

Licensing Sub Committee

Tuesday 13 May 2014

PRESENT:

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

Also in attendance: Sharon Day (Lawyer), Marie Price (Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.00 am and finished at 12.45 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.

79. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor Gordon is appointed Vice-Chair for this particular meeting.

80. DECLARATIONS OF INTEREST

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

(Councillor Jordan (Fourth Member) left the meeting after consideration of this item.)

81. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

82. THE PRINCE ALBERT, 35 MARLBOROUGH STREET, PLYMOUTH - REVIEW OF PREMISES LICENCE

The Committee having –

- (a) considered the report from the Strategic Director for People;
- (b) heard from the Police (both written and verbal evidence) as follows:
 - that the current Premises Licence Holders (PLH) have held the licence for 19 months;
 - evidence detailing contact with the premises over the last 15 months from 10/12/12 – 11/3/14 showing that the operation of the premises had fallen below the expected standard;

- an outline of offences that have occurred within and outside the premises. This information mainly detailed the problems that have arisen with the Designated Premises Supervisor (DPS) not being able to download CCTV footage which has led to a PCSO having to attend and download the information. It was further confirmed that the DPS had been unable to actually show the footage when requested to;
- other information was provided which indicating that the DPS had not been cooperative with the police when they were seeking evidence in relation to incidents on the premises and an example of such an incident was presented in witness statements from PC Middleton;
- there had been a period between 12/2/14 and 21/3/14 where the CCTV had not been working properly and a section 19 of the Criminal Justice and Police Act 2001 notice had been served to ensure the fault was corrected. The CCTV had been repaired. On checking on the 21/3/14 it was confirmed that the CCTV was then working and capable of being replayed back to the 21/2/14;
- evidence was submitted that there had been intoxicated persons drinking within the bar area on occasions when the police visited within the 15 month period;
- the police licensing team had taken steps to draw the problems to the attention of the DPS and the PLH by way of meetings and letters however there had been no real improvement save that the CCTV had eventually been repaired;
- the police submitted that the DPS had demonstrated by her actions that she did not wish to cooperate or engage with them which undermines the crime prevention licensing objective and that she should therefore be removed from the licence. As a DPS she was reluctant to engage and had not been cooperative during Police Licensing meetings. A DPS should be cooperative and assist the Police;
- in addition in light of the problems experienced they considered that further conditions were necessary on the licence to promote the crime prevention licensing objective and provided a list of suggested conditions;

(c) heard from the Premises Licence Holder that:

- he had been a licensee for 15 years and the DPS had been a licensee for two years;
- the DPS felt that she was being victimised because she had refused to give a witness statement in relation to a racist incident which had occurred on the 21 January 2014. She had not given a statement because she hadn't seen anything;

- the CCTV system they use is capable of storing images for up to six months;
- their CCTV system can only be downloaded onto CD-Rs and not DVDs and so they can provide it to the Police but they need to bring the correct discs to do so;
- the incidents put forward by the Police were a small proportion compared to the number of times they have helped them and provided them with CCTV;
- they always cooperate with the Police;
- they do not let intoxicated people into the premises;
- most of the Police incidents relate to matters outside the premises and are nothing to do with their premises. The DPS stated that she did not understand why she had to show CCTV incidents to the Police which don't relate to their premises;
- the DPS provided an explanation in relation to the Police incidents listed and in relation to the assault on herself and her husband they had not been able to provide statements as they were not in the right frame of mind to answer questions at that time;
- they had been able to show the Police CCTV footage when requested to but the DPS could not download it; she is now able to;
- there is another pub in close proximity to theirs where incidents occur;
- there had been no report of noise problems from Environmental Health;
- they are both the PLH and share the running of the premises equally; the PLH had been on the premises when CCTV was requested but hadn't assisted as his wife was already doing it;
- the smoking area has now been moved to the rear of the premises;
- they have installed more CCTV cameras as well as moving some to provide better pictures;
- there is anti-social behaviour in the area but they are not responsible for this;
- they did not consider that it was their responsibility to police the area outside the premises.

Having listened to all the representations made by both parties the committee considered that the evidence presented demonstrated that the Police had tried to work with the DPS and PLH to address the issues prior to bringing the matter to review. The committee were satisfied that the evidence provided by the Police was relevant to the Crime Prevention licensing objective. It showed that the PLH and DPS had only been running the premises for 19 months but within that period that had been approximately 12 incidents showing a lack of cooperation with the Police. The committee considered that the DPS and PLH should work with the Police to the best of their ability and the evidence before them was that the DPS had not been cooperative and that had the potential to undermine the crime prevention licensing objective. The committee felt that the DPS had demonstrated a disregard and/or a lack of knowledge of her responsibilities for working with the police.

Therefore the committee agreed that it was appropriate to take the following steps to promote the Crime Prevention Licensing objective:

The DPS would be removed from the Premises licence. The DPS had been the main contact for the police and it appeared to the committee that this is where the problems outlined by the Police arose.

Additionally, to assist the management of the premises in the future, to address issues raised by the Police and to ensure the crime prevention licensing objective was upheld it was appropriate and proportionate for the following additional conditions to be applied to the licence:

1. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff are trained in the legality and procedure of alcohol sales, the operating procedures for refusing service to any person who is/or appears to be intoxicated using the SWERCOTS on-line training pack or equivalent, prior to undertaking the sale of alcohol and the contents of the premises licence including times of operation, licensable activities and all conditions.
2. The above training shall be conducted every 6 months and be recorded in documentary form that will be available for inspection at the request at all reasonable times by any responsible authority officer. The records will be retained for at least 3 years.

The above conditions replace existing condition 3 under the Protection of Children from Harm section of the current licence (Conditions agreed with the Environmental Health Authority)

3. An incident book shall be maintained to record any activity of any violence, criminality or anti-social behaviour. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
4. The incident book shall be available for inspection at all reasonable times by any responsible authority officer. The records will be retained for at least 12 months.

- 5 The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises. *This condition replaces existing condition 1 under Prevention of Crime and Disorder (Conditions agreed with the Police Licensing Authority).*
- 6 The Premises Licence Holder and Designated Premises Supervisor and Responsible Person are to be trained to operate the CCTV system and must show and/or download footage onto a recognised format when requested by an authorised officer of the police & licensing authority at all times the premise are operating.
- 7 The CCTV equipment shall be maintained in good working order and continually recording.
- 8 The CCTV system shall cover all areas of the premises to which the public have access, including outside the frontage of the premises/smoking area and regularly monitored.
- 9 Images shall be retained for a minimum of 30 days.
- 10 The Police Licensing Department will be informed if the CCTV system is not fully working within 48 hours of the issue being discovered.

83. **EXEMPT BUSINESS**

There were no items of exempt business.

84. **THE PRINCE ALBERT, 35 MARLBOROUGH STREET, PLYMOUTH - REVIEW OF PREMISES LICENCE (E1)**

Please refer to minute 82 above.