

## **DECISION OF LICENSING SUB-COMMITTEE**

**held on 28 June 2023**

Having carefully considered the application for a review of the Premises Licence (13/03211/PREMLI) in respect of the Secret Garden Bar, 17-20 New Road, Kidderminster, Worcestershire, DY10 1AF, the Licensing Sub-Committee has decided to revoke the Premises Licence for the Secret Garden Bar, Kidderminster.

And the reasons for the sub-committee's decision are as follows:

1. The premises licence holder, who is also the designated premises supervisor provided no effective manner of supervision for the premises, which allowed for the premises to be used for the large scale cultivation and production of illegal drugs, namely cannabis, this having been confirmed following the execution of a police search warrant under section 23 of the Misuse of Drugs Act 1971.
2. The sub-committee accepts that the premises were closed at the time the offences took place and remains closed to this day. It also accepts the licence holder's specific circumstances at that time. However, the sub-committee believes these do not absolve the licence holder of his duty to promote the licensing objective of prevention of crime and disorder. The licence holder is an experienced licensee and a designated premises supervisors for the premises. He knew he would be away from his business for several months but failed to put in place any controls or undertake any due diligence that would have prevented the use of the premises for criminal activity of the scale presented at the hearing.
3. The sub-committee, having considered the relevant representations of both parties and the full circumstances of the matter therefore

considers that due to the scale of the cannabis growing operation at the premises the promotion of the licensing objective of prevention of crime and disorder can be only achieved by the revocation of the licence as suspension for up to 3 months would not be effective due to the premises being closed and no other steps available to the sub-committee would effectively address the issues presented.

4. In coming to this decision, the Sub-Committee has specifically considered:
  - a) Paragraphs 11.24-11.28 of the Section 182 Guidance (December 2022) and
  - b) Paragraphs 10.1, 10.2 and 10.5 of the Council's Licensing Policy