

AGENDA

Licensing Committee

Wednesday, 17 April 2013 AT 15:35
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

OR
ON THE RISING OF THE REGULATORY PANEL,
WHICHEVER IS THE LATER

Minutes of Previous Meetings

To approve the minutes of the meeting held on 6 February 2013 [Copy Minutes in Minute Book Volume 39(5)]

PART A

To be considered when the Public and Press are present

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|------------|--|--------------------|
| A.1 | <u>MINUTES OF LICENSING SUB COMMITTEE 7 MARCH 2013</u> | 3 - 16 |
| | To note the minutes of the Licensing Sub Committee 1 held on 7 March 2013.
(Copy Minutes herewith) | |
| A.2 | <u>LICENSING ACT 2003 - UPDATE</u> | 17 -
20 |
| | The Licensing Manager to provide an update on the Licensing Act 2003.
(Copy Report GD.16/13 herewith) | |

A.3 GAMBLING ACT 2005 - UPDATE

**21 -
24**

The Licensing Manager to provide an update on the Gambling Act 2005.
(Copy Report GD.17/13 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

Enquiries to Committee Clerk: Rachel Rooney (01228 817039)

LICENSING SUB-COMMITTEE 1

THURSDAY 7 MARCH 2013 AT 10.00AM

PRESENT: Councillors Allison, Ms Franklin and Morton.

ALSO PRESENT: Councillor Layden was present at the meeting as the substitute Member.
Mr Ben Greenslade, Premises Licence Holder
Mr Dan Greenslade, Designated Premises Supervisor
Inspector Gilroy, Cumbria Constabulary
Sergeant Graham, Cumbria Constabulary

OFFICERS: Director of Governance
Licensing Manager
Licensing Officer

There were no objections to the three Members of the Licensing Sub Committee so Councillor Layden left the meeting before the consideration of the agenda items.

LSC1.01/13 APPOINTMENT OF CHAIRMAN FOR THE MEETING

RESOLVED – That Councillor Morton be appointed as Chairman of Licensing Sub-Committee 1 for this meeting. Councillor Morton thereupon took the Chair.

LSC1.02/13 APOLOGIES FOR ABSENCE

There were no apologies for absence.

LSC1.03/13 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

LSC1.04/13 APPLICATION TO REVIEW A PREMISES LICENCE BY CUMBRIA CONSTABULARY – TIME BAR, 68 BOTCHERGATE, CARLISLE.

The Licensing Officer submitted report GD.13/13 regarding an application for a review of a premises licence in accordance with Section 51 of the Licensing Act 2003 in respect of premises known as Time Bar,68 Botchergate, Carlisle.

In addition to the Council's Licensing Officers, Director of Governance and Lead Committee Clerk, the following people attended the meeting to take part in proceedings:

Premises Licence Holder/Designated Premises Supervisor:

Ben Greenslade – Premises Licence Holder (PLH)
Dan Greenslade – Designated Premises Supervisor (DPS)

Applicant:

Inspector Gilroy – Cumbria Constabulary
Sergeant Graham – Cumbria Constabulary

The Chairman outlined the procedure for the meeting.

The Licensing Officer reported that an application had been received from Cumbria Constabulary under Section 51 of the Licensing Act 2003, for a review of the premises licence relating to Time Bar, 68 Botchergate, Carlisle.

The review application related to evidence of a breach of the Crime and Disorder, Public Safety and Public Nuisance Licensing Objectives.

The application and further additional details which supported the application had been copied and forwarded to the Premises Licence Holder and all Responsible Authorities. The application had been advertised on the premises, at the Council offices and on the Council website for a 28 day period and no further representations had been received from other responsible authorities.

The Licensing Officer outlined the premises licence history which included the permitted hours of sale by retail of alcohol on and off the premises, regulated entertainment hours and late night refreshment. He stated that Mr Dan Greenslade took over as Designated Premises Supervisor on 26 March 2012 following the meeting with the Police which took place on 2 March 2013. He listed the premises licence conditions attached to Time Bar and circulated a copy of the conditions which had been attached to the Licence for Time Bar following a Minor Variation made in July 2011.

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.

Inspector Gilroy, on behalf of the applicant, then addressed the Sub-Committee. Inspector Gilroy highlighted the main points of the application as follows:

- Over the past two years there had been an alarming number of alcohol related violence and antisocial behaviour incidents involving the premises.
- Despite meeting with the premises management on three occasions, which resulted in three action plans, the level of violent and anti-social incidents continued with casualties suffering substantial injuries.
- The management and overall supervision of the Club was totally unacceptable and repeatedly breached three of the licensing objectives, namely:

The Prevention of Crime and Disorder

- The greatest number of calls for Police service relative to its size and opening hours.
- Time Bar, although almost half the size of Outrageous and less than a quarter of the size of Walkabout, had more incidents than both other premises put together based on the interrogation of Police Incident Logs.
- Time Bar incidents were only counted if the premises had been actually mentioned in the Logs.
- The time of the incidents were also considered for example 4.15am when other clubs would be closed.

