

Licensing Sub Committee (Miscellaneous)

Tuesday 19 January 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Lock, Vice Chair.
Councillor Rennie.

Apologies for absence: Councillor Mrs Stephens

The meeting started at 10.00 am and finished at 12.00 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

29. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Lock be appointed as Vice Chair for this meeting.

30. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

31. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

32. REVIEW OF PREMISES LICENCE - MELBOURNE INN, 224 CECIL STREET, PLYMOUTH

The Committee having –

- (i) heard from a representative of Devon and Cornwall Police that –
 - (a) the objection was brought in relation to the prevention of crime and disorder, public safety, the protection of children from harm and the prevention of public nuisance objectives;
 - (b) a representative from Devon & Cornwall Police had requested the review due to concerns regarding the management of the premises and the ability of the Designated Premises Supervisor to uphold the four licensing objectives;
 - (c) from recent incidents of serious violence it was clear that the Designated Premises Supervisor was unaware of incidents at the premises and was failing to ensure he and his staff were abiding by the conditions attached to the premises licence;
 - (d) on 29 April 2009 the Police visited the premises regarding customers smoking at the venue. The Designated Premises Supervisor was not at the premises and the Police spoke with the manager of the premises;
 - (e) on 30 August 2009 between the hours of 0700 and 0900 customers were seen on CCTV footage drinking outside the premises. These customers were seen to have moved from another licensed premises and one was unsteady on his feet;
 - (f) on 21 September 2009 concerns were raised by the Police of residents

concerns of customers drinking outside the premises at 0700 hours and creating a public nuisance;

- (g) on 24 September 2009 a Licensing Officer of Devon & Cornwall Police attended the premises to speak with the Designated Premises Supervisor regarding customers drinking outside the premises. The Designated Premises Supervisor was not on the premises but was said to be available 28 and 29 September;
- (h) on 29 September 2009 attempts were made to speak with the Designated Premises Supervisor but he was not on the premises. The Designated Premises Supervisor did telephone the Licensing Officer of Devon & Cornwall Police and an appointment was made for him to attend Charles Cross Police station to discuss the issue of street drinking;
- (i) on 7 October 2009 the joint premises licence holders/designated premises supervisor did attend a meeting with the Licensing Officer of Devon & Cornwall Police and a number of concerns were raised;
- (j) the concerns raised were over customers drinking outside the premises from 0700 in a residential area creating a noise nuisance and consuming alcohol in a designated public place. Adherence to the licensing conditions specifically; staff being fully trained in underage sales and those already intoxicated and the documenting of this training. The in house CCTV system being in operation and tapes being kept for 14 days;
- (k) the designated premises supervisor agreed to ensure his staff would prevent customers taking drink outside and ensure his staff were fully trained, he also provided a mobile contact number to the Police;
- (l) on 13 November 2009 the Police were notified of three people fighting at the premises; two customers and a member of staff were allegedly assaulted. The staff member was allegedly repeatedly hit in the face with a glass. When the police attempted to gather evidence they found the CCTV system was switched off. The manager of the premises gave the reason for the CCTV being switched off as being due to him preserving the CCTV footage concerning a customer smoking at the premises;
- (m) when the Police Licensing Officer telephoned the designated premises supervisor on 19 November 2009 to discuss the assault on 13 November 2009, the designated premises supervisor was completely unaware of the incident and was unaware the CCTV had been switched off;
- (n) 27 logs were recorded at the premises in 2009 and 11 crimes. None of these incidents had been reported or witnessed by the designated premises supervisor. In dealing with the Police the manager has described himself as the licensee or landlord;
- (o) on 19 November 2009 licensing enforcement officers carried out an audit of the premises and on arrival spoke to the manager. It was noticed by one of the officers that the manager was drunk, was slurring his words, smelt of intoxicating liquor and was unsteady on his feet. When the CCTV was requested the manager was unable to operate the CCTV system and asked another staff member to assist him. It was discovered there was not a chronological 14 day archive held on the system. No training records were found and when the manager was asked about the training in relation to under age sales he said this was common sense;
- (p) the Police duly issued a closure notice under section 19 of the Criminal Justice and Police Act 2001;

