
OUTCOME OF LEGAL PROCEEDINGS - LICENSING ACT 2003

Purpose of Report

1. To advise Members of the outcome of recent court proceedings in relation to offences under the Licensing Act 2003

Information and Analysis

2. The schedule attached to this report gives details for an individual and a Club Premises Certificate Holder relating to the outcome of a prosecution for Licensing Act 2003 Offences.
3. As a result of these prosecutions officers shall monitor the premises closely and if there is a repeat of this type of offending it is likely that the Licensing Authority will seek a review of the Club Premises Certificate.

Legal Implications

4. There are no issues that the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the reports.

Crime and Disorder Act 1998 Section 17

5. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This report provides details of criminal activities.

Recommendation

6. Members are invited to note the contents of this report

Richard Alty
Director of Place Services

Background Papers

Prosecution file.
The Licensing Act 2003

Appendix 1 Prosecution details

Pam Ross Extension 388647

APPENDIX 1

Name of Defendants	Ms Della Halliday Mr John Hopwood on behalf of St Mary's Association Club
Offences:	Carry on a licensable activity other than in accordance with an authorisation (Della Halliday) Knowingly allow a licensable activity to be so carried on (St Mary's Club)
Date of Offences	02 & 03 February 2012
Background:	St Mary's Club converted its Justices licence in 2005. A Club Premises Certificate does not require a Designated Premises Supervisor but restricts supply of alcohol to members and bona fide guests. In 2010 the Police & Licensing officers met with Club officials following a visit when non members were found drinking on the premises who had not been signed in, as required by the club rules (therefore were not bona fide guests). Advice was given to the Club. A further meeting was held on 28 October 2010 following an off duty Police Officer being able to gain access on several occasions without being signed in. A further visit was made on 28 March 2011 and again non members were found on the premises who had not been signed in. On 11 June 2011 Licensing Officers visited the premises, were asked to sign a book without a member signing them in (therefore were not bona fide guests) and then were permitted to purchase alcohol. As a result of this Officers and the Police met with the Club's Committee on 11 August 2011 and advised them of the law relating to their Club and in particular to the supply of alcohol. A further visit was made on 19 August 2011 to speak to Ms Halliday and ascertain that she too was fully aware of the law. On both 02 February 2012 & 03 February 2012 Officers visited the club, were not asked to sign in & were able to purchase alcohol without being a member or bona fide guest of the club.
Court Hearing:	31 July 2012 at Darlington Magistrates Courts.
Court Information:	Both parties pleaded guilty
Outcome:	Ms Halliday was given a 12month conditional discharge & ordered to pay a contribution of £100 towards the Council's costs. The Club was fined £300 & ordered to pay a contribution of £100 towards the Council's costs.