 February 2009.

The sub committee has considered the application and taken into account the evidence before it. In particular it has read the report and listened to the submissions made by:

1. Sergeant Higgin on behalf of Cumbria Constabulary
2. Hillary Holland on behalf of St Bede's Social Club
3. Diane Spour

The Sub Committee has also considered written evidence in the form of statements from police officers and local residents and has taken account of this evidence.

The Sub Committee notes that since the last hearing, Raymond Swailes has been removed as Designated Premises Supervisor. It has heard that, following this change in circumstances, Cumbria Constabulary has met with representatives of the Club and agreed a set of conditions which it feels would be acceptable.

After careful consideration the Sub Committee has unanimously decided to keep the Premises Licence in force, but with additional conditions, and gives the following reasons:

1. The Sub Committee has had regard to the Licensing Policy, in particular paragraphs 5.2.1 and 5.2.2, as well as the s182 Guidance. It takes seriously any actions or omissions by the Licensee or its staff which undermine the licensing objectives. It further views seriously any applications for review where the police have been called to attend to incidents of disorder at the Premises.
2. The Sub Committee is satisfied that there had been a clear connection between the Premises and public nuisance, public safety and crime and disorder, both within the Premises and in the immediate vicinity. Therefore, at least three of the licensing objectives, namely the prevention of public nuisance, prevention of crime and disorder and public safety, were not being met.
3. The Sub Committee is further of the opinion that there has been a persistent breach of the conditions attached to the Licence.
4. Members of the Sub Committee consider that the cause of this problem was the ineffective management and lack of control of the Premises Licence Holder, Mr Swailes. It is of the opinion that since the departure of Mr Swailes the club has been well managed by Diane Spour. It is for this

reason that the sub committee is persuaded that the Premises Licence should remain.

5. The Sub Committee considered that the following conditions should be applied in addition to the those conditions which existed prior to 24 February:

- At any time when a private function is being held at the Club at least two SIA accredited doormen will be employed at the Premises both during the function and when customers are leaving the Club;
- The CCTV system shall be extended to cover the car park area and front entrance area;
- A designated smoking area shall be located in the South West corner of the car park, clearly marked and identified adjacent to the rear wall;
- The tables and chairs near to the entrance shall be removed;
- Take full part in the pubwatch scheme including being a full member with radio;
- No alcohol shall be supplied after 11.30pm on any day in any part of the Premises;
- An area outside the patio door leading into the car park may be set aside for the consumption of alcohol outside subject the following:-
 - A maximum of four tables to be provided in this area;
 - There must be a suitable screen around this area at least 6 feet in height to prevent smokers and others congregating to minimise noise disruption.
 - The outside area shall not be used after 1700 hours;
- Subject to the permitted use of the outside area, no customers shall be permitted to take drinks in open canisters outside the Premises, including the smoking area.
- The arrangements for the festive period which existed prior to 24 February 2009 remain unchanged.

The decision will be confirmed in writing and this will include details of your right of appeal.

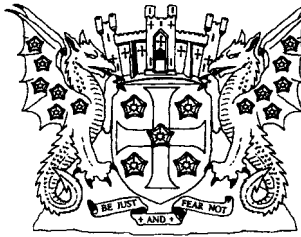
LSC2.05/09 CHAIRMAN'S COMMENTS

The Chairman commented that this was the last meeting of the Sub Committees for the current municipal year. He thanked the Officers and members who had been involved with the Sub Committees, for all their work in supporting the Sub Committees.

(The meeting ended at 11.20am)

App 4.

City of



Carlisle

Licensing Act 2003
Premises Licence

PL364

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

St Bedes Social Club

Silloth Street, Carlisle, Cumbria, CA2 5UR.

