

Licensing Sub Committee (Miscellaneous)

Tuesday 12 July 2011

PRESENT:

Councillor Browne, in the Chair.
Councillor Mrs Nicholson, Vice Chair.
Councillor Rennie

Fourth Member: Councillor John Smith

Also in attendance: Debbie Bradbury (Lawyer), Marie Price (Licensing Officer)

The meeting started at 10.00 am and finished at 4.20 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.

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Browne was appointed as Chair and Councillor Mrs Nicholson appointed as Vice Chair for this meeting.

2. DECLARATIONS OF INTEREST

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

3. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

4. REVIEW OF PREMISES LICENSE - CHOO CHOO'S, 71 UNION STREET, PLYMOUTH

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered all written representations;
- (c) heard from the applicant, a representative of Devon & Cornwall Police that –
 - (i) since opening on 28 May 2010 there have been a number of violent and public order situations at the premise resulting in Choo Choo's being designated as a problem premises on 21 June 2010;

- (ii) at 03.37hrs on 19 June 2010 large scale disorder took place which made it necessary for the police to make a formal request of the Manager to close the premise;
- (iii) at 05.18hrs on 15 May 2011 a male was found in the rear corridor of the premise unconscious and lying face down in a corridor flooded with excrement, vomit and toilet tissue. The attending officers were jostled and shown hostility; they were not escorted or shown the way by any member of staff or door supervisor. Prior to this incident there was evidence of people being ejected from the premise showing injuries to their faces and then being readmitted by door staff;
- (iv) erratic management had meant that on several occasions improvements had been made which alleviated the problems identified, unfortunately these improvements never became permanent and the problems of violence and anti social behaviour regularly reappeared;
- (v) shortly after the premise was designated as a problem premise the premise licence was transferred to Daniel Robinson and the DPS was varied to Stefan Williams;
- (vi) a large number of relevant incidents had been recorded since the premise was designated as a problem premise on 21 June 2010. This included noise nuisance, assaults, ABH, GBH (without intent), wounding, racially aggravated GBH, racially aggravated public order, affray, alleged assaults by door staff, breach of a drinking banning order, access to the premises by a 15 and 17 year old;
- (vii) the police requested that the DPS (Stefan Williams) be removed, the hours for the retail sale of alcohol be reduced and conditions be added to the licence to deal with the poor door supervision, the poor CCTV images, the positioning of cameras and the quality of images to cover the corridors and fire exits, the fitting of appropriate alarm systems to fire exits and the maintenance of lights and drains in the corridor leading to the fire exit;
- (viii) the more serious crimes occurred from 2.45am to closing with the vast majority between 4.30am to closing;
- (ix) persons ejected were allowed to re-enter by the door staff and information was not being passed to the police;
- (x) DVD footage was shown of four periods of time on 21 May 2011 to the outside of the premises. DVD footage was also shown of the inside of the premises;
- (xi) since this application there had been mediation talks regarding control including the outside area. This had resulted in

improvements and a reduction of incidents;

- (xii) 13 conditions were recommended by the police and conditions 1 to 12 had been agreed by the premises licence holder;
- (d) heard from the applicant's witnesses;
- (i) that on 15 May 2011 the Police were called to the premises following a person being found injured in the corridor of the premises. He said they were heckled and things were thrown at them. He said the area was poorly lit and there was toilet paper and faeces on the floor, the premises were asked to close and did so;
- (e) heard from the premises licence holder's representative that;
- (i) although an adjournment was not requested, it was noted that a copy of the incident book had only been received on 3 July 2011;
 - (ii) the premises was designated a problem premise on 21 June 2010 before Mr Williams became the DPS;
 - (iii) there had been a good relationship with the police with a number of meetings until the review application was received;
 - (iv) a request was made to join the PARC scheme but this had still not been received;
 - (v) prior to the incident at the premise on 15 May 2011, the premise was due to have its problem premises status removed;
 - (vi) with respect to the incident on 15 May 2011 when a male was found unconscious in the corridor, no one had been charged with assault and it was possible that the male slipped in the toilets causing his injuries;
 - (vii) disputed that the injured male was found in toilet paper covered in faeces. He said there was a joint sewer with the premise next door and they had caused the problem with the overflow;
 - (viii) the premise had implemented all measures requested including more lighting, anti-slip flooring, updated CCTV, new door security; introduced polycarbonate glasses, doors have been removed to improve visibility, the step outside had been made safe and a wall built around the designated smoking area;
- (f) heard from the designated premises supervisor that;
- (i) he had extensive experience in the trade;
 - (ii) he said he dealt with problem premises. He said when he was first

the DPS he introduced polycarbonate glasses after glassing incidents in the past, changed the music, looked at the CCTV coverage and changed the security firm;

- (iii) with regard to the incident on 15 May 2011, he said the premises had been checked at 8pm prior to its opening but would not have been checked again before the injured male was found in the corridor at 05.17am.

