

**APPLICATION FOR REVIEW OF A PREMISES LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003 - URBAN SPICE, 21 BROCK STREET, LANCASTER**

**DECISION OF LICENSING ACT SUB-COMMITTEE**

**WEDNESDAY 21<sup>ST</sup> NOVEMBER 2012**

**URBAN SPICE, 21 BROCK STREET, LANCASTER LA1 1UR**

The Sub-Committee comprised of Councillor Roger Sherlock (Chairman), Councillor Josh Bancroft and Councillor Paul Woodruff.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, 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 Urban Spice, 21 Brock Street, Lancaster LA1 1UR.

During the prescribed consultation period a further representations was received from Lancaster City Council's Regeneration and Planning department as a responsible authority.

Sgt James Martin was present on behalf of the Police who had made the application as a responsible authority.

A representative from the Planning department was not present however they had indicated that they wanted their written representation to be considered.

The premises licence holder Mr Siraj Bapu was not present at the hearing and had not given any reason for his non attendance.

Sub-Committee was satisfied that all the parties had received proper notice of the hearing and there was no good reason for Mr Bapu's absence. Given the fact this was a review by the police, who were present, the Sub-Committee decided to hear the matter in the premises licence holder's absence.

The Licensing Manager, Wendy Peck, then introduced the report.

Sgt Martin then presented the applicant's case stating that the premises had on numerous occasions been found to be in breach of the conditions on the licence. He went on to explain that the premises licence holder had effectively washed his hands of any involvement in the business and it was the lease holder, Mr Hakim, who ran the takeaway.

In addition to the breaches the leaseholder had just been successfully prosecuted by the Planning department for failing to comply with a breach of condition notice, in that he continued to sell hot food and drink for consumption off the premises when the premises had no planning permission for this activity.

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 Urban Spice, 21 Brock Street, Lancaster LA1 1UR.

The Sub-Committee has noted the concerns of the Police relate to the persistent failure of the premises licence holder to comply with conditions on the premises licence relating to door-staff, community radio and CCTV provision.

The Sub-Committee has heard evidence that the leaseholder, who is effectively running the business, has now been convicted for a breach of planning condition. Although the planning and licensing regimes are separate and have different terms of reference, the prevention of crime and disorder is a matter of concern for this Committee. The Sub-Committee is concerned that a criminal offence has now been committed under the planning legislation.

The Sub-Committee is also deeply concerned that the premises has been breaching its conditions of its premises licence in relation to the provision of SIA registered door-staff, community radio and CCTV provision.

Measures such as these are in place to uphold the licensing objectives. However, the premises licence holder appears to have little regard to the licensing objectives of the prevention of crime and disorder, and public safety. This appears to be a case of putting profit first.

The Sub-Committee is satisfied that the premises have been warned, both verbally and in writing, about compliance with the conditions on the licence.

The Sub-Committee has decided therefore that a further warning would not be appropriate and given the circumstances surrounding the control of the premises licence has decided to revoke the premises licence. The Sub-Committee has no faith that the management will uphold the licensing objectives by complying with licence conditions or planning law in the future.

The Sub-Committee is of the opinion that this revocation is appropriate and proportionate as a means of upholding the licensing objectives of protection of the public and prevention of crime and disorder.

Whilst the financial standing of the business has been taken into account, these failings stem from poor management of the premises and therefore it is appropriate and proportionate, in this Sub-Committee's opinion, to revoke the licence. The premises licence holder does not appear to have any involvement with the premises and the Sub-Committee finds this situation completely unsatisfactory.

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 from receiving this written decision. The revocation will not therefore take effect until the day following the time for

appeal, or if the decision is appealed against, the revocation takes effect on the day after the appeal is disposed of if the appeal is unsuccessful.

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

Councillor Roger Sherlock (Chairman)

**Any queries regarding these Minutes, please contact  
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