- Numerous incidents at the Premises, including ones where serious injury has been inflicted. The CCTV cameras had either not been switched on to capture evidence or evidence had been erased or lost.

Public Safety

- An inadequate queuing and entry system where people were not counted as they entered by door supervisors, whose conduct at times had been totally unacceptable.
- Incidents occurred where substantial injuries had been sustained and emergency services had not been requested.

The prevention of Public Nuisance

- Complaints of noise and nuisance received from a nearby hotel, comments on Trip Advisor and Police logging noise levels.
- Doors frequently wedged open despite repeated requests from Police and Hotel staff.
- Within the area there were approximately 20 licensed premises, Time Bar was the only club on Botchergate which remained open beyond 3.00am.
- Time Bar was open to the public two nights a week opening late in the evening with an agreed closing time of 4.30am which at times had been questionable.
- Its customers were people who had already been drinking for several hours and were looking for somewhere to continue drinking when other venues were closing.
- The Police believed that Dan Greenslade was the DPS in name only as Ben Greenslade had stood down from the role as part of an agreed Action from one of the meetings.
- The Police had been concerned about the large number of calls for their service to the premises since 2010.
- Problems that had been highlighted were difficulties getting statements from staff who appeared reluctant to assist the Police Investigation and the provision of CCTV from the Club following serious incidents.
- The concerns resulted in a meeting being held on 16 December 2010 with the management, the Licensing Department and the Police.
- The Clubs management agreed to be more co-operative and would provide statements, details of victims and witness when required. Ben Greenslade agreed to collate the information on the behalf of Police.
- Following the meeting there had been no improvement and 64 incidents were reported to the Police between 16 December 2010 and 18 July 2011. 43 of the incidents were after 3.00am.
- All of the incidents were of alcohol related crime, disorder and anti-social behaviour including assaults occasioning G.B.H.
- Officers continued to struggle to get evidential statements and CCTV from Time Bar.
- Door supervisors were causing concerns due to allowing undesirable individuals from the Pubwatch Scheme to enter the Club and their rough handling of customers when ejecting them.
- In March 2011 the Police were aware of two serious assaults that occurred within the Club where door supervisors had ejected offenders and not detained them for the Police on duty outside, or even made them aware.
- In March 2011 a door supervisor was arrested for assaulting a customer. Unfortunately the customer had declined to make a complaint and no further action was taken despite being witnessed by the Police.
- The same door supervisor remained in his post and was again arrested for another assault in May 2012 when a customer was so forcibly ejected that he hit his head on the pavement and received a potentially serious head injury. Following this incident, after a

request from the Police, the door supervisor was removed from working at Time Bar and lost his SIA Authority.

- A second meeting took place on 20 July attended by the management, Licensing Department and Police and a revised action plan had been agreed which included:
 - Improve co-operation and communication between Time Bar staff, door staff and Police.
 - Provision of statement on request. Provision of CCTV at time of incident or in any case, within 24 hours of incident. (This was included in a minor variation to the premises licence).
 - Clear demarcation of responsibility with regards to door policy and internal running of bar.
 - To actively place offenders on Pub Watch.
 - Ben Greenslade to resign as DPS and Dan Greenslade to take over.
 - CCTV. A training plan to be devised whereby 1 person will always be available, during opening hours, in order to download evidence.
 - Times. Premises to be empty by Fri/Sat – 04.00hours, Sat/Sun – 04.30hours and Sun/Mon – 03.00hours
- Between 20 July 2011 and 9 December 2012 there had been a further 61 incidents report to the Police, 30 of which occurred after 3.00am.
- During September 2011 a customer staying at the Ibis Hotel phoned the Police at 04.16hours to complain about the noise from Time Bar. This was one of a number of complaints from the public.
- Trip Advisor had a number of comments on from customers who advised not to book a bedroom on the front of the building because of the noise from Botchergate.
- 3 December 2011 Sergeant Sampson reported that the music from Time Bar had been so loud that she could hear it above everything else whilst stood approximately 50 metres away outside Walkabout. She spoke to the door supervisors twice about the door being wedged open.
- 9 December 2011 Sergeant Higgin sent an email to Ben Greenslade and John Herron referring to a reduction in incidents reported to the Police but drawing their attention to further problems regarding CCTV access, noise from the premises and persons being granted access to the premises at 4.15am despite an agreement for the premises to be empty by 4.30am.
- 28 January 2012, reported in an email, CCTV had been requested from Time Bar on the night; however, the disc which had been provided was corrupt. Police were suspicious about the corrupt recording due to a number of failed recordings.
- February 2012 Sergeant Higgin spoke to Dan Greenslade regarding CCTV and was assured that a new 'idiot proof' system had been installed which would eliminate future problems.
- 2 March 2012 a third meeting took place with the management of the bar, Licensing Department and the Police. The Police expressed their disappointment regarding the loss of evidence due to CCTV discs having the incorrect date and time on. The action plan was reviewed again and agreed.
- 3 September 2012 PC Meek requested Time Bar turn down the music at 3.30am.
- 23 September 2012 a male was assaulted in the queue, he had been head butted which caused his front tooth to snap. CCTV had been requested on 2 occasions, on 7 November 2012 following a final request, Police were informed that due to staff illness it had not been downloaded and had been deleted. The case for this incident would be heard in Court on 4 April 2013.
- 9 December 2012 complaints regarding noise from the premises because the front doors were wedged open.
- 15 December 2012 complaint from a customer in the Ibis Hotel regarding the noise levels at 4.14am.

