

Swale Borough Council Licensing Sub-Committee

Thursday 15th July 2010

Application by Kent Police for Review of Premises Licence relating to
Layzells Tavern Club, The Broadway, Minster, Sheerness

DECISION

Sub-Committee; Cllr. George Bobbin (Chairman)
 Cllr. Lesley Ingham
 Cllr. Mick Constable

This Application relates to Layzells, a clubhouse with bar and function room which is situated towards the end of The Broadway, Minster. The premises consists of a large licensed area with adjoining function room. There is a large car park to the front of the premises and residential properties are within the immediate vicinity.

The Premises Licence Holders are Mr and Mrs Layzell (the “respondents”) and the Designated Premises Supervisor (“DPS”) is Mr Layzell.

This review is held under sections 51-53 of the Licensing Act 2003 pursuant to a request by a responsible authority, namely Kent Police. The Police case was presented by PC Neil Barnes. The respondents were represented by Mrs Steadman of Christopher Harris Solicitors.

The police have asked for a review of the premises licence on the strength of an incident where alleged under age sales took place, also that there have been breaches of the licence conditions and crime related incidents have risen recently. These are pursuant of the first licensing objective, namely, the prevention of crime and disorder.

The following powers are available to the Sub-Committee:-

- a) to modify the conditions of the licence,
- b) to exclude a licensable activity from the scope of the licence
- c) to remove the designated premises supervisor
- d) to suspend the licence for up to three months
- e) to revoke the licence.

The Police have today spoken with the respondents and agreement has been made over the modifying of three conditions, in relation to ‘Challenge 25’ and Door Supervision.

The Police case is that crime related incidents and calls made to the police have risen in recent months since the age limit for entry was lowered. They also allege that Under 18’s

have been sold alcohol and that a breach of the licence conditions occurred when Mr Layzell failed to supply adequate CCTV footage of the incident in question.

Mrs Steadman, solicitor for the respondent queried that the youth had been sold alcohol in the premises as there was no evidence to support this. She also confirmed that the entry age has been raised again.

The Police requested that members amend three of the conditions already on the licence, they withdrew their request for a one month suspension but requested that Mr and Mrs Layzell re-take their BII qualifications and that all staff attend the 'BII Responsible Alcohol Retailing Course'

We have now heard the case in its entirety. We have seen the Council's Licensing Officer's report, the Review application and submission from Mrs Steadman. We have also heard from the Head of Security for Layzells Tavern Club.

We have considered all of our powers and have decided that as agreement has already been reached by all parties we will endorse the request from the Police to amend conditions 8, 22 and 23. We do not feel that Mr and Mrs Layzell need to re-train as the BII courses have not altered since they came in. We do however agree that ALL staff must undertake the 'BII Responsible Alcohol Retailing Course' this training must be completed within 6 months.

In reaching this decision the panel has considered everything we have heard and seen today, the police application document, the Council's Licensing Officer's report, the submission from Christopher Harris Solicitors, The 2003 Act, the Regulations and Guidance issued under Section 182 of the 2003 Act, and the Council's published Licensing Policy and Enforcement Protocol.

We do wish to re-iterate that the Licensing Act actively encourages mediation and that a review should be a last resort. It is our opinion that the issues with this premises could have been resolved in this way without the need for a costly review. The Council is always happy to facilitate any such meetings as are required.

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(Cllr.) George Bobbin