

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Thursday 10 January 2013 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors E Bell, K Holroyd and J Hunter

Also Present:

Councillor K Holroyd

Mrs C Greenlay (Principal Solicitor) and H Johnson (Licensing Team Leader)

Mr S Mooney (Deputy Force Solicitor, Durham Constabulary)

Inspector Colin Dobson (Durham Constabulary)

Sgt Tim Robson (Durham Constabulary)

Mr H Samra (Solicitor to the Premises Licence Holder)

Mr S Gill (Representative of the Premises Licence Holder, G Gill Leisure Ltd)

Mr S Howe (Managing Director, Phoenix Security)

1 Apologies for Absence

An apology for absence was received from Councillor D Morgan.

2 Substitute Members

There was no substitution of members.

3 Declarations of Interest (if any)

There were no declarations of interest received.

4 Application for the Review of a Premises Licence - Red Velvet, 31 Front Street, Consett

Consideration was given to the report of the Corporate Director, Neighbourhood Services which detailed an application by Durham Constabulary to summarily review the premises licence in respect of the Red Velvet, 31 Front Street, Consett, County Durham which was currently licensed to supply alcohol for consumption both on and off the premises and the for the provision of regulated entertainment (see file of minutes).

A copy of the licence and location plan had been circulated to Members.

On 17 December 2012, the Licensing Authority received an application and supporting certificate under Section 53A of the Licensing Act 2003 from Durham Constabulary. It was required to consider the application within 48 hours of receipt. A copy of the application had been circulated to Members.

On 18 December 2012, the Statutory Licensing Sub-Committee met to consider the application and suspended the premises licence with immediate effect. A copy of the notice of determination had been circulated to Members.

Additional documentation had been received from Durham Constabulary and the Licence Holder which had been circulated to Members and Interested Parties prior to the meeting.

The Licensing Team Leader presented the report and advised Members that no additional representations had been received from 28 December 2012 to 2 January 2013, and that the Premises Licence Holder had submitted an application to remove the current Designated Premises Supervisor and nominate himself instead.

She also advised Members that she had been supplied with a copy of the company handbook for Phoenix Security who would be providing door security services for Red Velvet, this documentation was available if members required.

Members were advised that Sinton's Solicitors were no longer representing the Premises Licence Holder and that Mr Harpal Samra of Harbans Singh and Company would be representing him today and that the Managing Director of Phoenix Security would be called as a witness.

Mr Mooney the Deputy Force Solicitor spoke on behalf of Durham Constabulary and indicated that the main points in support of their application were in the police evidence which was shown at pages 1 – 64 and the additional bundle which had been circulated to Members prior to the meeting.

He also indicated that Durham Constabulary had information that could not be released to the public as it could jeopardise an ongoing investigation, and asked if he could make an application in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, to exclude the public including parties to the hearing and their representative.

He went on to say that the application for the review of the licence was based on serious concerns of illegal activity taking place at Red Velvet, Consett. The investigation which was intelligence led was still ongoing and parties were still to be interviewed. It was worrying to find that drug dealing was taken place within the premises. On the 14 December 2012 a warrant was executed at the premises and cocaine was found on the Dancers and 12 small bags on the House Mother as well as 2 empty plastic bags found openly on the chair in the dancers changing room and 2 empty plastic bags in the cistern of the toilets.

The Designated Premises Supervisor and House Mother were bailed for drug dealing and the Dancers were given a caution. Durham Constabulary had serious concerns about the management of Red Velvet and they could not find any

documentation or systems in place for the security and seizure of drugs or reviews of CCTV which also covered the dancers changing room.

The evidence and concerns of the Police was set out in the statement of Sergeant Robson which was located at page 18 of the circulated bundle. There had also been two other serious offences, which came to light last year and involved the Door Supervisors taking drugs and the Dancers obtaining drugs from 2 men outside the premises. He would expect zero tolerance of drugs and not what had been seen.

He referred to the disciplinary hearing notes taken on the 17 December 2012, between the Premises Licence Holder and the Designated Premises Supervisor which referred to him being in the possession of drugs which he had earlier found in the street outside the premises and that there was a possible witness to confirm this. The Police had not been provided with the information of a possible witness, nor was it mentioned that he was currently on bail.

He also referred to Page 134 to 137 of the documentation which had a number of inaccuracies contained within it as she was found with 12 packets of drugs not 6 and that a warrant was executed for her home where class A drugs and drug related paraphernalia was found. No other warrants were executed.