- 21 December 2012 Email from PC Hill stated that whilst outside Time Bar at approximately 2.00am the Police had asked the door staff how many people were in the premises. Both of the door staff were unable to answer and neither had a counter. A member of staff came out and said there were 85 people inside but the Police doubted that this was accurate at that time on a busy shift. Because the premises were busy the door was open much of the time to allow people to enter and exit.
- 22 December 2012 Email from PC Young reported that the door was wedged open at 1.40am and there had only been a few people in the queue. At 1.58am no one was in the queue but the door remained open with a door stop.
- 31 December 2012 Email from Inspector Sowerby reported that the doors to Time Bar were wide open at 11.45pm and the music could be heard at least 75 metres up Botchergate. The door person was asked to close the door.
- Following the final meeting on 2 March 2012 until the present day there had been a further 57 incident logs relating to Time Bar including 18 assaults including 1 x Police Officer, 14 ABH and 3 common assaults; 15 incidents of drunk and disorderly and 25 incidents of anti-social behaviour and disorder including 7 Section 27 Dispersal Notices being issued.

9 December 2012

- Sergeant Graham was on duty outside Time Bar and became aware of a male being “launched from inside the premises right across the pavement landing on his face on the road”. When questioned the door supervisors denied any knowledge of the incident so Sergeant Graham made a direct request to Ben Greenslade for a copy of the CCTV but it had not been produced.
- A group of three girls, their partners and friends went to Time Bar to celebrate a birthday in a cordoned off area so they could enjoy a private party. At approximately 2.30am an unknown female tried to remove a handbag from the cordoned off area. One of the girls stopped her which resulted in the female offender grabbing the girl around the throat. The group informed Ben Greenslade who told them to inform the door supervisors. The group did this and then witnessed the door supervisor laughing and joking with the female offender. No attempt was made to remove the offender from the club. The female offender then ‘lunged’ at one of the girls and ‘body slammed’ her backwards straight through a glass table. This caused the table to ‘literally explode’ (Ben Greenslade’s words from his statement) and injure two of the girls in the group. Ben Greenslade described the incident in his statement as ‘carnage’. The girl’s partner repeatedly asked Ben Greenslade to contact the Police and ambulance but he refused so the boyfriend called the Police himself. Ben Greenslade took the two injured girls upstairs to administer first aid.

It was clear to Inspector Gilroy that he had not wanted to involve the Police nor did he want the girls to be seen with what first appeared to be horrific injuries. The female offender had not been detained and the scene of the assaults was cleared away in a bid to conceal the incident.

Sergeant Graham responded to the boyfriend’s call and was told by door staff that there was no problems inside. A member of the public informed her that there was two injured girls inside. Sergeant Graham went upstairs to see the girls and both were hysterical and their legs were covered in blood. Both girls had their injuries treated in A & E.

Inspector Gilroy circulated photographs of the girls’ injuries to the Sub Committee. Sergeant Graham asked Ben Greenslade why the door staff had not apprehended the offender and he replied “because her boyfriend was massive”. Ben Greenslade failed to drop the requested CCTV off at the police station the following morning as agreed on the night. He eventually arrived with CCTV but the coverage did not begin until 5.05am.

The following day PC Prangnell attended Time Bar for the footage that covered both incidents and was informed by Ben Greenslade that the CCTV was not working correctly due to a water leak. PC Prangnell saw no evidence of water damage within the vicinity of the recording equipment. The Police felt that this excuse was implausible due to the CCTV working at 5.05am.

