

## Licensing Sub Committee

Tuesday 16 May 2023

### PRESENT:

Councillor Partridge, in the Chair.  
Councillor Rennie, Vice Chair.  
Councillors Stoneman (Fourth Member) and Tippetts.

Also in attendance: Sharon Day (Lawyer), Jon Ball (Senior Enforcement Officer), Andrea Gilbert (Lawyer – observing) and Helen Rickman (Democratic Advisor).

The meeting started at 11.00 am and finished at 4.15 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.*

### 27. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Partridge as Chair, and Councillor Rennie as Vice Chair for this meeting.

### 28. **Declarations of Interest**

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

### 29. **Chair's Urgent Business**

There were no items of Chair's urgent business.

### 30. **Review of Premises Licence: Jesters, 39 - 43 Union Street, Plymouth, PL1 3LU - To Follow**

Prior to the commencement of the review, the Committee considered representations as to whether the review should be heard in private session, excluding members of the public and press.

The Committee agreed that in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 hearing the matter in private outweighed the public interest in the matter being heard in public and agreed to exclude the press and public and to conduct the meeting in private so as not to prejudice the criminal investigation. For this reason, the other party who made a representation was only present to make their representation and to hear the premises licence holder response to the same.

The Committee:

1. considered the report from the Director of Public Health;
2. heard from a party who had made representations about the incidents alleged in the representation. The party explained that they had not been present when the family member was allegedly attacked and had no evidence to support the other allegations mentioned in the representation admitting that it was only hearsay. They did confirm that the allegation of a sexual act by a door supervisor had not occurred at Jesters;
3. heard representations from the Police;
4. heard from the Premises Licence Holder;
5. in reaching their decision:
  - a. disregarded the representation made by the other party. The information initially provided as representation appeared to be a relevant representation however, when further information was provided the committee did not consider that the representation raised any matter that it could rely on which was relevant to the licensing objectives. The party had not been present at the incident referred to and so the circumstances surrounding the incident could not be sufficiently ascertained. All other matters raised in the representation were hearsay and whilst the committee was able to rely on hearsay evidence, in this case there was no identifiable or reliable source. It was therefore deemed to be speculation and as such could not be relied upon. The alleged incident relating to a sexual act by a door supervisor had not occurred at Jesters and was therefore disregarded as it was not considered relevant to the review or any of the licensing objectives;
  - b. took into account:
    - i. all that was said by police;
    - ii. all that was said by PLH;
    - iii. guidance as set out in the report;

Agreed that it was proportionate and appropriate for the following conditions to be applied to the licence and the following existing conditions modified for the purpose of promoting the crime prevention licensing objective:

Annex 2 – Condition at bullet point 1 modified as follows (modification shown in italics):

All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. *In particular the following must form part of the training:*

- *how to complete and maintain the refusal register in operation at the premises (in*

*relation to the sale of alcohol);*

- *recognising the signs of drunkenness;*
- *the operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase;*
- *action to be taken in the event of an emergency, including reporting an incident to the emergency services;*

*Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months.*

Annex 2 - Condition at bullet point 2 is removed from the licence as it is replaced by the above record keeping requirement.

Annex 2 - Conditions at bullet points 5 and 6 are removed and replaced with the following:

*An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:*

- i. Any incidents of disorder or of a violent or anti-social nature*
- ii. All crimes reported to the venue, or by the venue to the police*
- iii. All ejections of patrons*
- iv. Any complaints received*
- v. Seizures of drugs or offensive weapons*
- vi. Any faults in the CCTV system*
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.*

*Records must be completed within 24 hours of any incident, and 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. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.*

Annex 3 – the following conditions will be added:

- I. No drinks shall be served in glass containers at any time.

### Searching, Drugs and prohibited items

2. A written drugs and weapons policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances or possess weapons within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority;
3. Where door supervisors are used to search patrons as a condition of entry, a written drugs and weapons policy formulated in consultation with the Police will be in place. The policy will include an agreed procedure for the handling and retention of any article seized;
4. There must be at the premises a lockable drug and weapons safe to which no member of staff, only the DPS or senior member of staff shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) and weapons found at the premises must be placed in this safe as soon as practicable. Whenever the boxes are emptied, all of its contents must be given to the police for appropriate disposal;
5. Where a drug and weapon safe is available on the premises to deposit finds there will be in place a clear policy for the handling and packaging of seized items. Note: For premises with a suitable 'Drug Safe' and 'Weapon Safe' the items secured within that safe are not considered as being in their possession;
6. A clear and legible notice must be prominently displayed at all entrances to the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons;
7. Appropriate security arrangements will be in place including toilet areas and other similar areas being regularly checked for evidence of drugs. The date and times of all checks will be recorded in a register kept for that purpose and be available for inspection and copying on request of an authorised officer of a responsible authority;

### Dispersal

8. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours and to ensure that patrons do not congregate in the vicinity of the premises in such a way as to give rise to the potential for disorder or violent flash points;
9. Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible;
10. All persons entering or re-entering the premises shall be searched by a

SIA licensed member of staff and monitored by the premises CCTV system;

11. SIA licensed door supervisors engaged in searching persons shall be fully trained in the use of their powers to do so;
12. Where searches of persons are undertaken both male and female SIA licensed door supervisors will be on duty;
13. All SIA door staff wear body cameras when on duty at the premises;
14. The PLH must become a member of pub watch/club watch;
15. From the coming into force of this decision made on the 16.05.2023 and for six months thereafter, the PLH must have monthly meetings with police licensing to ensure licensing objectives are being promoted;

#### Review of interim steps

The committee reviewed the interim steps imposed on the 20 April 2023 to consider whether it was appropriate for the interim steps to remain in place pending the above decision coming into effect. It was agreed that it was only appropriate for the following interim step to remain in force given that the premises are not currently a member of pubwatch/clubwatch. All other interim steps were no longer consider appropriate and would be withdrawn because the requirement was either now redundant or the requirement had been complied with;

#### Interim step to remain in force in:

2. On any day where a door supervisor works at any other premises prior to starting their shift at Jesters, the DPS or in their absence any other appointed supervisor/manager must ensure that they inquire with that door supervisor whether any incident has occurred at the other premises and if so, ensure that all members of the door supervision team are briefed as to which, if any, perpetrators to be aware of in order to prevent them from entering the premises. A record of such inquires must be maintained, kept at the premises and be available for production to any Responsible Authority on request. A record of the inquiries made must be kept even where there are no incidents to report.

#### 31. **Exempt Business**

The Committee agreed that under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 it was in the public interest to exclude the press and public as to hear the matter in public risked prejudicing any ongoing investigations and any court proceedings

32. **Review of Premises Licence - Jesters, 39 - 43 Union Street, Plymouth, PL1 3LU - To Follow**

The Committee considered the review of premises licence with regards to Jesters, 39 – 43 Union Street, Plymouth, PL1 3LU.

*(Please note that there is a confidential part to this minute)*