

2 THE SQUARE, 20 GREAT JOHN STREET, LANCASTER

DECISION OF LICENSING ACT SUB-COMMITTEE

MONDAY 2ND SEPTEMBER 2013

APPLICATION FOR VARIATION OF LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR

The Sub-Committee comprised of Councillor Mike Greenall (Chairman), Councillor Val Histed and Councillor Billy Hill

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, Democratic Services.

An application had been made under section 37 of the Licensing Act 2003 to vary the premises licence of The Square, 20 Great St John Street, Lancaster to specify Lorraine Marie Jackson as the Designated Premises Supervisor (DPS).

The police had submitted an objection to the application by giving a Notice under section 37(6) of the Licensing Act 2003.

PC Darren West represented the Police, who had made the application on the grounds of the prevention of crime and disorder and was accompanied by Heather Crawshaw, PC Chris Smith and PCSO Nicole Croft.

The premises licence holder, Inns & Leisure Ltd, were not present at the hearing but had submitted written representations to be considered by the Sub-Committee.

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.

David Eglin, Licensing Officer, introduced the report, and stated that the application had been for the change to have immediate effect from the date of application and therefore Mrs Jackson was the current DPS pending the outcome of the hearing.

PC West then presented the police case and requested that Mrs Jackson be removed as DPS and the application refused. The other police representatives present helped answer questions.

After summing up, 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 noted that the application relates to the variation of the licence for The Square, 20 Great John Street Lancaster to specify Lorraine Jackson as the DPS.

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

The Sub-Committee has to decide whether or not the licensing objective of the prevention of crime and disorder will be undermined if Lorraine Jackson is appointed as the DPS at The Square in Lancaster.

The Sub-Committee has heard evidence from the police as to the behaviour of Mrs Jackson when she was the DPS at other premises in the city. Indeed, alarming CCTV footage was shown of Mrs Jackson's involvement in a violent altercation outside a city centre pub when she was working as a DPS at the premises. This sort of behaviour cannot be tolerated and is not expected of a person given the day to day responsibility for running a premises.

The Sub-Committee has also heard of a string of anti-social and criminal behaviour in premises Mrs Jackson has had involvement with. Worryingly these incidents have continued at The Square since Mrs Jackson has been the interim DPS.

Matters do not appear to have improved despite the claim by the premises licence holder that the problems associated with The Square are historic and are mainly the fault of the previous manager and DPS.

The Sub-Committee has heard no evidence of improvement of matters under Mrs Jackson. On the contrary in fact, according to the police evidence there has been an increase in incidents.

Premises such as The Square require strong management and competent staffing. The Sub-Committee has seen no evidence of this and is concerned that Mrs Jackson does not have the skills set to enable her to manage the premises effectively as a DPS and uphold the crime and disorder prevention objective.

The Sub-Committee is of the opinion that it is not appropriate for Mrs Jackson to remain as the DPS at the premises and has therefore decided to remove her.

Given the evidence presented by the police of crime and disorder in premises Mrs Jackson has been associated with, and the fact there appears to be no improvement of things at The Square under her involvement as interim DPS, the Sub-Committee has no faith in Mrs Jackson being able to uphold the crime and disorder objective if she remains as DPS at The Square.

The premises licence holder will have to now find a more suitable person if alcohol is to be sold at the premises.

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

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 day following the end of the period given for appealing this decision, or if the decision is appealed against, the day after the appeal is disposed of.

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

Councillor Mike Greenall (Chairman)

**Any queries regarding these Minutes, please contact
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