- (ii) heard from the premises licence holder that –
 - (a) there had only been one glassing incident at the premises and he had been the premises licence holder for five years and this was the first incident in that time;
 - (b) he was also the premises licence holder and designated premises supervisor for five other pubs;
 - (c) he was willing to voluntarily remove his son as the designated premises supervisor for this premises. He also said he was willing to accept the conditions recommended by the Police. However, the Police had discussed the use of toughened glass following the glassing incident but he said this would be expensive as he currently used free branded glasses;
 - (d) the manager of the premises had been dismissed and had failed to inform him of any of the incidents reported to him by the Police;
 - (e) due to the concerns raised by the Police regarding the lack of management undertaken by the current designated premises supervisor and the premises licence holder, both agreed to the replacement of the designated premises supervisor;
- (iii) heard from the designated premises supervisor that –
 - he was on the premises once a week on a Wednesday for a couple of hours;
- (v) considered the report of the Director for Community Services;

Members felt that in light of the concerns raised the conditions put forward by the Police and agreed by the premises licence holder together with additional conditions would address the representations made. Therefore, the licence would be modified and the following conditions added:

- (1) Whenever the designated premises supervisor is not at the premises another responsible person will be nominated by the designated premises supervisor as being the person to manage the premises.
- (2) All full time staff to be personal licence holders
- (3) CCTV to be installed to comply with the 'UK Police Requirements for Digital CCTV Systems
- (4) CCTV cameras to be kept clean and maintained at all times
- (5) CCTV images will be retained for a minimum of 25 days
- (6) The CCTV system will have the capability of downloading the images to a recognised format.
- (7) A register will be kept detailing all requests by Police for CCTV images. This will include time and date of request, time, date and location of the incident, time and date of hand on to Police.
- (8) Only authorised staff will be permitted to download images. Upon request of footage by any responsible authority CCTV footage will be provided as soon as is practicably possible.

- (9) The Police Licensing Department will be informed if the CCTV system is not working.
- (10) A daily incident logbook detailing all incidents of note at the premises or in the immediate vicinity e.g. slips, accidents, entry refusals and incidents of disorder etc. The log will detail the date, time, type of incident, brief circumstances, action taken and person dealing. The logbook will be made available for up to six months for the police or any other responsible authority to inspect, if required. All relevant incidents will be reported to the police at the earliest opportunity.
- (11) Staff will not be permitted to drink alcohol whilst on duty.
- (12) No all inclusive drink promotions will be offered.
- (13) Drugs warning notices on display.
- (14) Zero tolerance to drugs use and dealing.
- (15) No open bottles or other drinking vessels to be permitted to be taken from the premises.
- (16) All staff and managers will be made aware of the conditions attached to the licence.
- (17) All staff to receive documented training on induction and at least every six months in the prevention of under aged sales, drug awareness, assessment of customer's alcohol consumption, the prevention of alcohol sales to drunks and all conditions attached to the premises licence.
- (18) Documentation recording the time, date, subject and duration of training shall be kept. This will include the persons attending and the person delivering the training.
- (19) Suitable signage will be displayed at the exit to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises.
- (20) Management will maintain control of the outside area and will ensure noise caused by their patrons whilst outside the premises is minimised at all times.
- (21) All beer glasses used on the premises for the sale of drinks must be made of plastic or toughened glass. When replacing any form of drinking glassware they must be replaced with plastic or toughened glass.
- (22) The voluntary door entry buzzer system is to be in operation from 07:00 to 11:00 Mon – Sun in order to give the management more control over who enters the premises.

33. **EXEMPT BUSINESS**

There were no items of exempt business.