- Inspector Gilroy had real concerns that the management were either deliberately switching the cameras off or deleting evidence to suit which was unacceptable.
- A Licensing condition and agreed action had been for Time Bar to be actively involved in the Pub Watch Scheme. In 2010 no proposals had been made, in 2011 three people for Pubwatch bans were accepted and one received a warning letter and in 2012 two proposals had been made and accepted. No proposal had been made following the incident on 9 December 2012.
- From 16 December 2010 until present day there had been 47 people named as a suspect and/or charged with an offence and 5 people proposed by Time Bar onto the Pubwatch Scheme. The number of referrals over 3 years demonstrated their total disregard for the safety of their customers, the licensing objectives, conditions and agreed action plans.

In response to questions Inspector Gilroy stated:

- Following the submission of the Police's request for a review on the 9 January 2013 there continued to be a high number of incidents logged for Time Bar;
- That he was confident that the CCTV for Time Bar could be produced at any time as long as there had been no incidents. Despite being told the system was simple to use there were still times it had not been produced on request.
- The Police had not considered the temporary closure of the club as this was usually for serious crime or drug related incidents. The Police had attempted to address the issues through the meetings and working with the management but the incident in December had been so serious it resulted in the review.
- The Police had contemplated ceasing the hard drive from the CCTV system in Time Bar.
- The CCTV should be recorded and saving data 24 hours a day 7 days a week so when the CCTV from the 9 December 2012 could not be produced the only plausible reason was that the data had been deleted.
- He understood that whenever Police had to attend Time Bar it was Ben Greenslade who was at the premises.
- He explained that Sergeant Graham had been mistaken in her statement on 15 December 2012. She had assumed a door supervisor was one that had previously been arrested but had been incorrect.
- Sergeant Graham had spoken to Ben Greenslade about allowing intoxicated persons into the premises. She felt that on occasions the Police felt that they were undertaking the job of the door supervisors.
- That he agreed that some of the information regarding the noise within Botchergate was not referring to Time Bar but reminded the Sub Committee that there had been a lot of incidents in December due to the doors being wedged open and this breached their licence.

Mr B Greenslade, the Personal Licence Holder, then addressed the Sub-Committee, highlighting the following:

- The application by Police to remove the Premises Licence was not proportionate in relation to the issues raised regarding the management of the premises.

- Throughout the application there was a common reference to 'late sale of alcohol' 'stretched police resources' and 'ridiculous 5.00am opening hours'. This of course challenged the Licensing Act 2003 legislated by the Government as well as Carlisle City Council Licensing Policy.
- He believed that premises open after 3.00am were being targeted by the Police who wanted them to close earlier because of a lack of Police resources.
- He was aware of one other licensed premise that operated after 3.00am who had also begun the procedure of having meetings with the Police.
- Time Bar did take the responsibility of promoting the licensing objectives set out within the Licensing Act 2003 seriously.
- The Police application appeared to be of the opinion that Time Bar allowed drunken persons access, showed no responsibility towards its patrons, had managerial problems and was a cause of disorder within Botchergate. These were serious allegations which should be closely scrutinised.
- The statements provided by Police Officers contained within the application appeared to be statement of opinion and thoughts rather than facts yet contained a common factor "the late sale of alcohol".
- PC Lightfoot's statement appeared at odds with Government Legislation regarding Botchergate becoming a Mecca of licensed premises, intoxicated members of the public and "ridiculous 5.00am opening hours". Nowhere in his statement contained factual evidence in relation to the application.
- PC Robbins statement appeared in conflict with PC Lightfoot's statement as he stated that "Carlisle had branded itself as a premier location for Saturday nights. It has done very well." He again referred to "extra Police resources". Again the statement appeared to be opinion rather than fact based.
- Sergeant Graham's statement did contain facts in relation to the Licensing Act 2003 but he found it questionable. Sergeant Graham observed inebriated persons being allowed entry to the premises and was critical of the door supervisors allowing this to happen yet PS Graham observed without taking action. The police logs presented contradicted the statement as they reported that a high number of incidents occurred when door staff had refused entry to such persons.
- Sergeant Graham stated that she witnessed persons exiting Time Bar onto to the street carrying alcohol. If that had been the case and the management had been aware of it the door supervisors would have been disciplined. He added that the Police could have taken action as he understood that it was an offence for anyone to carry open alcohol from within premises onto the highway.
- Sergeant Graham suggested that the management attempted to cover up crimes committed within the premises which was not the case. He had appeared at Crown Court to give evidence regarding a well known thug from Carlisle which followed a period of threats, intimidation and vehicle damage. From the establishment of Time Bar he had received threats, vehicle damage and issues with individuals who had not been permitted entry due to being known trouble makers or on the Pub Watch Scheme. He had always provided statements and always assisted the Police. Dan Greenslade also gave evidence at Crown Court in relation to a different assault despite threats and intimidation. These were not actions of people who did not care and were cover anything up.
- Sergeant Graham referred to a sighting of a doorman at the premises after he had been dealt with by Police for an assault on a member of the public. The identification by PS Graham was wrong. The door supervisor in question had been dismissed. Pro Tech UK had also confirmed that he had not been on their payroll since September 2012.
- The final paragraph of Sergeant Graham's statement referred to a drunken female exiting Time Bar, speaking to her then going back inside. He believed that it was not an offence to be drunk but it was to be drunk and incapable of drunk and disorderly. If the