Telephone 01228 527827

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

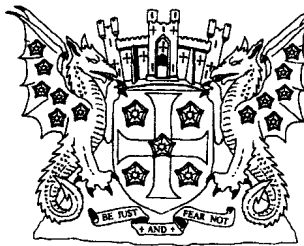
LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday to Saturday	10:00am	Midnight
C. Indoor sporting event	Sunday to Saturday	10:00am	Midnight
E. Performance of live music (Indoors)	Sunday to Saturday	10:00am	Midnight
F. Playing of recorded music (Indoors)	Sunday to Saturday	10:00am	Midnight
G. Performance of dance (Indoors)	Sunday to Saturday	10:00am	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Saturday	10:00am	Midnight
I. Provision of facilities for making music (Indoors)	Sunday to Saturday	10:00am	Midnight
J. Provision of facilities for dancing (Indoors)	Sunday to Saturday	10:00am	Midnight
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Sunday to Saturday	10:00am	Midnight





Licensing Act 2003 Premises Licence

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Saturday	10:00am	11:30pm
	Boxing Day	10:00am	2:00am
	New Years Eve	10:00am	2:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Saturday	10:00am	Midnight
Boxing Day	10:00am	2:00am
New Years Eve	10:00am	2:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

The Committee

St Bedes Social Club, Silloth Street, Carlisle, Cumbria, CA2 5RU.
Telephone 01228 527827

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Diane SPOUR

182 Denton Street, Carlisle, Cumbria, CA2 5JY.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA0556

Issued by Allerdale

ANNEXES

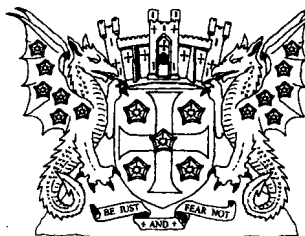
ANNEX 1 - MANDATORY CONDITIONS.

Licensing Act 2003 Mandatory Conditions

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -





Licensing Act 2003
Premises Licence

PL364

ANNEXES continued ...

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where Door Supervisors are provided

Where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity, they must be licensed by the Security Industry Authority.

ANNEX 2 - CONDITIONS CONSISTENT WITH OPERATING SCHEDULE.

General

- The premises will still be run as a members club and all members are subject of club rules.
- The club will join the Pubwatch Scheme.
- A tamper proof CCTV system shall be installed at the premises in liason with and to the satisfaction of Cumbria Police. The images recorded by the system shall be retained in unedited form for a period of not less than 28 days.
- Two door supervisors (SIA) to work on Saturday evenings from 9pm.
- Polycarbonate glasses to be used in function room for private functions.
- All external doors and windows to be closed when regulated entertainment takes place.
- CCTV will be fitted no later than 27th April 2007.

The Prevention of Crime and Disorder

- All members of Club are subject to Club rules. Anyone found to be in breach could lose membership.
- All crimes committed at the premises will be reported to the Police.

Public Safety

- All fire fighting equipment will be maintained, All signs displayed at all times.
- All spillages will be cleaned immediately.
- First Aid Kit will be on site and maintained.

The Prevention of Public Nuisance

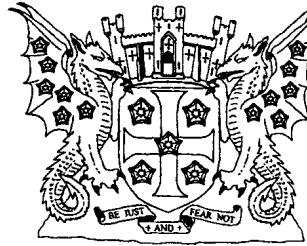
- All doors and windows will be kept closed during Regulated Entertainment.
- All members will be reminded regarding noise and litter issues and the effect on local residents.

The Protection of children from harm

No person under 18yrs will be allowed on the premises, unless accompanied by an adult.
 Staff will be made aware that if they are in doubt of a persons age then entrance will be refused,

ANNEX 3 - CONDITIONS AS A RESULT OF A HEARING.





ANNEXES continued ...

Licensing sub-committee 12 May 2009

- At any time when a private function is being held at the Club at least two SIA accredited doormen will be employed at the Premises both during the function and when customers are leaving the Club;
- The CCTV system shall be extended to cover the car park area and front entrance area;
- A designated smoking area shall be located in the South West corner of the car park, clearly marked and identified adjacent to the rear wall;
- The tables and chairs near to the entrance shall be removed;
- Take full part in the pubwatch scheme including being a full member with radio;
- No alcohol shall be supplied after 11.30pm on any day in any part of the Premises;
- An area outside the patio door leading into the car park may be set aside for the consumption of alcohol outside subject the following:-
 - A maximum of four tables to be provided in this area;
 - There must be a suitable screen around this area at least 6 feet in height to prevent smokers and others congregating to minimise noise disruption.
 - The outside area shall not be used after 1700 hours;
- Subject to the permitted use of the outside area, no customers shall be permitted to take drinks in open canisters outside the Premises, including the smoking area.
- The arrangements for the festive period which existed prior to 24 February 2009 remain unchanged.

