

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Monday 6th March 2017

Present: Councillor Cathy Scott (Chair)
Councillor Michelle Grainger-Mead
Councillor Michael Watson

Apologies:

In attendance:

Observers:

1 Minutes of Previous Meeting

That the minutes of the meeting held on 12 December 2016 be agreed as a correct record.

2 Interests

No interests were declared.

3 Admission of the Public

That all agenda items be considered in public session.

4 Deputations/Petitions

No deputations or petitions were received.

5 Public Question Time

No questions were asked.

6 Application For Review Hearing Under S51 Licensing Act 2003 - Le Choix, 400 Bradford Road, Batley, WF17 5LZ

The Panel considered an application made by West Yorkshire Police to review a premises licence, in respect of Le Choix under Section 51(1) of the Licensing Act 2003. The Licensing Officer outlined the details of the application advising the Panel that West Yorkshire Police asked for a review as it believed that the licensing objectives in respect of the prevention of crime and disorder and public safety were not being achieved.

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Temporary Police Sergeant Stansfield advised the Panel that over the past few months Le Choix had demonstrated that both the current and previous management, owner and DPS were not fit for purpose, having continually breached the requirements of the premises licensing operating times and conditions. On at least four occasions between 17 December and 24 December 2016, Le Choix had opened over one hour outside its licensed opening hours to trade; and two hours after the licence restricts the sale of alcohol.

The Licensing Officer made representations in support of the review on behalf of Licensing as a Responsible Authority and explained that it has been the experience of all concerned that the management of this premises has been questionable, demonstrated by a continued failure to operate within the requirements of the Licensing Act and to ensure that the Licensing Objectives are met.

The premises licence holder and the DPS addressed the Panel advocating that measures had been put in place to ensure public safety, including employing experienced door staff and a bar supervisor who has been in the trade for 40 years. Refurbishments costing approximately £150k had been undertaken and the venue was now in good order and of benefit to the local community. Since January 2017, there had not been one occasion where the bar had not closed on time. After considering all the representations made both verbally and in writing the Panel determined that:

RESOLVED - the licence in respect of Le Choix Bar should be revoked. In arriving at its decision the Panel also took into account the Council's Statement of Licensing Policy, the Licensing Act 2003, Regulations made there under guidance issued by the Secretary of State under Section 182 of the Act and the Licensing Objective themselves.

The Panel recognised that whilst it had a range of options was sufficiently persuaded that revocation of the license was a necessary and proportionate step. The Panel was not confident that the Premises Licence Holder would ensure compliance with the conditions of the license and ensure that the objectives were met.