The Deputy Force Solicitor referred to a number of policies which were contained in the documentation but it was not clear when these documents were created, how staff were trained on policies, how they were monitored and if they were in place. If they were in place they clearly were not working and recent events spoke volumes about the management.

He referred to the unsigned statement of Mr Gill located at pages 418 to 434 of the papers which set out a number of measures he would put in place but the Police opinion is that it was too late. Reassurances were given by Mr Gill to enable him to be granted a sexual entertainment licence, yet criminal activity had still taken place.

He referred to the Statutory Guidance and that the licensing authority had a duty to the wider community and that the sale and distribution of drugs should be treated seriously. Crime prevention objective is relevant and in these circumstances revocation should be seriously considered. In their view the licence should be revoked.

Sergeant Robson spoke on behalf of Durham Constabulary and indicated that the operating manual gave strict guidelines on the running of a sex establishment which required strict control and the Police had offered support to Mr Gill to help run his business.

He referred to an incident in 2008 where there was a fight in the alleyway opposite the premises which was not covered by CCTV and was refereed by Door Supervisors who split up the fight once the police were on the scene.

He also raised concerns that the Door Supervisors from Chaplains were seen getting into a BMW, then using what was believed to be a controlled substance then commencing work as Door Supervisors at Red Velvet.

There was already strong evidence of dancers using cocaine, drinks were normally at a premium price and payment was required for a lap dance. Customers who attended the establishment therefore usually had money. There was strong evidence of cocaine been used by the Dancers prior to dancing and management using recreational drugs.

He and Sergeant Chris Davis had asked Mr Gill to attend Consett Police Station to address the concerns of the premises under his ownership. At this meeting the availability of CCTV and the operating schedule requirement of it being available for at least 7 days were discussed and they hoped to work with Mr Gill to remedy and rectify any problems.

He discussed an assault which had taken place in Red Velvet on a customer who had been kicked in the head which resulted in him losing his front teeth. When the Police attended this incident they had to ask twice for the lights to be switched on. The House Mother had indicated that she had witnessed the assault but declined to be a witness and the CCTV was not operating fully. The CCTV recording only kept footage for a period of 5 days instead of the 7 days as stated in the license which still had not been rectified.

He referred to an incident on 28 January 2012, where door staff was seen to assault two customers unprovoked which was captured on CCTV. He also referred to another incident on 21 January 2012, where two dancers were seen going into the alleyway across the road from Red Velvet. They met with two males who had previously bragged that they had free entry to Red Velvet and free lap dancing for supplying drugs.

Girls were also seen leaving Red Velvet unaccompanied, but they should have been accompanied as part of the Golden Thread, reflected in the conditions on the sexual entertainment venue licence.

On 14 December 2012, a warrant was executed on Red Velvet and as part of this operation a licensing premises inspection was also conducted where photos were taken, copies of which could be seen in the circulated bundle of evidence. The photos showed wires exposed, curtains ripped, blood on the ceiling, seats torn and ripped.

There were signs on display which showed that drugs would not be tolerated but there were no records of training, no methods of security in place, no in house procedure for the seizure of drugs and the police records did not show that any drugs had been collected from Red Velvet that had been seized on the premises. The inspection showed that the many basic elements of licensing were not there and it did not show an exclusive club but a run down seedy establishment.

During the search conducted on the 14 December 2012, two small plastic bags had been found in the changing rooms. When the bags were tested they turned blue

which was a positive result for cocaine. A rub down was also conducted of the changing rooms which also turned blue indicating the presence of cocaine. Similar plastic bags were also found in the ladies and disabled toilets, it was initially thought to be the male toilets, but was in fact the ladies.

Councillor Bell sought clarification if children had been involved and if a drugs box was located on the premises. Sergeant Robson confirmed that young children had been congregating outside the premises but there was no evidence of children in the premises and that a drugs box was not located on the premises.

Councillor Bell also sought clarification if the management in 2008 to 2011 was continuous as there was a big gap between incidents. Sergeant Robson confirmed that it was the same management during this period, there were incidents during this period but he had only brought the main incidents to their attention. The Deputy Force Solicitor confirmed that the incidents mentioned were in relation to staff.

