

RECORD OF DECISION

LICENSING SUB-COMMITTEE

DATE OF HEARING: TUESDAY, 12 NOVEMBER 2024

MEMBERS: Councillors M L Beuttell, S J Criswell and S A Howell (Chair)

APPLICATION CONSIDERED: HUNTINGDON POOL AND SNOOKER CLUB, ST BENEDICTS COURT, HUNTINGDON PE29 3PN

We heard representations from the following persons:

- The Applicant – Huntingdonshire District Council (as a Responsible Authority – W Dell O’refice)
- The Responsible Authorities – PC Clare Metcalfe (Police), Trudie Spinks (Environmental Health)
- The Former Premises Licence Holder – Mr Pavlos (Paul) Kounis represented by Mr Leo Charalambides of Counsel
- The Current Premises Licence Holder – Mr Ulas, unrepresented

We found the following facts:

The Former Premises Licence Holder, the DPS, and staff had failed to promote the Licensing Objectives in running the Premises for some considerable time and as set out in the Agenda Papers. This was accepted by the Former Premises Licence Holder and unchallenged by the Current Premises Licence Holder.

In making our decision we considered the following:

- ❖ The Licensing Act 2003 and its supporting Regulations
- ❖ The Section 182 Guidance
- ❖ Huntingdonshire District Council’s Statement of Licensing Policy
- ❖ Licensing Officer’s Report
- ❖ The Agenda Papers as presented
- ❖ All written representations received
- ❖ Oral submission from the Parties including the Current Premises Licence Holder and Former Premises Licence Holder

- ❖ Responses to questions from the Sub-Committee

We did not consider the following matters to be relevant:

- The personal circumstances of the Former Premises Licence Holder

Our reasons for this are:

- The personal circumstances of the Former Premises Licence Holder were not relevant to how the Premises had been operated for some considerable amount of time.

Our decision is as follows:

To revoke the Premises Licence for Huntingdon Pool and Snooker Club.

Our reasons for reaching the decision are as follows:

It was abundantly clear, and accepted by the Former Premises Licence Holder, that the Premises, the DPS, and staff had undermined all the Licensing Objectives. The evidence base for this was set out in the Agenda Papers and was not challenged by either the Former Premises Licence Holder or Current Premises Licence Holder. The Sub-Committee accepted that the Licensing Objectives had been undermined as set out in the paperwork.

This was clearly a case where action needed to be taken in respect of the Premises Licence irrespective of the transfer process ongoing in order to promote the Licensing Objectives.

The Sub-Committee considered whether modifying the Premises Licence adding conditions or amending the hours and activities was an appropriate and proportionate response to the Application. The Sub-Committee did not consider that amending the hours and conditions of the Premises Licence was appropriate in the circumstances. As was accepted by the Former Premises Licence Holder, the conditions of the Premises Licence are robust, well-written, and capable of enforcement and being adhered to by a suitable Premises Licence Holder. The Former Premises Licence Holder and DPS accepted they were not suitable. The Sub-Committee were grateful to the Former Premises Licence Holder for introducing the Current Premises Licence Holder which permitted the Sub-Committee and parties to ask questions of them. The Sub-Committee considered that they had not heard good evidence from the Current Premises Licence Holder as to how they would address the previous issues at the Premises beyond instigating a refurbishment and investing. No detail was given as to how the Current Premises Licence Holder would comply with the conditions of the Premises Licence and the Sub-Committee were concerned that the Current Premises Licence Holder was not familiar with the Premises Licence it had taken on. For example, the Current Premises Licence Holder said they would hire SIA if required whereas it is a condition of the Premises Licence. This was concerning.

The Sub-Committee considered whether to remove the DPS (Mr Ellis). Mr Ellis had, verbally, confirmed to the hearing that he would be resigning as DPS, albeit he is yet to give the formal notification required under the Licensing Act 2003.

The Sub-Committee felt that it would be punitive, given Mr Ellis' commitment to resign to take the step of removing him. The Sub-Committee trusts that Mr Ellis will make good on his word.

The Sub-Committee considered whether a period of suspension would be appropriate and proportionate to allow the Current Premises Licence Holder to complete the commercial property transaction with the Former Premises Licence Holder, undertake the promised refurbishment works and liaise with the Responsible Authorities prior to reopening. Given that the business is to close regardless, the Sub-Committee did not consider that suspension was viable under the circumstances.

Having determined that lesser steps were not appropriate and proportionate in this case, the Sub-Committee determined to revoke the Premises Licence. The Sub-Committee were not persuaded that the transfer application lodged with Licensing Authority and the resignation of the DPS were enough to deal with all the negative impacts upon the Licensing Objectives arising from and in connection with this Premises, which were many. The Sub-Committee considered that revocation was appropriate and proportionate in the circumstances. In relation to the Current Premises Licence Holder, the Sub-Committee was not persuaded that they would promote the Licensing Objectives and were concerned that a proper examination of their suitability could not be undertaken within the confines of the review hearing. The Sub-Committee felt that, on balance, the correct approach for the Current Premises Licence Holder to take in respect of this Premises is to make an application for a Premises Licence under their own steam rather than to seek to salvage the existing Premises Licence. This would allow a thorough examination of their credentials, other operations, and consideration of an application and operating schedule germane to their proposed running of the business.

Date: 12 November 2024

PLEASE NOTE

You have a right of appeal to the Magistrates Court against the decision above. You MUST lodge any appeal with the Magistrates Court within 21 days from the date of this decision.

The address of the Magistrates Court is:-
Peterborough Magistrates Court
Bridge Street
Peterborough
PE1 1ED