female had been either then Sergeant Graham should have taken the appropriate action. He assured the Committee that the female would not have been sold alcohol as staff were trained to acknowledge drunken persons.

- PC Whatman's statement covered an incident when she requested a copy of CCTV coverage, he understood her frustration and agreed that the issue needed to be rectified.
- He then highlighted discrepancies in the Police logs. A number of logs listed Time Bar but it was unclear whether they meant directly outside Time Bar or the area of Time Bar which may be out of the control of management. A number of logs mentioned Time Bar but the incidents had taken place in other areas of Botchergate. It was clear that all the logs presented by the Police should not automatically be attributed to the Premises.
- The Police stated in the application that they believed that Time Bar allowed drunks into the premises yet their logs clearly showed that incidents had occurred at the entrance to the premises when door supervisors had refused entrance to such persons.
- The management were concerned that Police inferred that they were unhappy with the running of the premises and some issues had been rightly highlighted.
- Door supervisors as well as staff were instructed to observe for warning signs of incidents and to deal with them properly. Sometimes offenders left the premises before staff were made aware and sometimes they were held until Police arrived but it should be remembered that door supervisors did not have the same powers as Police Officers.
- Time Bar had always responded to the Police requests and had worked with them and always attended meetings. As a result Time Bar upgraded the CCTV system, varied the premises licence and changed the Designated Premises Supervisor. The management also voluntarily agreed to close the premises at 4.30am even though the licence allowed the premises to remain open and it caused a financial impact.
- On 9 December 2012 Time Bar received an email from the Police informing them that there had been a substantial improvement with regard incident reduction at the premises since the last meeting.
- The Police inferred that assaults occurring within the premises were more serious than assaults at other licensed premises which was not the case. Assaults occurred at virtually all licensed premises and he believed the Police were making rash statements without examining the facts. He then highlighted a number of assaults that had taken place in recent weeks in other licensed premises.

9 December 2012

- He disputed that Time Bar management did not show any care towards the two injured girls and that there was an attempt to conceal the incident.
- He had received letters from two of the group and they had been included in the report to Members.
- He clarified that he had not called the Police or ambulance at the request of the injured girls and instead called for one of the girls boyfriends as requested.
- It had been an unpleasant incident but he believed that the Police exaggerated it and used it to strengthen the application to close the bar.
- Frustratingly the female who had attacked the girls had only received a caution.
- The CCTV had been upgraded but there had been further complications due to damp affecting the electrics and this was part of an ongoing issue with the owners of the building. The CCTV was being moved to its own power supply and a backup system was being considered at a further cost to the business.
- Time Bar was no longer able to trade on the first floor due the water leaking through the roof; fortunately this had not affected the ground floor yet.
- He acknowledged mistakes had been made in relation to providing copies of DVDs but it was never intentional. He questioned if it had been so bad why had the Police not challenged management for breaching the conditions of the licence.

