

CROWN HOTEL, 239 MARINE ROAD CENTRAL, MORECAMBE

APPLICATION FOR REVIEW OF PREMISES LICENCE

DECISION OF LICENSING ACT SUB-COMMITTEE

WEDNESDAY 1st MARCH 2017

The Sub-Committee comprised of Councillor Claire Cozler (Chairman), Councillor June Ashworth and Councillor Alan Biddulph.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, Democratic Services.

The Chief Constable of Lancashire Constabulary, as a Responsible Authority, had submitted an application for review of a premises licence under Section 51 of the Licensing Act 2003. The application related to the Crown Hotel, 239 Marine Road Central, Morecambe.

During the prescribed consultation period no further representations were received.

Richard Williams of Joelson Solicitors represented the Police and was accompanied by PC Andrew Taylor and PC Emma Brown.

The Premises Licence Holder, Dexland Ltd, was represented by Andrea Forrest of Forrest Solicitors who was accompanied by Sean O'Hagan, a director of the Premises Licence Holder.

The Licensing Officer, David Eglin, then introduced the report.

Mr Williams then presented the applicant's case stating that, following discussions prior to the hearing with the premises licence holder, they had reached a set of agreed conditions that would satisfy the Police's concerns and would, in their opinion, be appropriate as a means of upholding the licensing objectives.

Ms Forrest then confirmed the premises licence holder's agreement.

The Sub-Committee then 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 the representations today

The application relates to a review of the premises licence for the Crown Hotel, 239 Marine Road Central, Morecambe.

The Sub-Committee has noted the concerns of the Police stem from an incident that occurred this New Year's Eve 2016. It is clear to the Sub-Committee that the incident in

question was a particularly serious one.

It appears that an entirely innocent member of the public has suffered a serious injury as a result of an incident involving Mr O'Hagan's son, Kevin.

The Police quite rightly requested the CCTV footage for evidential purposes from the Designated Premises Supervisor, Mr Broster, who is also the manager at the premises. What is not clear is why the DPS chose not to give the Police the footage and was subsequently stopped from leaving the premises with the hard drive. This appears to involve instruction from Kevin O'Hagan.

What is evident is that there has been some obstruction in relation to obtaining this evidence from Mr Broster. This is completely unacceptable behaviour, and is in direct contravention to a condition of the premises licence.

The Sub-Committee further notes that the majority of the bar staff were under the influence of alcohol on that evening. The Sub-Committee find that this falls way below the standard expected for licensed premises in this area.

The Premises Licence Holder has submitted a statement which outlines various measures he proposes to take to ensure that this sort of incident does not occur again. He has stated that he will remove Mr Broster as the DPS, albeit on a temporary basis.

The Sub-Committee welcomes the conditions now agreed prior to the hearing and feels that they are appropriate and proportionate steps in the circumstances.

The Sub-Committee will also remove Mr Broster as the DPS at the premises as they do not believe his actions were consistent with that role and feel he is not capable of complying with the conditions of licence.

The Sub-Committee is of the opinion that the removal of the DPS is sufficient as a means of deterring the mismanagement that gave rise to the review.

The conditions on the premises licence will therefore be amended as attached to this decision (page 1).

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

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

Councillor Claire Cozler (Chairman)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone: (01524) 582068 or email
jglenton@lancaster.gov.uk**

CONDITIONS ON THE PREMISES LICENCE

- A documented Challenge 25 scheme will be operated at the premises. The Challenge 25 scheme shall be actively promoted and advertised at the premises and will ensure that any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person.
- The Proof of Age Standards Scheme (PASS) will be actively promoted at the premises by the display of Challenge 25 posters bearing the PASS logo.
- A PASS accredited holographic proof of age card will be the main identification document accepted at the premises as proof of age. A PASS card must be accepted as proof of age if a purchaser possesses one. Where a purchaser does not possess a PASS accredited proof of age card, only the following alternative forms of identification will be acceptable:
 - (a) Photo driving licence;
 - (b) Passport; or
 - (c) Her Majesty's Forces Warrant Card.
- To utilise and fully record any refused sales or challenges made to patrons and such records to be kept in an appropriate form and made available on inspection to the Police or other authorised agency.
- All staff involved with the provision of alcohol will successfully complete training in age related products prior to operating a till. Refresher training will also be successfully completed not more than every 3 months. This will be fully documented and be available for inspection to Police officers or other authorised persons.
- CCTV equipment shall be installed and be maintained in good working order in accordance with the manufacturer's instructions. Training should be provided for staff members in the usage of the CCTV equipment. CCTV footage recorded must, as a minimum, cover each entry/exit point of the premises and be recording at all times when the premises are conducting licensable activities.
- The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 30 days.
- The Data Controller will make footage available within a reasonable time to a Police Constable or Authorised Officer, where such request is made in accordance with, and which satisfies, the Data Protection Act 1998.
- Kevin O'Hagan will not be permitted on the premises between the hours of 2000 and close of the licensed area, except in the event of an emergency involving the hotel rooms, and then only in connection with the hotel rooms.
- Kevin O'Hagan may be present on the premises for specific events, subject to 7 day prior notification in writing to Lancashire Constabulary and subject to Police veto.
- Liam Broster to be removed as Designated Premises Supervisor.