

BRECKLAND COUNCIL

At a Meeting of the

LICENSING SUB COMMITTEE

**Held on Thursday, 2 April 2015 at 10.00 am in
Anglia Room, Committee Suite, Elizabeth House, Walpole Loke, Dereham, NR19 1EE**

PRESENT

Mr S.G. Bambridge (Chairman) Mr F.J. Sharpe
Mr K. Martin Councillor C Bowes (Substitute Member)

In Attendance

Tiffany Bentley - Licensing Officer
David Lowens - Solicitor, nplaw
Helen McAleer - Senior Democratic Services Officer

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1/15 APOLOGIES (AGENDA ITEM 1)

None.

2/15 DECLARATION OF INTERESTS (AGENDA ITEM 2)

No declarations were made.

**3/15 APPLICATION FOR REVIEW OF A PREMISES LICENCE - THE HEROES
BAR, 1ST FLOOR 14 - 16 MARKET PLACE, DEREHAM, NORFOLK,
NR19 2AL (AGENDA ITEM 3)**

The following persons were in attendance to speak:

Applicant

Norfolk Constabulary

Applicant's representatives

Mr Tony Grover – Norfolk Police Licensing Team
Inspector Brown – Norfolk Police Licensing Team
PC Spinks - Norfolk Police Licensing Team
PC Brown – Norfolk Police Licensing Team

Responsible Authority

Ms Fiona Inston – Breckland Council

Interested Parties

Mr Yalcin Demiralay – Premises Licence Holder
Mr Ian Lyons – Designated Premises Supervisor
Miss Josie Woods

The hearing was conducted in accordance with the procedure as set out in the Agenda.

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Decision

That the Licence be revoked.

Findings of Fact

After considering all the matters in our papers including those provided today and the evidence we have heard and seen we make the following findings of fact:

The Designated Premises Supervisor (DPS) has shown a lack of concern for upholding the Licensing Objectives. Mr Lyons has been shown not to be in control of the premises, has allowed himself to be intoxicated whilst working and has permitted intoxicated persons to be on the premises. His behaviour has shown a lack of compliance with the Licensing Conditions over a long period, especially regarding CCTB and alcohol at the exit points, showing a long term failure of management. Drug taking, albeit a single incident was proved, was carried out blatantly and in an area subject to CCTV indicating poor management control of the premises.

The Committee finds Mr Lyons intoxication was not on a rare basis explainable by taking medication but is more likely to be a frequent event. The Committee has given weight to the Police evidence on this point.

Changes have been proposed to the management and Committee notes that the CCTV is now remedied. However, Committee are not confident that the necessary changes to the management system will be maintained and are not confident that Mr Lyons or the PLH will maintain the changes to their behaviour. This view is due to the previous history and the evidence before this Hearing. Maintenance of these changes appears unrealistic.

The Premises Licence Holder (PLH) has been negligent in ensuring the Conditions of the Licence were upheld. He was, or should have been aware of the condition of the stairs and the taking of open containers past exit points, noting that his business premises are extremely close to the Licensed premises. He has taken a hands-off approach to the running of these premises and has failed to make himself aware of Police concerns. He said he was not aware of Police warning letters, despite these being addressed to him and delivered to the premises.

The Committee is satisfied that there has been damage to the Licensing Objectives with the DPS intoxicated whilst assisting at the bar, permitting intoxicated persons to be on the premises, open alcohol containers being taken from the exit points and drug taking having taken place. The failure to provide adequate CCTV has damaged Police evidence gathering.

Reasons for Decision

In order to remedy these matters Committee has considered the options available to it. It feels the failures of management are of such a nature that the changes proposed have only been provided due to the threat of this review and are unlikely to be maintained. The DPS could be removed, but is not the only source of problems and we understand would remain the owner, would continue to live at the premises and is therefore likely to

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continue to be involved with the premises. He is likely to continue to have influence over the staff.

The PLH has not been in control and this failure is likely to continue, removal of the DPS will not remedy the failures of the PLH.

Due to the likely continuation of management failures, despite the new management systems offered, Committee feels that in order to promote the Licensing Objectives it is necessary to revoke the licence.

To exclude a licensable activity from the scope of this licence would only sensibly relate to the sale of alcohol and would in effect be a revocation in all but name.

To suspend the licence is felt to be insufficient to deal with long-term management problems and similarly to modify the conditions of the licence fails to deal with the basic causes of concern.

The meeting closed at 4.33 pm

CHAIRMAN