Mr Harpal Samra representing the Premises Licensing Holder indicated that his client had a number of properties on the Front Street and the main office for these premises was located at Decades. Mr Samra asked Sergeant Robson if he had gone to the head office to find the register. Sergeant Robson responded that he believed the office was located at the Coach and Horses which was closed. Mr Samra stated that the Coach and Horses had closed voluntarily and he asked Sergeant Robson if he had asked to see any of the documentation. Sergeant Robson responded that he was not in a position to make those demands.

Mr Samra sought clarification if DC Lyle had done a statement to confirm that the plastic bags were found in the female toilets or was it second hand information. Sergeant Robson responded that he was at the premises at the time and the plastic bags were located in the evidence bag, there was no photographs of these bags as they were placed straight into evidence but there was photographic evidence of the plastic bags found in the changing rooms which could be seen on page 52 of the circulated bundle.

Mr Samra referred to the photographs located at pages 437 - 448 and pages 470 - 497 of the bundle which were produced by the Police and Mr Gill. The photographs submitted by the Police showed seats ripped, electrical wires visible on the stairs, curtains ripped and blood on the ceiling. The photographs produced by Mr Gill showed photographs of the same areas but were not zoomed in and showed a different interpretation and that the area where seats were ripped was not a public area. Mr Samar also referred to the blood on the ceiling which could be champagne. Sergeant Robson responded that he was not an electrician but in his opinion it looked like an electrical socket had been removed. Mr Samra responded that as Best Bar None Inspector he should be qualified and did he know if a socket had been there. Sergeant Robson responded that if he had seen holes in the walls, chairs ripped etc then they would not be accredited and that he did not know if a socket had been there.

Mr Samra referred to the incident in 2008 where door staff were witnessed entering a dark vehicle, he asked if they were arrested and how did he know they worked for his client.

Sergeant Robson responded that a witness watched the incident and later reported it to the police and by this time there was no evidence available, he knew they worked for his client as they went to Red Velvet and worked on the door all night.

Mr Samra indicated that no arrests were made of management on 14 December 2012. Sergeant Robson responded that the Designated Premises Supervisor, House Mother and 2 Dancers were arrested. Mr Samra advised that only one was management.

Mr Samra referred to the informal meeting held between the Police and Mr Gill on 9 November 2011, and asked if minutes were taken and if they were contained in the bundle of evidence. Mr Samra was advised that the minutes were not part of the evidence.

Mr Samra referred to the assault of 2 customers and sought clarification if door staff were charged and if there was photographic evidence of the incident. Sergeant Robson responded that he believed there were no arrests, the police did have footage but was not produced in the bundle of evidence.

Mr Samra also referred to the incident involving drugs and sought clarification if it was assumed that it was controlled drugs or if it had been tested and if any arrests had been made. Sergeant Robson confirmed that this information had come to light during the application for the Sexual Entertainment Venue Licence so they were unable to investigate it so no arrests were made. Mr Samra referred to dancers leaving the premises but asked how they knew they were dancers and he circulated to Members of the Sub-Committee some photographs that had been omitted from the bundle which showed the attire of females on a night out in Consett which showed them in similar attire to the dancers. Sergeant Robson responded that he had just found out yesterday that one of the dancers was in fact the House Mother.

Mr Samra referred to Page 57 of the bundle and sought clarification if the police had incident logs and if they had been provided in the bundle of evidence. Sergeant Robson confirmed that he did have incident logs but were not provided in the evidence. Mr Samra asked if it was possible that they could be customers of the Fish and Chip shop located downstairs and that no children had admitted Red Velvet. Sergeant Robson confirmed that it could be possible and that no children had entered Red Velvet. Mr Samra referred to the witness statement which stated that a 14 year old girl was working on the premises.

Mr Samra advised the Sub-Committee that Red Velvet has an entrance and not a shop front, the only shop front was the Fish and Chip Shop which was downstairs and the gentleman referred to in Page 57 of the bundle could have been a customer of the Fish and Chip Shop and not Red Velvet. He also referred to the drink driving which was an assumption but the female was not tested. Sergeant Robson confirmed that it was possible that the gentleman could have come from the Fish and Chip Shop and that the female had alcohol in her system but was below for prosecution and they did not test for drugs.

Mr Samra referred to the incident on 2 December 2012 also referred to on Page 57 of the bundle and indicated that there was no evidence that the females had left Red Velvet. Mr Samra also sought clarification if there was any evidence in relation to the incident on 29 January 2012. Sergeant Robson responded that there was a full log of this incident which they were unable to produce but they had indicated that they did not wish to take the matter further.

