

1 THE IVORY LOUNGE, 25 NORTH ROAD LANCASTER

DECISION OF LICENSING ACT SUB-COMMITTEE

TUESDAY 1 APRIL 2014

THE IVORY LOUNGE, 25 NORTH ROAD LANCASTER

APPLICATION TO TRANSFER PREMISES LICENCE

The Sub-Committee comprised of Councillor Mike Greenall (Chairman), Councillor Helen Helme and Councillor Roger Sherlock

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Tom Silvani, Democratic Services.

An application had been made under section 42 of the Licensing Act 2003 to transfer the premises licence for The Ivory Lounge, 25 North Road, Lancaster to Minted Leisure Ltd, trading as Dirty Buddha Nightclub.

The police had submitted an objection to the application by giving a Notice under section 42(6) and (7) of the Licensing Act 2003.

Sgt David Forshaw represented the Police, who had made the application on the grounds of the prevention of crime and disorder.

The applicant was represented by Andrea Forrest of MG Legal Solutions. Matt Baron a director of the applicant, and the manager David Benson were also present.

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 transfer to have immediate effect from the date of application and therefore Minted Leisure Ltd is currently the premises licence holder pending the outcome of the hearing.

Sgt Forshaw then presented the police case and requested that the transfer of the premises licence to the applicant should be refused as it would undermine the crime prevention objective to allow the applicant to continue as the premises licence holder.

Ms Forrest then presented the applicant's case and Mr Baron 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 transfer of the licence to Minted Leisure Ltd who were initially trading as Dirty Buddha Nightclub.

The Sub-Committee have to consider whether the exceptional circumstances surrounding the transfer are such that the transfer will lead to the undermining of the crime and disorder prevention objective.

Guidance issued under Section 182 of the Licensing Act 2003 states:-

“In exceptional circumstances where the Chief Officer of Police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved with crime (or disorder)”

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 heard evidence from the police that they are objecting on effectively two grounds.

Firstly the naming of the bar “Dirty Buddha”, and secondly to the applicant company due to personnel associated with Minted Leisure Ltd.

The Sub-Committee now understands that the name of the premises has been changed to “Buddha Lancaster”. The Sub-Committee welcomes this change.

The police referred to an incident involving Mr Baron who is the driving force behind this application. Mr Baron was given a fixed penalty notice whilst acting as a doorman in a neighbouring premises in 2011. The Sub-Committee do not feel that the issue of this FPN in 2011, which was discharged by Mr Baron, will have an effect on Minted Leisure Ltd holding the premises licence. Although the police referred to other incidents involving door staff at Elements nightclub there was no evidence before this Committee.

The Sub-Committee understand that, of the other two directors, Mr Smith will be in effect a sleeping partner and Mr Ventris is SIA registered and is currently working in the late night economy.

This Sub-Committee has a decision to either allow the transfer to Minted Leisure Ltd or not.

The Sub-Committee note that the premises has been open without incident for a month now.

The Sub-Committee are of the view that transferring the licence to Minted Leisure Ltd who have now named the premises Buddha Lancaster appropriate and the transfer is unlikely to undermine the crime and disorder prevention objective.

The transfer is therefore granted.

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.

Parties are also strongly reminded of the right of Responsible Authorities and Other Persons as defined under the Licensing Act 2003 to seek a review of the premises licence should any of the licensing objectives not be upheld.

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

Councillor Mike Greenall (Chairman)

**Any queries regarding these Minutes, please contact
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