

Licensing Sub Committee

Wednesday 20 February 2013

PRESENT:

Councillor Gordon, in the Chair.
Councillor John Smith, Vice Chair.
Councillors Mrs Bowyer.
Councillor K Foster - Fourth Member (in attendance).

Also in attendance: Debbie Bradbury – Lawyer, Pete Clemens – Senior Licensing Officer, Amelia Boulter – Democratic Support Officer.

The meeting started at 10.00 am and finished at 12.30 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.

68. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Agreed that Councillor Gordon is appointed Chair and Councillor John Smith is appointed Vice-Chair for this meeting.

69. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

70. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

71. **CLIPPER INN, 65 UNION STREET, PLYMOUTH - VARIATION OF PREMISES LICENCE**

The Committee having –

- (i) heard from the parties present;
- (ii) considered the report from the Director of Place
- (iii) considered the written representations from interested parties;
- (iv) heard from the applicant's legal representative that:
 - the applicant asks to reduce the number of door supervisors required Monday to Thursday from 4am during the midweek period if there are less than 45 customers on the premises;

- details were provided of the number of patrons on the premises at various times of the day between July and November 2012;
- it may be possible to manage the smokers in the outside area and this would be a proportionate response;
- there had been an application for a new DPS which is being processed;
- the occupancy figure of 45 was calculated by looking at the suggested ratio of 2 door supervisors to 100 patrons in the Council's Licensing Policy;

(v) heard from the premise licence holder that:

- she would ensure matters are conducted as they should be and said her partner, the proposed DPS would work with her to ensure there are SIA registered door staff as required;

(vi) heard from the proposed designated premises supervisor that:

- midweek the premise is a lot quieter, consisting mainly of workers coming in around 3am to 4am;
- during the week they have no more than 15 people;
- he is doing relevant courses and is training for SIA registration so he would be available as a second door supervisor if required;
- if a second door supervisor is required he can phone someone or when he is qualified he would be able to be the second supervisor;
- their opening times are from 10pm to 8.30am during the week and 10pm to 9am at the weekend;

(vii) heard from the legal representative for Devon & Cornwall Police that:

- Devon & Cornwall Police applied for a review of the Clipper Inn's premise licence in April 2010 and again in April 2012. Both applications were based on the licensing objective for the prevention of crime and disorder;
- The grounds for these appeals were poor management of the premises, drunkenness, breaches of the premise licence conditions, increase in crime and incidents tied and linked to the premise, the lack of supervision and control of the outside smoking area, inability to contact the DPS and problems encountered in obtaining CCTV footage;
- At the Licensing Sub Committee in April 2012 it was decided that in order to promote the licensing objective of the prevention of crime and disorder, additional door supervisors at relevant times and in principal positions was required to reduce the crime and disorder occurring;
- The Police referred to the statistical evidence upon which the Licensing Sub Committee relied and the decision of that committee;
- The early indication is that crime and disorder, tied and linked to the premises is currently moving in the right direction and the conditions imposed are having a positive effect;
- It is the review of the constabulary that it would be a retrograde step should the application to vary be granted;

- With regard to changing the wording for the CCTV referred to the guidance under s.182 of the Licensing Act 2003 at paragraphs 4.18, 4.19 and 10.26.
- Mr Prout, the Alcohol Licensing Officer had researched all crime and disorder, tied and linked to the premise from April 2012 and has compared date and time charts in the same format as produced at the review hearing in April 2012 for comparison;
- The conditions imposed at the review hearing in April 2012 came into effect on 4 October 2012. From April 2012 to 4 October 2012, 17 crimes were recorded that are tied and linked to the Clipper Inn. These offences are recorded as theft (4), criminal damage (1), assault occasioning GBH (4), assault occasioning ABH (1), battery (1), affray (3), possession of drugs (1) and drunk and disorderly (1). There are a further five Police logged incidents for assault/disorder (4) and drug information (1). These occurred on various days of the week as outlined;
- From 5 October 2012 to 31 January 2013, 7 crimes were recorded that are tied and linked to the Clipper Inn. These offences are recorded as affray (1), assault occasioning ABH (2), theft (3) and drunk and disorderly (1). There are a further 2 Police logged incidents for disorder. These occurred on various days of the week as outlined;
- This showed there were still incidents of crime and disorder occurring which are linked to this premise but they have fallen dramatically from 17 incidents to 7 following the introduction of two door supervisors from 4am;

The committee took the above into account, the written representations received in support of the premise and considered all the documents provided by the parties.

Members were concerned that the removal of the door supervisor from 4am Monday to Thursday would lead to an increase in the levels of crime and disorder linked to the premise.

They were pleased to hear from the Police that the reported incidents of crime and disorder linked to the premise had fallen since the introduction of the requirement for a second door supervisor from 4am.

Members heard evidence from the Police that the reports of crime and disorder linked to the Clipper Inn all occurred outside the premise.

Members heard that it was necessary to clarify the requirement with regard to the condition in respect of the CCTV footage.

Agreed that having taken into account all of the above representations it was appropriate and proportionate that the variation application be determined as follows:

(1) Annex 3 – Conditions attached after review on 27.04.12.

An SIA door supervisor will be employed from 2am through to the close of the premise Monday to Sunday and a second SIA door supervisor will be present on the premise from 4am until the close of the premise and at such other times as the DPS feels will be appropriate for the safety and security of patrons.

The application to delete/amend this condition was refused.

(2) Annex 3 – Conditions attached after review on 27.04.12.

Two SIA door supervisors will remain in a principal position near the external front entrance from 4am to the close of the premise seven days a week to marshal patrons using the front external smoking area;

The application to delete/amend this condition was refused.

(3) Annex 3 – Conditions attached after review on 27.04.12.

The DPS and in their absence other authorised staff shall download images following a written request of footage by any responsible authority and within seven days of that request being made the PLH or DPS will contact the responsible authority who requested the footage to tell them where the footage can be collected from. The footage from the incident/day in question must then be retained for a further period of 14 days to ensure that if any further information is required it can be provided within the same terms as the original request.

The application to amend this condition to the following was granted:

The registered ICO Data Controller shall in response to any lawful written request to the DPS, download images and within 7 days of such request the DPS, shall contact the relevant responsible authority to tell them where the footage can be collected. The footage from the incident/day in question must then be retained for a further period of 14 days to ensure that if any further information is required it can be provided within the same terms as the original request.

72. **EXEMPT BUSINESS**

There were no items of exempt business.