Mr Samra referred to Page 412 of the bundle of evidence and asked that it be noted that the former Designated Premises Supervisor had indicated in his statement that he was willing to attend court but the statement of Sergeant Robson states that that he was unwilling to attend court.

Mr Samra referred to the incident on 18 December 2011 and indicated that there was no evidence that they had been at Red Velvet and that it could have been another part of Consett. Sergeant Robson responded that it was possible.

Mr Samra asked why other premises owned by his client were not also searched on 14 December 2012, if they believed that the supply of drugs was taking place in his clients other premises. Sergeant Robson indicated that this would be answered under Regulation 14.

Mr Samara referred to the photographs located in the bundle of evidence and asked Sergeant Robson to show him where the live cable was as the photograph only showed a cable. He referred to a missing page from the bundle which was details of an inspection held on 11 October 2012, which indicated that the premises were safe.

Mr Mooney requested that members of the public be excluded from the hearing in order that Durham Constabulary may provide the Sub-Committee with information relevant to the hearing, but which could not be made public as it related to an ongoing investigation. Mr Samra objected to the application, stating that it was disproportionate and unfair to allow such evidence into considerations as it was untested speculative information. The Human rights Act and the Freedom of Information Act both were relevant and the Sub-Committee should give effect to the Premises Licence Holders right to a fair hearing. If the Police had evidence, they should lay charges against those that it related to.

The Chairman asked if the information was in relation to an ongoing investigation. Mr Mooney confirmed that this was the case. Mr Samra responded that the evidence was not tested so could result in no charges.

The Sub-Committee withdrew at 11.45 am to consider the Police request to consider information under Regulation 14. On returning at 12.05 pm the Sub-Committee advised they needed to hear the information to be able to determine whether it was relevant and what weight to attach to it. There was a right of appeal against the Sub-Committee decision and this mitigated any potential unfairness in the Premises Licence Holder being excluded from the hearing. The Sub-Committee were satisfied that the public interest in them hearing the information from the Police outweighed the public interest in that part of the hearing taking place in public, and accordingly they excluded the public from part of the hearing in

accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

Members of the Sub-Committee withdrew from the meeting at 12.05 pm to receive information from Sergeant Robson and Inspector Dobson in the absence of the public.

Members of the Sub-Committee returned at 1.30 pm and the hearing resumed in public.

Mr Howe, Managing Director of Phoenix Security spoke as a witness for the Premises Licence Holder as his company was going to be providing Door Supervisors to all of Mr Gills premises. He gave a background into his company which was a Newcastle based company and that they currently had contracts with businesses such as Weatherspoons and McDonalds. They also had experience of taking on troubled premises. He showed Members a mini camera which could be worn on the lapel of Door Supervisors which took videos, photographs and audio which was saved onto a SD card which could then be placed onto a laptop or DVD. His company had contracts where they were required to search staff on leaving the premises, they did have to ask permission of the individual to carry out a search and if they declined they would ask for the Police to be brought in. His company have a policy in relation to drugs and any drugs found would be placed in evidence bags and drug safes. His company have a venue file, a copy of which was available at the meeting which contained information such as certificates, flow charts, venue instruction, dress code, if venue was challenge 21 or 25, door logs, signed code of conduct, Health and Safety policy, public liability, incident report forms, time sheets, rota, etc. This file was used as a tool and all his staff was employed by the company, none were self employed. He referred to their drug policy and advised Members of the procedures to be followed to conduct a search.

Mr Mooney sought clarification if Mr Howe had a signed contract with Mr Gill. Mr Howe responded that they did not have a signed contract but they had an agreement to take over all of his premises which would be a 2 year contract with a 6 month notice period.

The Chairman asked if the contract was for all venues or just Red Velvet and if he had Female Door Supervisors. Mr Howe confirmed it was for all venues and he would put policies and procedures in place for all and he had a large pool of Female Door Supervisors.

The Chairman also asked if the House Mother and Dancers would be on the premises prior to the Door Supervisors. Mr Howe indicated that Female Door Supervisors would search female staff and that this had been agreed with the client.

The Meeting adjourned at 1.35 pm and re-convened at 2.20 pm.

Mr Samra referred to pages 418 – 434 of the bundle of evidence which was a statement from Mr Gill giving a background. He indicated that the Premises Licence Holder had been provided with 2 drug safes which were located at Decades and Chaplains and that the Designated Premises Supervisor could have found drugs

outside Red Velvet but was unable to deposit into the drugs safe. The head office was located at an alternative premises where all the documentation was also kept.