- He acknowledged there had been issues of noise escape from within the premises when the front doors were opened. He was only aware of one complaint which had come from the Ibis Hotel. The Time Bar wanted a good relationship with the Hotel and so the management were looking to have a second set of doors installed inside the premises to rectify the issue. This would be a significant cost to the business.
- He had visited the Trip Adviser page for the hotel and there were a high number of complaints listed for nights that Time Bar was not open. There was only one mention of Time Bar by name and many were regarding other licensed premises in the vicinity. Time Bar was not the main offender but he agreed that the premises must prevent noise escape.
- Time Bar employed 20 staff all from Carlisle. The business used local suppliers and businesses who relied on Time Bar for continued trade.
- Time Bar supported and entered the Carlisle and Eden Best Bar None Scheme every year and on three occasions had won the CFM Radio People's Choice Award. Time Bar had been given accreditation for its operating policies all five times entered and in 2012 Time Bar finished 3rd overall.
- Time Bar had 7,000 Facebook friends and 2,000 Twitter followers. All of this was in contrast to what the Police suggested in their application.
- Following the report in the press regarding the application Time Bar experienced a huge drop in trade as it had been reported that it had been shut down from immediate effect. The drop nearly caused bankruptcy and the business was only now beginning to recover.
- Time Bar had received a huge amount of support online and face to face from customers who believed Time Bar closing would ruin an already bleak city centre which was full of empty units and financially threatened bars, pubs and clubs.
- The management believed any further reduction in opening hours would inflict bankruptcy and loss of employment for staff, alongside further complications for the directors who had signed personal guarantees' on the lease.
- The lease had 18 months left and the management had no intention of continuing after the lease ended.
- The original business plan had to been to use the 24hour licence which had not happened as the management deemed it more important to keep a good relationship with the Police.
- The management had tried to promote and open at 8.00pm instead of 10.30pm at an increased cost to the business but the change in times had not been successful.
- The management took the issues suggested by the Police very seriously and although some were correct a vast number of incidents attributed to Time Bar had been done so to make a stronger case for the application.
- The management had always supported the Police and would continue to do so but they believed that the premises, employees and patrons should not suffer because the Police had resources issues during the early hours of the mornings on weekends.

In response to questions Mr B Greenslade stated:

- That he was very frustrated to be accused of purposely deleting CCTV footage of incidents.
- He clarified that the fuse board for the CCTV system was downstairs in the premises and the office was upstairs. During opening hours neither the DPS nor the PLH would go into the office until after closing. If the CCTV fuse tripped it would not be discovered until closing as was the case on 9 December 2013.
- The management had tried for two years to resolve the issues with the building owner including the leaking roof which had caused the issues with the CCTV.
- The premises were very small with only one office and so the CCTV could not be located anywhere else other than in public view.

- He reiterated that the number of incidents for the premises was incorrect and not all the incidents could be attributed to Time Bar.
- He confirmed that the door supervisors did use counters. On the occasion the door supervisors were asked for the number of patrons inside the premises they did not have counters but someone else inside the premises did and they gave the numbers to the Police.
- The busiest time for the premises was between 2.00am and 4.30am. There was still a high number of customers in the premises at 4.00am.
- Moving forward he stated that the non production of CCTV footage would never happen again.
- The employee turn over at the premises was very low and a number of staff had been at the premises since it opened.
- The CCTV system and the power to the premises operated from different fuse boxes. The fuse boxes would be changed to avoid future issues with the CCTV.
- Both Dan and Ben Greenslade testified in Court as part of the CPS prosecution and he outlined the cases.
- Time Bar had produced CCTV footage for the Police on a number of occasions
- He had given the Police a copy of what he believed to be the CCTV footage on the evening of 9 December 2012. He was contacted the following day and informed that the incident was not on the disc. A Police Officer visited his house and accompanied him to the premises to get the footage but it was not available.
- The door supervisors on duty on 9 December 2012 had been disciplined and no longer worked for Time Bar.
- The incident was cleared up as it was dangerous to have broken glass on the premises while it was busy with customers.
- He had been the DJ on the 9 December and the group had informed him of the indecent because he was there. He told them to speak with the door supervisors because they were trained in dealing with such matters.
- He understood that the role of the DPS was to be responsible for the premises.
- Dan Greenslade had been involved with each of the incidents in the premises as well as Ben.
- The letters from the group had arrived following the newspapers publicity regarding the review.
- When asked why the Panel should give his promise to deliver on his undertakings weight when he had given previous assurance to the Police, Mr Greenslade did not answer the point other than to say they would comply.

In summing up Inspector Gilroy highlighted the following:

- That the Police wanted to work with all premises and did not want to close premises that were open after 3.00am.
- He had only once previously found it necessary to seek a licence review.
- He was aware of the impact the review may have had on the Club, its staff and the local economy but he felt that the financial suffering it would cause was absolutely necessary.
- The Police felt that all of their attempts to work with Time Bar had been exhausted.
- The risks to public safety and that of Police Officers was unacceptable.
- The noise and violence emanating from the premises was having a detrimental effect on visitors to the City.
- He read out a Victim Impact Statement from a lady who had been attacked in Time Bar on 9 December 2012 which stated the detrimental effect the attack had had on her both physically and emotionally.

In summing up Ben Greenslade highlighted the following:

- He found the allegations of erasing CCTV footage insulting
- The CCTV would be fixed and would not be an issue in the future

The Sub Committee agreed that only the evidence that was directly relevant to Time Bar would be considered when making their decision and evidence of opinion would be discounted.

