

## **LICENSING SUB-COMMITTEE**

**6 JUNE 2013**

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at Clwyd Committee Room, County Hall, Mold CH7 6NA on Thursday, 6 June 2013

**PRESENT: Councillor Tony Sharps (Chairman)**

Councillors: Jim Falshaw and Mike Reece

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL:**

Solicitor (Mr. T. Dillon), Senior Licensing Officer and Team Manager, Committee Services

**The following were in attendance for minute number 5**

**RESPONSIBLE AUTHORITIES:**

Mike Lovatt, Flintshire County Council, Ann Williams, Licensing Officer, North Wales Police and PC Sue Richardson

**The following were in attendance for minute number 5**

**INTERESTED PARTIES:**

Mr. Paul Morris and Mr. Clive Venables

**1. APOLOGIES**

None were received.

**2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None were received.

**3. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

That the press and public be excluded from the meeting for the following item as it is considered to contain exempt information by virtue of paragraphs 12 and 18 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

**4. APPLICATION FOR A PRIVATE HIRE / HACKNEY CARRIAGE (JOINT) DRIVER LICENCE**

The Chairman welcomed the applicant, introduced the Members of the Sub-Committee, and explained the procedure for the hearing.

The Senior Licensing Officer introduced the report, the purpose of which was for Members to determine an application for a Private Hire/Hackney Carriage (Joint) Driver's Licence. The report detailed the contents of the application (Appendix A) and provided details of a 'Fail to Notify Circumstances Affecting

Benefit / Other Payment' under the Social Security Administration Act. A written explanation from the applicant was attached (Appendix C).

Additional information had been disclosed at the discretion of the Chief Officer of Police, who deemed it relevant to the application and the wording of the disclosure was attached (Appendix B).

The Sub-Committee considered the report of the Director of Environment and was requested to determine whether the applicant was a fit and proper person to be granted a Private Hire/Hackney Carriage (Joint) Driver licence.

The Chairman referred to the applicant's conviction and the additional information provided by the Chief Officer of Police and invited the applicant to provide details of both. The applicant also explained why he felt he was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence.

The Chairman invited members of the Sub-Committee to ask questions to which the applicant responded. The applicant also outlined his current family situation and employment history.

Mr. T. Dillon questioned the applicant in further detail concerning the circumstances detailed in the information provided by the Chief Officer of Police. He also provided confirmation of details relating to the failure to notify of a change in circumstances affecting benefits.

When the Chairman was satisfied that the Sub-Committee had asked the applicant and the Senior Licensing Officer all relevant questions he asked the applicant and the Officer to leave the meeting whilst the Sub-Committee made their decision.

### **DETERMINATION OF THE APPLICATION**

The Sub-Committee considered the application including both written and oral representations made by the applicant and the Licensing Authority and also the written representation from the Chief of Police.

Following careful consideration of all of the information and evidence provided, the Sub-Committee were of the view the applicant was not a fit and proper person to hold a private hire/hackney carriage (joint) driver licence.

### **DECISION**

The Senior Licensing Officer and the applicant were invited to return to the meeting.

The Chairman advised the applicant that based on the written and oral evidence, the Sub-Committee had decided that he was not deemed a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976 to hold a Private Hire/Hackney Carriage (Joint) Driver Licence. The reasons for the Sub-Committee's decision were read out to the applicant.

## **RESOLVED:**

That in light of the evidence produced both in written form and orally at the meeting, the Sub-Committee refused to grant the application for a Private Hire/Hackney Carriage (Joint) Driver Licence.

## **DURATION OF MEETING**

The meeting commenced at 9.30am and ended at 10.50am.

## **MEMBER OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press or public in attendance.

Members of the press and public were invited into the meeting at this point.

## **5. REVIEW OF A CLUB PREMISES CERTIFICATE**

The Sub-Committee considered the report by the Director of Environment which was an application for the review of the club premises certificate at Coed Llai Sports and Social Club, King Street, Leeswood.

The application was received by the Licensing Section on 18 April 2013 which was made by the Licensing Authority acting as a Responsible Authority on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

## **REPRESENTATIONS BY RESPONSIBLE AUTHORITIES**

### **Flintshire County Council**

Mr Lovatt explained that the Licensing Authority had sought information from the club to determine whether the club was established and conducted in good faith in accordance with Part 4 of the Licensing Act 2003. A written request for information about the governance of the club was not responded to and repeated attempts to set up meetings to discuss matters proved unsuccessful.

The review application plus supporting documents were shown in the appendices to the report.

The review process had been advertised by the Council in order to allow persons to make representations if they wished to do so in accordance with the requirements within the Licensing Act 2003. Representations received from interested parties were appended to the report.

The grounds for the review were outlined by Mr Lovatt and also contained within the appendices to the report. The grounds included the suspicion of under age sales of alcohol and smoking on the premises, concerns from the local Police Community Support Officer (PCSO) regarding under age sales of alcohol, issues relating to gaming machines, possession of cocaine, fighting inside and outside the club, assault in the club and concerns reported by a resident. It had also become evident that the name of the club had been changed to the Kings Club

and that the Club Rules had changed; both of those actions required the submission of a formal notification to the Licensing Authority which did not happen. Both were offences under Section 82 of the Licensing Act 2003.