The premises had won Best Bar None in 2011 and runner up in 2012 as a Director his client assumed it had been run correctly due to these awards. He referred Page 58 of the bundle of papers which was details of the Best Bar None Assessment which referred to the assessment carried out on 4 March 2011, which was when Mr Gill was responsible for the day to day running.

None of his clients other premises had been the subject of a warrant and the Designated Premises Supervisor of Red Velvet was also the Designated Premises Supervisor at the Coach and Horses. The only member of staff arrested was the former Designated Premises Supervisor. Mr Gill was in charge at the premises until 2011 when he took a step back due to the ill health of his father. During his time in charge which was 2008 to 2011 there were no incidents, which is a good indicator of what would happen if Mr Gill became the Designated Premises Supervisor and when the premises was open he would open it, Phoenix would then enter then staff. New arrangements would also but put in place which allowed for employees to be searched on arrival, departure and throughout the night, all employees would be required to sign this contract.

He referred to the notes that Mr Gill had taken at an informal meeting held with the Police on 9 November 2011, details of which were located at pages 416 – 417 of the bundle of papers. Mr Gill had not been provided with minutes of this meeting and his notes made general reference to CCTV. He also referred to Page 451 onwards of the bundle which was a number of e-mails which had been sent from the Area Manager to the Police, it was noted that he was not in attendance as he was under investigation by the Premises Licence Holder.

All premises owned by Mr Gill were being overhauled with new policies and procedures being put into place including CCTV arrangements and cameras for the Door Supervisors. He referred to the statement from Environmental Health and Consumer Protection which stated that he was not convinced that Red Velvet caused a problem unless the music noise was escaping from the flat roof of the building escaping at high level which couldn't be heard at street level.

Mr Samra stated that Mr Gill would personally ensure nothing would happen again and new procedures would be put in place for all his premises. With the help of Phoenix Red Velvet would be overhauled and already some staff had been dismissed and they were hoping to have good quality communication with the Police and Phoenix as they didn't want it to happen again and it should never have happened.

Mr Samra referred to the photographs from pages 436 onwards of the bundle and indicated that this was wear and tear but was neat, clean and tidy given current financial constraints but none of the premises put the customers at risk and any damage was caused by customers.

The Chairman sought clarification if Kelco Security had changed to Phoenix Security and if they still intended to have a House Mother. Mr Gill responded that

Kelco were currently the company responsible for the Door Supervisors but he was changing to Phoenix Security who was recommended to him by Sergeant Robson and he was happy to have this as a condition on the Premises Licence. He did not intend to have a House Mother and Dancers would have a contract which would allow them to be searched, if they refused to be searched they would not be allowed to enter the premises. He also indicated that he would take responsibility for the opening and closing of the premises.

Mr Gill was asked if he would be present at the premises and what would happen in his absence. Mr Gill responded that as the Designated Premises Supervisor he would take 100% responsibility and would be at the premises at all times, he would work with the Police and advise them if he was not going to be on the premises.

Mr Samra indicated that the incidents were not related to alcohol and that the Sexual Entertainment could be removed from the Licence.

Mr Mooney referred to Page 431, paragraph 79 of the bundle of evidence and sought clarification on the extent of the delegated responsibility. Mr Gill responded that the company also had other premises but he did have daily telephone conversations with the Managers and Door Supervisors. He generally did not attend the premises except on a Friday as his managers were paid well to manage the premises and were the Designated Premises Supervisors. The Managers had contracts of employment and job descriptions and they were delegated authority. He admitted that he had taken a step back to work on the food side of the business and that he did not want to enter Best Bar None but was assured by his Management to enter. The Area Manager attended pubwatch meetings and he dropped off the takings to him. He had teams of people in place and he genuinely did not know about any of this and was the reason why he had to come back full-time to take over the management.

Mr Mooney indicated that Mr Gill was responsible and they stated that they had a zero tolerance of drugs so what steps had been taken to enforce this zero tolerance. Mr Gill responded that he had five licences but the Designated Premises Supervisors were at the premises on a daily basis and had ultimate responsibility, but he knew that he was going to have to do a lot more. He also indicated that they had more Door Supervisors on their premises than any other venue in Consett and the pack for the Best Bar None was considerable and when you win this award you think things are right.