At 11.55am, all parties, with the exception of the Sub-Committee Members, Acting Legal Services Manager and the Lead Committee Clerk withdrew from the meeting whilst the Sub-Committee gave detailed consideration to the matter.

The parties returned at 12.25pm to hear the Sub-Committee's decision.

The Sub-Committee's decision was:

APPLICATION FOR A LICENCE REVIEW
Section 51 – Licensing Act 2003
TIME BAR, 68 BOTCHERGATE, CARLISLE

1. The Application

This matter concerned an application, dated 9 January 2013, pursuant to Section 51 of the Licensing Act 2003, by Cumbria Constabulary to review the Premises Licence at Time Bar, 68 Botchergate, Carlisle.

The Grounds for review being an alleged breach of three of the licensing objectives, namely:

- a. Crime and Disorder.
- b. Public safety
- c. Public Nuisance

2. The Evidence

The Sub-Committee considered the application and taken into account the evidence before it. It listened to the submissions made by:

1. Inspector Gilroy, Cumbria Constabulary
2. Mr Ben Greenslade, Premises Licence Holder
3. Mr Dan Greenslade, Designated Premises Supervisor

The Sub-Committee has also considered written evidence in the form of letters from nearby persons as well as witness statements and incident reports provided by Cumbria Constabulary. For the avoidance of doubt, the Sub-Committee excluded and did not take account of evidence before it which was opinion or not directly linked or attributable to the Time Bar premises.

3. The Decision

The Sub-Committee were satisfied that the application for review had been processed in accordance with the regulations made pursuant to Section 51 of the Licensing Act 2003.

The Sub-Committee considered whether Cumbria Constabulary had made sufficient effort to liaise with the Premises Licence Holder once the problems at the Premises became

apparent. The Sub-Committee found that the Police took steps to hold three meetings with the licensee at which an action plan/plans were agreed. The Sub-Committee acknowledged further that, despite two undertakings by the management at Time Bar, the agreed action plans were not adhered to. The Sub-Committee determined that the Police had taken reasonable steps to resolve the problems associated with the premises and that they had taken a reasonable and proportionate step by seeking a review of the Premises Licence.

After careful consideration of the evidence specified in Section 2, the Sub-Committee has decided to take the following action which it considers to be balanced, reasonable, necessary and proportionate:

1. To suspend the Premises Licence for two months
2. Require the fitting of an inner door before the premises reopens
3. Require compliance with **all** licence conditions including those relating to CCTV
4. Compliance with conditions to be closely monitored and, if necessary, any non-compliance be acted upon by the responsible authorities.

4. Reasons for the Decision

The Sub-Committee gives the following reasons for the decision:

- a. The Sub-Committee had regard to the Licensing Policy, in particular paragraphs 5.2.1 and 5.2.2, as well as the s182 Guidance. It viewed very seriously any actions or omissions by the Licensee or its staff which undermine the licensing objectives.
- b. The two month suspension period was deemed appropriate to emphasise the seriousness with which the Sub-Committee viewed the behaviour of the Premises management and the failure to comply with the relevant conditions, in particular those relating to CCTV.
- c. The Sub-Committee were greatly concerned with the failure of the Time Bar management to comply with the undertakings previously given and also the behaviour which indicated a reticence to properly and reasonably cooperate with Cumbria Constabulary.
- d. The evidence clearly indicated a failure to comply with the requirement to have the external door closed thus creating a public nuisance. The installation of an inner door (accepted by Mr Ben Greenslade at the hearing as being an appropriate measure) would ensure the problem would not recur.
- e. The Sub-Committee wished to make it clear that it would view seriously any further application for review where the Police have been called to attend incidents of disorder at the Premises.
- f. The Sub-Committee were satisfied that there has been a clear connection between the Premises and incidents of public nuisance and crime and disorder.

5. Right of Appeal

There is a right of appeal against the Decision Notice within 21 days of receipt of the Notice. Any such Appeal should be made in writing to the Carlisle Magistrates' Court.

(The meeting ended at 12.30pm)

Report to Licensing Committee

Agenda
Item:

A.2

Meeting Date: 17 April 2013
 Portfolio: Finance, Governance and Resources
 Key Decision: Not Applicable:
 Within Policy and Budget Framework NO
 Public / Private Public

Title: LICENSING ACT 2003 - UPDATE
 Report of: Director of Governance
 Report Number: GD 16/13

Purpose / Summary:

This report gives an update on the Council’s current position regarding applications under the Licensing Act 2003.

Recommendations:

Members are requested to note the information.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

This report is presented to give an update on the Council's current position under the Licensing Act 2003.

