

## **DECISION OF LICENSING ACT SUB-COMMITTEE**

**WEDNESDAY 7<sup>TH</sup> OCTOBER 2009**

**MORECAMBE SUPERBOWL, CENTRAL DRIVE, MORECAMBE**

The Sub-Committee comprised of Councillor Bob Roe (Chairman), Councillor Roger Dennison and Councillor Sylvia Rogerson

The Legal Adviser was Luke Gorst, Assistant Solicitor

The Democratic Support Officer was Jenny Kay, Democratic Services

The police (responsible authority) had submitted an application for review of a premises licence under Section 51 of the Licensing Act 2003. The application related to Morecambe SuperBowl, Central Drive, Morecambe.

During the prescribed consultation period no further representations were received from any interested parties or responsible authorities.

Mr Williams represented the Police, who had made the application as a responsible authority. PC Bernhardt was also present.

The manager of the premises, Ellary Taylor and David Taylor, a Director of Taylors SuperBowl Ltd, the premises licence holder, were present at the hearing and were represented by Nick Dickinson.

The Chairman explained the procedure to those present, and stated that the hearing would be a discussion led by the licensing authority, and any questions would be put through the Chairman.

The Senior Licensing Officer, Caroline Morrison, introduced the report, and stated that the application for a review had been made by the Police in respect of the premises.

Mr Williams then presented the applicant's case and requested a number of conditions and the suspension of the premises licence for a period of 1 month. PC Bernhardt then helped answer questions.

Mr Dickinson then presented the premises licence holder's case and Miss Taylor helped answer questions.

After summing up by the parties, the Sub-Committee withdrew to make its decision, and sought advice from its legal adviser as to the appropriate phraseology of the decision.

### **DECISION**

The Sub-Committee has carefully considered all the written information before it, and all the representations and views expressed at the hearing.

The Sub-Committee has noted that the application relates to a review of the premises licence for Morecambe SuperBowl, Central Drive, Morecambe.

The Sub-Committee has noted the concerns of the Police relate to the failure in management at the premises following test purchases undertaken at the store in November 2008 and July 2009.

In making the decision, the Sub-Committee has taken into account that the premises has failed, on two occasions, test purchases undertaken at the store within a 8 month period, and that these were the only test purchases that have been carried out at these premises.

Given the nature of this venue, as an attraction to under 18's, the Sub-Committee is deeply concerned that these offences have occurred. The Sub-Committee feels that, if anything, this type of premises should be more vigilant against underage drinkers.

The Sub-Committee very much welcomes, therefore, the measures put in place to try and uphold the licensing objectives following the two failures and subsequent licensing surgeries. Unfortunately, despite these changes, minors were once again served alcohol.

Having considered the applicant's and the premises licence holder's representations the Sub-Committee has decided to suspend the premises licence for a period of 48 hours (Monday and Tuesday).

Whilst the suspension is not to be served on a weekend so as to minimise the financial impact on the premises licence holder, the Sub-Committee is of the opinion that this suspension is still necessary and proportionate as a means of deterring the premises licence holder from allowing the situations that gave rise to the failure to promote the licensing objectives of protection of children from harm and prevention of crime and disorder.

The Sub-Committee has taken the needs of the wider community into consideration and not just those of the premises licence holder.

In addition to this the premises licence will be modified to contain the following conditions:-

1. A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers or consumed by customers, except in the case of an emergency.
2. All staff will successfully complete training in age related products prior to commencing employment, refresher training will also be successfully completed not more than every 3 months, this will be fully documented and be available for inspection to a police officer or other authorised person.
3. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:- [UK photo driving licence] – [Passport] – [PASS card, (proof of age standards scheme)]

4. All staff to utilise and fully record any refused sales or challenges made to patrons and such records be kept in an appropriate book/binder and be made available on inspection to the police or authorised person
5. A system of till prompts for all age related products will be installed at the premises and will be used during all transactions

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision within 21 days. This decision will not have effect until the week following the end of the period given for appealing this decision, or if the decision is appealed against, the week after the appeal is disposed of.

The parties are also reminded again of the statutory right of responsible authorities and interested parties to seek a further review of a licence on the basis that the licensing objectives are not being met.

Signed.....Dated.....

Councillor Bob Roe (Chairman)

**Any queries regarding these Minutes, please contact  
Tom Silvani, Democratic Services - telephone (01524) 582132 or email  
tsilvani@lancaster.gov.uk**