Mr Lovatt reiterated the attempts that had been made to meet with representatives from the club which proved unsuccessful. It was his understanding that Mr Stephen Davies was the manager of the club.

In February 2013 Martin Hughes, who said he was temporary manager at the club whilst Stephen Davies was away, attended County Hall with an intention of paying an outstanding fee for a permit that the club held enabling them to have gaming machines on the premises. A number of attempts were then made to set up a meeting with club representatives, the Police, the Gambling Commission and the Licensing Authority with the intention of identifying the current governance arrangements at the club and to discuss the various concerns. Despite agreeing dates, times and locations by telephone and confirming those in writing, the club representatives did not attend the first meeting. That meeting was rearranged but two days prior to the meeting Mr Hughes left a telephone message to say he could not attend. It was in the light of the above that the Licensing Authority applied for a Review of the Club Premises Certificate.

#### North Wales Police

Ann Williams, Licensing Officer for North Wales Police, provided information on the instances at the club that had been recorded, details of which were included in the appendices to the report. She said North Wales Police supported the grounds for review and considered that poor management of the premises was the most significant factor resulting in the recurring concerns at the premise.

North Wales Police, the Local Authority and the Gambling Commission believed a stepped approach to engage with representatives of the club to be a fair and effective way in addressing concerns at the premise but unfortunately, despite efforts to arrange to meet, representatives failed to attend meetings resulting in the application for review.

She added that she was aware that Mr Paul Morris had requested permission to run the club and she had no evidence to object.

#### **INTERESTED PARTIES**

##### Mr Clive Venables

Mr Venables was the Chairman of Leeswood Centre Management Committee. He provided details of the historic arrangement for the payment of rent which was that the club would pay the rent to the Council who would then pay Leeswood Centre Management Committee. However, there were outstanding rental fees which the Committee were very concerned about.

He added that the club had been run very successfully for 16 years following its formation in 1995 however it had not been run correctly for the previous two years. In addition, there was no Committee in place.

## Mr Paul Morris

Mr Morris said he was a well respected local businessman who spoke on behalf of Leeswood community. He had lived opposite Coed Llai Sports and Social Club for over four years and had recently invested £12,000 into the club for refurbishments and decoration to bring it up to a standard that could be enjoyed by the community of Leeswood. He said he agreed with Stephen Davies that the club would remain closed until a new management Committee had been set up and it was his understanding that Stephen Davies had since left the area. The club had not been open since 11 May 2013.

He said it was his desire to form a new Management Committee at the club and to have it run successfully for the local people.

The Chairman invited Councillor Ray Hughes, who was sat in the public gallery, to address the Sub-Committee.

Councillor Hughes said the community of Leeswood wanted to see the club run successfully as it had been prior to 2011 and he stressed the importance of a Management Committee.

In response to a question, Mr Lovatt advised the Chairman that if the Sub-Committee recommended that the club should be brought back into use, the Licensing Authority would work with the Management Committee to progress it.

When the Chairman was satisfied that the Panel had asked the applicant, the Senior Licensing Officer, North Wales Police and Interested Parties all relevant questions he asked them all to leave the meeting whilst the Sub-Committee made their decision.

## **DETERMINATION OF THE APPLICATION**

The Sub-Committee considered the application including both written and oral representations made by the applicant, North Wales Police and Interested Parties.

Following careful consideration of all of the information and evidence provided, the Sub-Committee were of the view that the application should be suspended until 2 September 2013 on the basis that Mr Morris and/or his agents rescue the club and ensure that the licensing objectives would be followed and indeed promoted together with governance of the club conducted in good faith.

## **DECISION**

The Licensing Authority, North Wales Police and Interested Parties were invited to return to the meeting.

The Chairman explained that the Sub-Committee had determined that the certificate be suspended until Monday 2 September 2013. The reason for the suspension was that having considered all of the representations, in particular from the Police, the Sub-Committee were satisfied there was compelling and

persuasive evidence from the Police that there were issues that compromised the licensing objective. These included drugs, under age drinking, public nuisance, prevention of crime disorder as well as general mis-management of the governance of the club which in turn undermined the licensing objectives. The suspension was on the basis that Mr Morris and/or his agents rescue the club and ensure that the licensing objectives would be followed and indeed promoted together with governance of the club conducted in good faith.

**RESOLVED:**

That the certificate be suspended until Monday 2 September 2013 on the basis that Mr Morris and/or his agents rescue the club and ensure that the licensing objectives will be followed and indeed promoted together with governance of the club conducted in good faith

**DURATION OF MEETING**

The meeting commenced at 10.50am and ended at 12.15pm.

**MEMBER OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were two members of the press and two members of the public in attendance.

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**Chairman**