



LICENSING SUB-COMMITTEE

Committee Date: Monday 2 March 2020

APPLICATION DETAILS

Type:	Review – Premises Licence
Name of Applicant(s):	Suffolk Constabulary
Address of Applicant(s):	Force Licensing Unit, Lowestoft Police Station, Old Nelson Street, Lowestoft, NR32 1PE
Type of applicant (Premises Only)	Responsible Authority
Name of Premises:	Harbour Inn
Address of premises:	Royal Thoroughfare, Lowestoft, NR33 0AG
Description of Premises:	Public house with a nightclub on the top floor

EXECUTIVE SUMMARY:

- This is an application for an expedited review of premises licence WPREM2447 relating to Harbour Inn (the expedited reviews concerns Faith Nightclub only on the upper floor).
- Suffolk Constabulary, in its capacity as a responsible authority, has called for this review under section 53A of the Licensing Act 2003, issuing a certificate, under section 53A (1)(b) of the Act, stating that in their opinion the premises were associated with serious crime.

Is the report Open or Exempt?	Open
Wards Affected:	Kirkley and Pakefield
Cabinet Member:	Councillor Mary Rudd Cabinet Member with responsibility for Community Health

Supporting Officer:	<p>Teresa Bailey</p> <p>Senior Licensing Officer</p> <p>01394 444364</p> <p>teresa.bailey@eastsuffolk.gov.uk</p>
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1. THE APPLICATION

- 1.1 The application for a summary review of the premises licence was made by Suffolk Constabulary. The application form and accompanying certificate is attached as **Appendix A**.
- 1.2 As part of the application, the Suffolk Constabulary requested that interim steps be applied immediately; and for these steps, namely *1) the removal of the 'in-house' security team from performing any security duties at Faith 2) the replacement of the 'in-house' team with an outside contracted security company and 3) an interim condition that requires the searching of ALL customers each time they enter Faith even if they have just left the venue for a moment and are being readmitted. For the avoidance of doubt this will apply to females as well as males*, to be in place until the full review hearing.
- 1.2.1 On 6 February 2020 the Premises Licence Holder provided incident logs regarding the night in question and these are attached as **Appendix B**. The Premises Licence Holder also asked whether door supervisors that worked for both Harbour Inn and external security companies could be employed at Faith under the interim steps.
- 1.2.2 The Police responded to both the question and the incident log and their response is attached as **Appendix C**. Further steps were suggested and these were *1) to exclude any door staff who have performed security duty at the venue since the 1st of January 2020 and 2) that Kevin Connolly, the head doorman, is removed from security duties as he has been the cause of several confrontations with Police Officers in the past*. These were to be in place until the full review hearing.
- 1.2.3 During a meeting of the Sub-Committee on Friday 7 February 2020 it was concluded that it was necessary, in order to prevent crime and disorder, for the current Designated Premises Supervisor, Mr Wayne Connolly, to be removed immediately, pending the determination of this application for a summary review.

The Sub-Committee also imposed the following interim steps:

1. Door Supervisors at Faith must be obtained from an external SIA accredited security company.
2. Door Supervisors that have performed security duties at Faith at any time since 1 January 2020 are not permitted to provide security duties at Faith. For the avoidance of doubt, this includes Head Door Supervisor, Kevin Connolly, not to provide any security duties at Faith.
3. All customers to be searched each time they enter Faith even if they have just left the venue for a moment and are being readmitted.
4. Employment of at least one male and one female Door Supervisor to ensure all customers entering Faith are searched as per 3 above.

The decision of the Sub-Committee meeting held on 7 February 2020 is attached as **Appendix D**.

- 1.3 The application has been forwarded to the relevant Responsible Authorities, as prescribed by the Licensing Act 2003 and advertised, as required by legislation, for a period ending 19 February 2020.

2. REPRESENTATION FROM LICENCE HOLDER

- 2.1 At the time of this report being submitted for publication there had been no further representations from the premises licence holder or the applicant.

3. ADDITIONAL REPRESENTATIONS

- 3.1 A representation has been received from Suffolk Fire & Rescue Service on 14 February 2020 and this is attached in **Appendix E**. They have requested two additional conditions to be considered:
- 1) All staff, including new staff should be suitable trained in the fire safety provisions of the premises.
 - 2) Ensure that during searching of customer, the means of escape are maintained, and overcrowding is prevented.
- 3.2 A representation has also been received from Public Health Suffolk (Suffolk County Council) fully supporting the request to have the interim steps suggested by Suffolk Constabulary applied to the premises licence. This is attached as **Appendix F**.
- 3.2 Any further representations received within the statutory consultation period will be presented to the panel members electronically and reported at the meeting.

4. POINTS FOR CONSIDERATION

- 4.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises. The Licensing Authority wishes to safeguard the amenity of residents and other businesses from the potential adverse consequence of the operation of licensed premises whilst recognising the valuable contribution that such premises make to the local economy as well as their social and cultural significance.
- 4.2 The attention of the Sub-Committee is drawn to the following:
- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

- b) Human Rights Act 1998
 - The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.
 - It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

- 4.3 As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.
- 4.4 In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.
- 4.5 The relevant notices about this hearing have been served on the applicant and interested parties and they have until 27th February 2020 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

5. RECOMMENDATION

- 5.1 The Sub-Committee will be asked to determine this application and has the option to:

a) Modify the conditions of the licence

This could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives;

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

b) Exclude a licensable activity from the scope of the licence

The Sub-Committee may decide that it is proportionate and relevant to the licensing objectives to exclude licensable activities

c) Remove the Designated Premises Supervisor

d) Suspend the licence for a period not exceeding three months

e) Revoke the licence

- 5.3 Depending on the decision of the Sub-Committee, the licence holder and the applicant have rights of appeal to the Magistrates Court.

- 5.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	Application for review & certificate
Appendix B	Incident logs provided by the Premises Licence Holder
Appendix C	Response from Suffolk Constabulary
Appendix D	Decision Notice – 7 February 2020

Appendix E	Representation from Suffolk Fire and Rescue Service
Appendix F	Representation from Public Health Suffolk

BACKGROUND PAPERS	
The East Suffolk Council Statement of Licensing Policy, The Licensing Act 2003 (“the Act”) and the Guidance issued under section 182 of the Act.	Available from licensing@eastsuffolk.gov.uk