Mr Mooney also asked Mr Gill what steps he had taken following the Witness Statement of a resident which was produced at the Sexual Entertainment Venue hearing. Mr Gill responded that there was no evidence to support her allegations which was why the Sexual Entertainment Venue licence was granted. If the Police had come to him to hold a formal meeting he would not have declined. Mr Mooney responded that he had received the information from the witness but failed to act on this information.

Mr Gill had submitted in the bundle of evidence examples of monthly training that had been undertaken and they also had a social media network account.

Mr Mooney asked if he had provided proof of checking the CCTV, talking to the dancers etc. Mr Gill indicated that his Area and General Managers had been present at the Sexual Entertainment Venue Hearing together with the Door Company. After the hearing they conducted some training. He had also spoken to the Door Company to ask them to undertake some training.

Mr Mooney referred to page 270 of the bundle of evidence which referred to the training undertaken in May 2012 which was after the Sexual Entertainment Venue hearing. Mr Gill responded that drug training had been carried out at this event.

Mr Mooney referred to his application to become the Designated Premises Supervisor and sought clarification if he was currently a Designated Premises Supervisor at any other premises and if he was still under family pressures. Mr Gill confirmed that he was the Designated Premises Supervisor at the Coach and Horses and Chaplains but these would be amended so that he would only be the Designated Premises Supervisor for Red Velvet and he was happy for this to be a condition on the licence. His father was back working for the company which would allow him to concentrate on Red Velvet.

All his premises were within 40 yards of each other on the same street and when he was in charge there were no problems, it was him putting in management which caused the problems. He would take a hands on approach and indicated that he could run a tight ship with the help of Phoenix Security.

Mr Mooney asked if Phoenix security had signed a contract and if the searching of dancers was a promise. Mr Gill responded that they had a verbal agreement but they would meet tomorrow to sign contracts for all his premises and that the searching of the dancers was included in his contract and the contract of Phoenix Security.

Mr Mooney sought clarification if the employment contracts had been signed by staff. Mr Gill confirmed that some staff had signed the contract and a staff meeting had been scheduled pending the outcome of today. He also indicated that they wanted to use some of the policies from Phoenix Security and they were happy for the Police to look at these. Mr Mooney also asked if the contract located on Page 121 of the bundle of evidence had been signed. Mr Gill responded that it was a standard contract which was made in 2004/5 which was signed but he had recently been promoted to change this due to his work on Best Bar None. Mr Mooney responded that this contract already gave a right to search. Mr Gill responded that the new contract would ensure that nothing would happen again and previously the dancers were not staff so they did not have a right to search but the new dancers would have a contract which would allow them to conduct a search.

Mr Mooney stated that everything was promises and assurances but nothing was concrete. Mr Gill responded that he agreed that they had failings but he had dismissed the Designated Premises Supervisor and dancers, changed door company, would upgrade the CCTV system and would be willing to work with the Police. In 2007 the dancers were employed directly and they would go back to this set up and the House Mother had been placed on their Pub Watch list barring her from all their premises.

In summing up, Mr Mooney stated that the Premises Licence holder had taken no concrete steps and done little to address the issues. There had already been a zero tolerance policy to drugs which had not been adhered to and it was of serious concern that a ring of drug dealers had operated within the premises. In his opinion, revocation of the licence was the only option.

Mr Samra then summed up for the Premises Licence holder, outlining all of the options open to the Sub-Committee. He submitted that conditions could be put on the licence, or activities could be removed from it. The hours of operation could be altered. Revocation was not appropriate as the Government stated that the economy needed supporting, and closing the premises would affect the local economy. The track record of the Premises from 2004 to 2011 was good and there were no issues when Mr Gill was in charge between 2008 and 2011. People make mistakes but they had to be judged appropriately.

Members retired to deliberate the application in private at 3.25 pm and returned at 3.55 pm when the Chair delivered the decision.

In determining the application Members had taken into account the provisions of the Licensing Act 2003 as amended, Home Office Guidance and the Council's Licensing Policy and the substantial written evidence, together with the information provided by all of the parties to the hearing, and their witnesses.

Given that the Licensing Authority had taken an Interim Step of suspending the premises licence following a hearing (attended by the Premises Licence Holder and its legal representative) on 18 December 2012, the Sub-Committee were obliged to confirm that the suspension of the premises licence was lifted.

Resolved:

- (i) That the Suspension of the Premises Licence imposed by the Sub-Committee on 18 December 2012 be lifted.
- (ii) That the premises licence be revoked.