

## Licensing Sub-Committee

Thursday, 14th July, 2011  
1.30 - 2.40 pm

Attendees	
Councillors:	Garth Barnes, Diggory Seacome and Jon Walklett

### Minutes

1. **ELECTION OF CHAIRMAN**  
Councillor Seacome was elected as the Chairman.
  
2. **APOLOGIES**  
None
  
3. **DECLARATIONS OF INTEREST**  
None
  
4. **RE-DETERMINATION OF AN APPLICATION FOR REVIEW OF A PREMISES LICENCE & A CLUB PREMISES CERTIFICATE**  
Louis Krog, Senior Licensing Officer introduced the report as circulated with the agenda. The report detailed that at the previous Licensing sub committee on the 21 March 2011 the sub committee decided to remove the sale of alcohol from the premises licence and the club premises certificate. This decision was taken by the Sub Committee having considered all the evidence the Sub Committee and determining that the licensing objectives were not being met by the Club.  
  
Hillview Social Club lodged an appeal of the sub committee's decision. At a pre-trial determination hearing on the 3 June 2011 at Gloucester Magistrates' Court the Hillview Social club explained that they had put in place a number of measures to address the concerns that were raised by the sub committee.  
  
In light of the additional steps undertaken by the Club, the Police had indicated that they would have no objection to the Club being licensed for the sale of alcohol.  
  
Louis Krog confirmed that at the hearing, the Magistrates' Court agreed to adjourn the appeal on the basis that the case would be remitted back to the Council for further consideration.  
  
The Social Club had submitted the following documents which were attached at Appendix A.

- A covering letter;

- List of measures implemented;
- An updated Hillview Community Association constitution; and
- An updated Hillview social Club constitution.

Mr Barry Turner and Councillor Roger Whyborn attended the meeting to speak in support of the licence.

A brief discussion took place about whether the premises still required a Club premises certificate or not. Mr Turner confirmed that a Premises licence was required and that they no longer wanted a Club premises certificate. Louis Krog confirmed if this was the case the Club premises certificate must be returned to the Licensing office as this was a formal procedure.

Councillor Roger Whyborn spoke on behalf of Mr Turner.

Councillor Whyborn read the following statement;

“We recognise that the death of Nigel Russell was a serious and tragic event and it is clear that this event prompted the original Police request to review the licence. Nigel’s death occurred in hospital following excessive drinking both at The Greatfield and at the Social Club. Following that event, the club took a number of measures including a voluntary restriction to limit alcohol sales to midnight and certain high alcohol drinks were withdrawn from sale. A firm ban on drinking games was enforced upon the premises and tighter diary record keeping regarding visitors, incidents, accidents, who is on duty etc was introduced.

Following the death and subsequent Police investigation, the then Designated Premises Supervisor (DPS) left. In our view she felt and was out of her depth. It is believed that significant Police feedback to the club was lost as a result of changes in personnel and the fact that it was impossible to communicate with the Police in the run up to the hearing on 21 March 2011. At any rate some of the additional recommendations came as news to the club when they surfaced in the Police evidence to the hearing or at the hearing itself.

However, the committees of the Hillview Community Association which is the charity running premises, and of the Hillview Social club took the view in march that we are where we are and a number of further actions should be taken to put the club on a firm and transparent basis which would make it clear to the Police, the council and the general public that the club was and would be run as a tight ship. Measure undertaken included;

- A dedicated CCTV system has been installed and viewed operating by Gloucestershire Constabulary.
- All bar staff are required to undertake the National Certificate for Personal Licence Holders (NCPLH) within three months of commencement.
- Five persons including the current staff team have been trained.
- The bar does not operate unless at least one person serving has passed the NCPLH course.
- When the bar is operated by more than one person a lead person/supervisor is identified and responsible to the DPS.

- It has been decided that a Member of the Committee and a personal licence holder appointed by the DPS will be present throughout any event where a Temporary Event Notice is used, and/or event where the Public are admitted.

We were mindful that the Council's findings of 21<sup>st</sup> March were looking to ensure clear lines of accountability and management. In consequence the Social club has been re constituted and re branded as Up Hatherley Social club, with a separate membership list from the Hillview Community Association.

The Club Premises Certificate will be lapsed and operation conducted solely under a premises licence and occasional temporary event notices. The Licensee is now clearly identified as a named individual (also a committee member and the chair). Importantly the new constitution enables and requires the DPS to retain full control of the bar area and sale of alcohol at all times and events, including temporary event notices and avoids cross cutting action which might occur were a club premises certificate to continue. When the DPS is not personally present, the DPS allocates the NCPLH trained staff for the day."

Finally the Social Club will join Pubwatch and currently operates Challenge 21.

Members asked the following questions;

- When asked, Mr Turner confirmed that Sally Curry is now the Designated Premises Supervisor as a full time position.
- When asked, Mr Turner stated that Sally Curry's son no longer worked at the premises and was not a member either.

A discussion took place about how the premises would run with a premises licence only and not a club premises certificate. Concern was raised about identifying members of the public from registered members.

Sarah Farooqi, Solicitor confirmed that the holder of a premises licence could restrict those who could enter a premises and run a premises as a members' only club.

- When asked how the members' only club would work, Mr Turner confirmed if a member of the public wanted to enter the premises for a drink they would have to be signed in by a member. Mr Turner confirmed that each member is given a membership card and number and this is shown at the bar when buying a drink.

Councillor Whyborn stated there had been problems back in 2007. He said that with both licences running it was difficult to say who was in control and in order to remove this ambiguity they suggested only running on a premises licence.

PC Andy Cook stated the Police were pleased to hear this suggestion and agreed this caused confusion as there was a different person accountable for each separate licence. With the one premises licence in place this would place sole responsibility to the DPS.

- A Member asked what sort of experience the new committee had and asked if the committee were supportive to Mr Turner in his role.

- Mr Turner confirmed four members of the committee had taken their course and were all aware of the law. He confirmed he had the backing of the committee. Mr Turner confirmed minutes were taken at each committee meeting.
- When asked, Mr Turner confirmed if any evidence of drinking games was seen, bar staff put a stop to it immediately. CCTV was also now in use and staff were advised to make a note of any incidents in the incident book and point to the CCTV camera to flag the incident up.
- Mr Turner confirmed the CCTV is checked every day and meetings were held every month.
- When asked, Mr Turner confirmed he was happy with the additional conditions from the Police as point 1.8 of the report detailed.
- When asked, Mr Turner confirmed the nearest residential house was just past the school.

Members retired from the Sherbourne Room at 2.22pm to make consider their decision.

Members returned to the Sherbourne Room at 2.31pm with their decision.

**Resolved that,**

**The Sub Committee felt that the applicants had tried very hard and were consequently satisfied that reinstating the premises licence to allow the sale and supply of alcohol would not adversely affect the licensing objectives.**

**The Sub Committee resolved that the additional Police conditions as detailed in paragraph 1.8 of the report would be attached to this licence. A reduction in hours to midnight every night with the exception of race days and New Years Eve would also be a condition of the licence.**

**The Chairman advised Mr Turner that the Club Premises Certificate must be returned to the Licensing Office immediately.**

**Chairman**