

LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination



RE: 92155 Red House, 1 Wolverton Road, Newport Pagnell.

8 November 2006

Constitution of the Sub-Committee:	Councillors Brock, Burke and Latham
Chair	Councillor Burke
Legal Advisor:	I Ali
Committee Manager:	J Sloan
Licensing Officer:	C Affleck
Applicant/ Applicants:	Dorothy Bennett
Members of Public	None
Documentation:	Report of Licensing Officer and annexed representations. Additional Document charting timeline of previous Temporary Events held by the applicant
Apologies:	None
Disclosures of interest:	None

Prior to the commencement of the hearing the Chair read an opening statement, which constituted the strict procedure to be followed at the hearing, the process for all parties giving evidence and the rights of persons attending the hearing.

At the close of the hearing the Chair informed all parties of their rights of appeal to the decision which had been made by the Sub-Committee.

Signature:	
Chairman:	Councillor Burke
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1. Findings of Fact

The Sub-Committee accepted the following findings of fact from the evidence available;

- (a) The applicant already holds a premises licence and a personal licence.
- (b) The applicant has held eight other Temporary Event Notices at various venues of which there were 2 that caused the police concern in respect of crime and disorder.
- (c) That on 15 October 2006 there was an incident that required a Police response. This involved 13 Police Officers and the use of PAVA incapacitating spray. Two arrests were made.
- (d) That the applicant has taken steps to ensure that a particular friend who was involved in the riot will stay away from the premises.
- (e) That on the 27 October 2006 a Temporary Event Notice took place without incident.
- (f) The applicant has agreed with regards to the TEN application for the 25 November 2006 to place signs in the Lounge to indicate a private party.

2. Full text of unanimous decision on the application

RESOLVED

That the Objection Notice be not upheld.

Signature:	
Chairman:	Councillor Burke
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3. Reasons for decision

(An explanation of why:

- when applying the findings of fact to the statutory provisions, Secretary of State's Guidance, the authority's Statement of Licensing Policy and, above all, promotion of the licensing objectives, a particular conclusion is reached to grant, grant with conditions other than standard conditions, or refuse the application.*
 - if facts were in dispute and it is not clear from the "Findings of Fact" box above, which facts were disputed and, in coming to the finding of fact, the extent to which the parties and witnesses were believed or disbelieved and the information on which the Panel relied in reaching its decision.*
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Legal advice was not given in deliberation.

The Sub-Committee are very grateful to the Police for having rightly pointed out that the stewardship of this premises is of great concern, especially of the occasion of the temporary event held on the 15 October 2006.

The Sub-Committee have granted the applications on this occasion but wish to inform you (the applicant) in no uncertain terms that should any such problems reoccur in the future, the Licensing Authority will take a very dim view, and this decision is not to be taken in any way to condone what happened in the 15 October 2006. Likewise the Licensing Authority will take a dim view on any future activities beyond the licensing hours.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the report DCMS Guidance and its own licensing policy.

The Sub-Committee were mindful of the Council's statutory duty under section 17 of the Crime and Disorder Act 1998 and must have regard to the likely effect of their function on crime and disorder and must do all they reasonably can to prevent these matters from occurring. There was insufficient evidence for the sub-committee to make a decision in this regard on this occasion.

Signature:	
Chairman:	Councillor Burke
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