1 Background

- 1.1 The Licensing Act 2003 took effect on 24th November 2005, from which date this Council administered all licences issued.
- 1.2 This report summarises the current situation with regard to licences issued under the Act and explains recent changes in the legislation.

2 Licence figures – as at 4 April 2013

2.1 Personal Licences

Previous Report - 1300

Current Licences – 1322

Total licences surrendered/revoked - 11

2.2 Premises Licences

With alcohol

Previous Report - 394

Current Licences – 390

Total licences surrendered - 89

Without alcohol

Previous Report - 90

Current Licences – 89

Total licences surrendered - 24

2.3 Club Premises Certificate

With alcohol

Previous Report - 22

Current Licences – 22

Total licences surrendered – 5

Without alcohol

Previous Report - 0

Current Licences – 0

2.4 Temporary Event Notices

Year	No. Received	No. Refused
2006	199	5
2007	261	3
2008	267	2
2009	203	12
2010	243	5
2011	276	6
2012	247	4
2013 to date	60	1

2.5 Current applications – Includes new, change of DPS, variation of hours, transfers etc.

Pending applications – 16

3 Current Issues

3.1 Licensing Act 2003 - Fees

Currently all fees under the Licensing Act are fixed by Central Government. They are reviewing this to ensure that Licensing Authorities recover the full cost of administering the licensing function. Further information is expected in the next few months and will be reported to this committee.

4 RECOMMENDATIONS

Members are requested to note this report.

Contact Officer: Jim Messenger

Ext: 7025

**Appendices None
attached to report:**

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:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources – None

Report to Licensing Committee

Agenda
Item:
A.3

Meeting Date: 17 April 2013
 Portfolio: Finance, Governance and Resources
 Key Decision: Not Applicable:
 Within Policy and Budget Framework NO
 Public / Private Public

Title: GAMBLING ACT 2005 - UPDATE
 Report of: Director of Governance
 Report Number: GD 17/13

Purpose / Summary:

Local Authorities assumed responsibility for issuing premises licences under the Gambling Act 2005 on 1st September 2007. This report gives an update on the current position regarding applications made under this legislation.

Recommendations:

Members are requested to note the information.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

This report is presented to give an update on the Council's current position under the Gambling Act 2005.

1.0 **BACKGROUND**

1.1 The Gambling Act 2005 took effect on 1st September 2007, from which date this Council assumed responsibility for administering premises licences.

1.2 The main thrust of the legislation was that Local Authorities took over the responsibility for licensing gambling premises from the Licensing Justices. The Gambling Commission has responsibility for licensing operators and personal licence holders.

2.0 **LICENCE FIGURES - as at 4 April 2013**

2.1 **Adult Gaming Centres**

Previous Report	0
Current Licences	0
Surrendered	5

2.2 **Betting Premises (other than track)**

Previous Report	20
Current Licences	21
Surrendered	1

2.3 **Betting Premises (Track)**

Previous Report	2
Current Licences	2

2.4 **Bingo Premises**

Previous Report	3
Current Licences	3

2.5 **Unlicensed Family Entertainment Centre**

Previous Report	2
Current Licences	2

3.0 **OTHER LICENCES**

3.1 **Club Gaming Permit**

Granted to member's clubs to permit specifically the playing of chemin de fer and pontoon (not blackjack) and to charge higher participation fees. The permit also allows the use of a variety of gaming machines including category B3.

Previous Report	7
Current Report	8

3.2 **Club Machine Permit**

Granted to Member's clubs to permit the use of gaming machines (as above) only.

Previous Report	8
Current Report	7
Surrendered	3
Cancelled	1

3.3 **Alcohol Premises - Gaming Machine Permits/Notifications**

These are granted to alcohol licensed premises. Under the Gambling Act premises must give a notification of 2 machines or less, or a Licensed Premises Gaming Machine Permit for 3 or more machines, both of which last indefinitely (with certain conditions).

Notifications	83
LPGMP	15

3.5 **Small Lottery Licences**

These permits have been the responsibility of local authorities for many years and come under the new legislation with effect 1st September 2007. They are usually issued to charities or sports clubs where there is no private gain.

Previous Report 201

Current Registrations 195

4.0 **CURRENT ISSUES**

4.1 As ongoing enforcement, officers are visiting local gambling premises to meet managers and answer any queries under the legislation. We are also carrying out inspections, with the Compliance Manager from the Gambling Commission.

5 **RECOMMENDATIONS**

Members are requested to note this report.

Contact Officer: **Jim Messenger**

Ext: **7025**

Appendices **None**

attached to report:

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:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources – None