
LICENSING SUB COMMITTEE

Wednesday, 3rd July, 2019

Present: Councillor Melissa Fisher (in the Chair), Councillors Joyce Plummer and Kath Pratt

36 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

There were no apologies for absence.

There were no declarations of interest or dispensations.

37 Minutes of the Last Meeting held on 29th November 2018

The Minutes of the last meeting held on 29th November 2018 were submitted for approval.

Resolved - **That the Minutes be received and approved as a correct record.**

38 Licensing Hearing Procedure

The Council's Conduct of Hearings Procedure to be used in relation to a hearing required under the Licensing Act was submitted.

Resolved - **That the Procedure be noted.**

39 Licensing Act 2003 Determination Hearing - IBar, Accrington

In accordance with the Hyndburn Borough Council Policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager (Mrs. Redfern) advised the Licensing Sub-Committee of an application that had been received for the review of the premise licence issued in respect of the IBar, public house, Warner Street, Accrington, under Section 51 of the Licensing Act 2003 ("the Act") by a responsible authority namely the Police Constable of Lancashire Constabulary.

The copy of the Licensing Authority's 'Conduct of Hearings Procedure' had been submitted earlier in the meeting.

The Licensing Manager informed the Sub-Committee that the Police had reported numerous incidents at or in connection with the IBar and referred to the evidence supplied by the Police contained within the agenda. She also referred the Sub-Committee to additional information supplied by Bravo Inns II Limited after the publication of the agenda:

- a letter of support for the management of IBar from Councillor Dobson
- a Statement on Behalf of Premises Licence Holder (Bravo Inns 2 Limited)
- Proposed Changes to Operating Schedule
- Premises Licence Holder Bundle of Documents.

The Sub-Committee was requested to give consideration to the evidence provided by the Police and from their representatives in attendance at the meeting, Police Sergeant Gary

Hennighan and Police Sergeant Simon Lynch. P.S. Hennighan gave details of many incidents of crime and disorder, including CCTV evidence, linked to the IBar and evidence was also heard from P.S. Simon Lynch on breaches of licensing conditions. The Police indicated that these incidents were associated with crime and disorder and public safety issues and linked to a breakdown of management at the premises. He pointed out that the designated premises supervisor (DPS) of the IBar, at the time, was John Corbett who was rarely present on the premises. The Sub-Committee was informed that Bravo Inns II had submitted an application for Kirsty Newton, current DPS at the Warner Arms, to become the new DPS at the IBar but the Police had objected to this application because they felt that she could not provide adequate management at two premises at the same time.

The premise licence holder, Bravo Inns II Limited, were represented at the meeting by Michelle Hazelwood (Solicitor at John Gaunt Partners), Mr. Harvey Nurse (Director of Bravo Inns II Limited), Mark Knibbs (Area Manager) and Kirsty Newton (proposed DPS of IBar). Representations were made in response to the application for a review of the premise licence setting out the steps taken by Bravo Inns II Limited since the application for review had been submitted including a comprehensive pack of policies which had been put in place and a list of conditions which had been agreed by the Police. The Sub-Committee were also made aware of plans to create a smoking area outside the premises, on an area of the curtilage of the premises.

The Sub-Committee considered the application and representations made by the Police and Bravo Inns II Limited. They took into account the statutory guidance pursuant to S 182 of the Licensing Act and having made its findings then considered which of the steps set out in Section 52(4) of the Licensing Act 2003 should be taken to promote the Crime and Disorder and Public Safety Objectives.

Resolved

- (1) That, having taken into account Section 182 of the Licensing Act and considered Section 52(4) of the Licensing Act 2003 to promote the Licensing Objectives relating to the prevention of crime and disorder and to promote public safety for the premises licence for the IBar, Warner Street, Accrington, the premise licence be suspended for a period of 3 months. This will allow for rebranding in order to disassociate from the disorder associated with the current brand and to ensure that proper management and other measures are put in place, including the retraining of staff, and to ensure the licensing objectives are upheld; and**
- (2) That the premise licence holder also adds the conditions submitted at the hearing, as agreed between the premises licence holder and the Police, to the licence;**
- (3) That the following additional conditions are added to the premise licence:**
 - 1. A personal licence holder must be present on the premises at all times that the premises is open for the sale of alcohol;**
 - 2. There shall be no entry or re-entry to the premises after 0200 hours on Monday – Thursday and 0300 hours Friday, Saturday and Sunday;**

3. A designated premises supervisor to be responsible for this premises only.

and

(4) That the Sub-Committee also determined that there should be an amendment to the permitted times at the premises, as set out in the decision notice.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed