

NOTTINGHAM CITY COUNCIL

SPECIAL LICENSING PANEL

RECORD OF PROCEEDINGS

1. **Meeting date** - 13 May 2014
2. **Panel** - Councillor Brian Grocock (Chair)
- Councillor David Smith
- Councillor Gul Khan
3. **Legal advisor & Note taker** - Ann Barrett
- Mark Leavesley
4. **Type of application** - Premises review
5. **Applicant** - Mr Malcolm Turner, Deputy Head of Legal services, for and on behalf of the Chief Constable
6. **Premises Licence Holder and premises under review**

The Loft Bar
217 Mansfield Road
Nottingham
NG7 5DR

Premises Licence number: 037793
Premises Licence Holder: None.

7. Parties present

(1) For the Applicant

Mr Mike Griffiths, in house Counsel for Nottinghamshire Constabulary, accompanied by:

- Helen Guest, Senior Licensing Enforcement Officer, City Division
- Constable 2805 Stables
- Constable 2397 Stevens
- Al Thorn, Environmental Health Officer, Nottingham City Council

(2) For the License Holder - None

8. **Persons present refused permission to speak and why** – None.
9. **Parties not present and why** - None
10. **Applications and decisions on ancillary issues eg requests for adjournments, determinations whether to proceed in absence, directions etc**

The Panel had been updated that the licence under review had been surrendered

and had lapsed. There was, therefore, currently no licence holder to be a party to the proceedings. However, there were still two days in which an application could be made for the licence to be reinstated under section 50 of the Licensing Act 2003 and, under section 53(3), the Authority was still obliged to determine the review application. The hearing therefore proceeded.

11. Supplementary material taken into consideration other than that which was contained within the agenda

209 page bundle of documentation submitted on behalf of the Chief Constable comprising:

- Review Application
- Location plans
- Statement of PS Bradley dated 5 March 2014
- Statement of PS Hardwick dated 6 March 2014 & exhibits CDH1 -3
- Statement of PC Stables dated 27 January 2014 & exhibits SLS1- 21
- Statement of PC Thornton dated 6 February 2014
- Statement of SPC Mc Donald dated 16 February 2014
- Statement of PC Stevens dated 21 December 2013
- S19 Closure Notice dated 21 December 2013
- Statement of PC Cobb dated 21 December 2013
- Statement of PC Brewster dated 21 December 2013
- Statement of PC Callaghan dated 21 December 2013
- Statement of PC Adams dated 21 December 2013
- Statement of PC Atkinson dated 21 December 2013
- Statement of PC Barmstone dated 21 December 2013 & exhibits CLB1 -22
- Statement of PC Pearson dated 30 January 2014
- S19 Closure Notice dated 28 December 2013
- Statement of PC Stables dated 7 January 2014
- Written summary of CCTV footage
- Statement of Allister Thorn dated 12 March 2014

12. Facts/Issues in dispute

Whether it was appropriate to take any of the following steps in order to promote the prevention of crime and disorder, the prevention of public nuisance, public safety, or the protection of children from harm licensing objectives by:

- modifying the conditions of the licence permanently or for a temporary period of up to 3 months;
- excluding a licensable activity from the scope of the licence permanently or for a period of up to 3 months;
- removing the designated premises supervisor;
- suspending the whole Premises Licence for a period of up to 3 months;
- revoking the licence in its entirety.

13. Decision

The Panel had read the supplementary material and was made aware that the owner of the premises surrendered the licence since the matter had last been before the Panel on 20 March 2014. A new licence had also subsequently been granted for a different part of the premises and for a different type of operation without objection.

The Panel found that:

- The licence, the subject of the review, was currently lapsed, however, although it was perhaps unlikely that any application to reinstate it would be forthcoming, the matters of complaint triggering the review and outlined in the application and supplementary papers submitted by the police were so serious as to merit the licence being revoked. There had been a blatant disregard of law relating to licensing and use of drugs at the premises by the previous licence holder and DPS and the owner's steps to remove that person and address the situation were noted.
- Given that the licence, the subject of the review, had already been surrendered by the owner, revocation would be unlikely to have any serious financial consequences and in any event, given that a new licence for a different style of operation had already been granted, it would not be appropriate for two licences to co-exist for these particular premises given their history and layout.
- Licence number 037793 was therefore revoked.

The action outlined above shall take effect in accordance with the provisions of section 52 (11) of the Licensing Act 2003.

Signed: Councillor Brian Grocock (Chair)

Dated: 13 May 2013