

Licensing Sub Committee (Miscellaneous)

Tuesday 18 October 2011

PRESENT:

Councillor Delbridge, in the Chair.
Councillor Lock, Vice Chair.
Councillor Wright.

Fourth Member:
Councillor Reynolds

Apologies for absence: Councillors Browne, Mrs Nicholson and Rennie.

Also in attendance: Debbie Bradbury (Lawyer), Peter Clemens (Senior Licensing Officer) and Ross Johnston (Democratic Support Officer).

The meeting started at 11.00 am and finished at 2.20 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.

42. APOLOGIES

In view of the fact that Councillors Browne, Mrs Nicholson and Rennie were the Members who made the decision on the Choo Choo's review at the Licensing Sub Committee (Miscellaneous) meeting held on 12 July 2011 all three members have been replaced for this meeting with substitute members to prevent any appearance of bias.

43. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Delbridge is appointed as Chair and Councillor Lock appointed as Vice Chair for this meeting.

44. DECLARATIONS OF INTEREST

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

45. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

46. TRANSFER OF PREMISES LICENCE - THE VENUE, 99 - 101 UNION STREET, PLYMOUTH

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from the applicant and his witnesses that –
 - (i) the objection by the police was linked to disorder in Choo Choo's nightclub which was yet to be finalised and was still going through the courts. Until the appeal was heard in January 2012 how could the link be proven and used against them. The objection from the police would be unfair if the case was won in January;
 - (ii) The Venue had been operating for the past six weeks and there had been no incidents, police concerns raised or requests from the police for CCTV footage;
 - (iii) Mr Miller had taken a seven year lease from the landlord and although he was currently the sole director of London Nightlife Limited there were other potential Directors who may join the company;
 - (iv) although the company in which Mr Miller was sole director was the premises licence holder, Mr Miller had no input into the running of the premise;
 - (v) there was a new clientele and a strict dress code which kept criminals out and there were regular customers;
 - (vi) they were linked to other premises via a radio system and operate the PARC scheme;
 - (vii) in The Venue there were an extra four door staff and nine CCTV cameras and they would be installing sixteen CCTV cameras which would link to the internet with the password given to the police;
- (c) heard from the representative of Devon and Cornwall Constabulary that –
 - (i) the proposed premises licence holder was a limited company with a sole company director. This company director was Gary Miller;
 - (ii) this person, Gary Miller was the sole company director of Crown Pub Property Solutions Limited which was the premise licence holder for Choo Choo's, 71 Union Street, Plymouth when a determination was made by the licensing committee on 12 July 2011 following a review of the premise licence;
 - (iii) it was the opinion of the Devon & Cornwall Constabulary that in light of this determination this application would undermine the crime prevention objective;
 - (iv) there was a history of management involving Mr Williams, Mr Miller

and Mr Robinson. The management team was not good enough to run one premise with a 100 capacity and were now running a second 500 capacity venue;

- (v) although no incidents could be linked to the premise, in the past six weeks there were two incidents that took place outside the premise;
- (vi) the capacity for The Venue was 500 whilst Choo Choo's was 100;
- (vii) during the committee on 12 July 2011 a time line was presented to the committee detailing a number of incidents linked to Choo Choo's.

Members considered the representation of the applicant and the police objection and did not consider it necessary to reject the application for the promotion of the crime prevention objective.

Members considered the new company would have the same sole director as Choo Choo's but felt that the problems encountered at Choo Choo's had been dealt with by the committee on 12 July 2011 by the addition of conditions and the removal of the designated premises supervisor and there was no evidence that crime and disorder has or would now take place at this premise.

Agreed that having taken into account all of the above representations the application to transfer the premise licence be granted.

47. **VARY LICENCE TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR - THE VENUE, 99 - 101 UNION STREET, PLYMOUTH**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from the applicant and his witnesses that –
 - (i) the objection by the police was linked to disorder in Choo Choo's nightclub which was yet to be finalised and was still going through the courts. Until this appeal was heard in January 2012 how can this link be proven and used against us. If we win the case in January, this objection from the police would be unfair;
 - (ii) there had been no problems during the six weeks the premise had been open;
 - (iii) Stefan Williams had been involved in the licence trade for over twenty years and Choo Choo's was the first place he was a designated premises supervisor;
 - (iv) Stefan Williams had previously worked for Southern Image and helped people with under achieving premises. He said that he had

worked for a number of venues and had not had any problems apart from in Plymouth;

- (v) they often did not hear from the police regarding incidents and they had the impression of doing well following good feedback and the problem premise status at Choo Choo's due to be removed;
 - (vi) when a murder occurred at Space nightclub Mr Williams was not there and someone else was running the venue;
 - (vii) Mr Williams was not involved in Jumping Jacks as it was his wife's venture and she was the premise licence holder and designated premises supervisor of this premise. When this licence was revoked he was working in Exeter;
- (c) heard from the representative of Devon and Cornwall Constabulary that;
- (i) the proposed designated premises supervisor (DPS) was Stefan Williams. Stefan Williams was the DPS of Choo Choo's situated at 71 Union Street when an application was made by Devon & Cornwall Constabulary to review this premises licence. This hearing was held on 12 July 2011 and a determination made;
 - (ii) Stefan Williams was also the owner/manager of Jumping Jacks situated at 111 New George Street when an application was made by the police to review this premise licence. This hearing was held on 21 July 2009 and a determination made which revoked the premises licence;
 - (iii) it was the opinion of the Devon and Cornwall Constabulary that in light of these two determinations this application will undermine the crime prevention objective;
 - (iv) Stefan Williams was the owner and in control of Jumping Jacks when the premise licence was revoked in 2009. He may not have been the DPS but was in day to day control of that premise;
 - (v) in 2000, during the time he was a licensee of Space nightclub a murder occurred. This took place after licensing hours while they were operating illegally;
 - (vi) as he was not the DPS for Jumping Jacks there was no objection when he applied to be DPS for Choo Choo's, but this was now deemed to be a step too far.

Members considered the representation of the applicant and the police objection and considered it necessary to reject the application for the promotion of the crime prevention objective.

They agreed with the police that Mr Williams is not suitable to be the DPS for this premise with his past history. They also agreed that he would not be able to run The Venue and Choo Choo's simultaneously.

Members took into account Mr Williams involvement with a premise where a murder occurred though accepted this was in 2000. They also took into account that Mr Williams was the designated premises supervisor of Choo Choo's during a time when a number of violent and public order incidents took place at the premises. Following the review of the premise licence on 12 July 2011 it was deemed necessary by this committee to remove Mr Williams as the DPS.

They further believed Mr Williams was involved in the running of Jumping Jacks prior to the licence at this premise being revoked.

Agreed that having taken into account all of the above representations the application to vary the premises licence to specify an individual as a designated premises supervisor be rejected.

48. **EXEMPT BUSINESS**

There were no items of exempt business.