Members considered all the representations made under the prevention of crime and disorder and public safety licensing objectives.

They had serious concerns regarding the crime and disorder incidents linked to these premises. They were also concerned about the ability of the current DPS to run the premises, particularly his lack of knowledge regarding incidents that had taken place. They believe the number of incidents recorded by the police since Stefan Williams became the DPS demonstrated that he was not adequately managing the premises and having day to day control.

With respect to the incident on 15 May 2011, members were concerned that a lack of management controls led to a lack of inspection and for the building to be found in a disgusting state. They were further concerned with the hostile environment which met the police when they went to the injured males aid.

Having taken into account all the relevant representations made, the members agreed to:

- (I) modify the conditions of the licence as follows –
 - (1.1) remove current condition one of Annex 2;
 - (1.2) add conditions one to 12 below as provided by the Police subject to an amendment of number four;
 - (1.2.1) an incident book shall be maintained to record any activity of a violent, criminal or anti social nature. The record will contain the time and date, the nature of the incident, the people or description of people involved, the action taken and by whom and details of the person responsible for the management of the premises at the time of the incident;
 - (1.2.1a) the incident book will be available for inspection at the time of request by a member of any relevant authority. The records will be retained for at least 12months;
 - (1.2.2) any person ejected from the premises for any reason will be refused re-admittance for a minimum of the rest of that trading day and recorded in the incident book;

- (1.2.3) the Premises Licence Holder and the DPS will maintain a register of door supervisors employed at the premises. The register will detail the day, time and date the door supervisor commenced duty, full name legibly written, SIA licence number, the name of the employer, the time duty ended and the name of the person in charge of the premises on that date;
- (1.2.3a) the register will be kept at the premises and be available for inspection at the time of request by a member of any relevant authority. The records will be retained for at least 12months;
- (1.2.4) any outside area within the control of the premises or occupied by patrons of the premises will be suitably managed and controlled. The licence holder and DPS will ensure that any outside area included in the licence will be controlled in a safe and effective manner and will pay special attention to the impact that the use of the outside area has on the surrounding community. The management must also ensure that the designated smoking area is only used by smokers who when finished smoking are then asked to leave this area;
- (1.2.5) the Premises Licence Holder will ensure that a CCTV system which is fully compliant with the guidance contained in the Information Commissioners Office (ICO) guidance document regarding installation of CCTV;
- (1.2.6) the CCTV will cover all areas of the premises to which the public have access including any outside areas;
- (1.2.7) images will be retained for a minimum of 28 days;
- (1.2.8) the system will be capable of downloading images to a recognizable viewable format;
- (1.2.9) at all times the premises are open for business a member of staff will be present who is capable of operating the system and downloading images at the request of police or a member of a responsible authority;
- (1.2.10) the CCTV system will be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises;

- (1.2.11) the Premises Licence Holder or nominated person shall notify the Police Licensing Team, Charles Cross Police Station, Plymouth on any occasion when the CCTV or radio system is inoperative during normal opening hours and shall then notify them when measures have been taken to restore the system;
- (1.2.12) a full safety check of all areas including emergency exits will be conducted prior to the premises opening and recorded in a register to include the date, time and person carrying out the checks. The register will be kept at the premises and be available for inspection at the time of request by a member of any relevant authority. The records will be retained for at least 12 months;
- (1.3) amend current condition 20 of Annex 2 to the following – ‘any person looking under the age of 25 years will be asked to show identification’;
- (2) add the following conditions –
 - (2.1) the toilets are to be regularly cleaned and checked every half hour while the premise is open. A record is to be kept and signed by the duty manager;
 - (2.2) the sale by retail of alcohol for consumption on and off the premises is to cease Monday to Sunday at 03.00am;
 - (2.3) there will be no admissions or re-admissions to the premises after 03.00am;
 - (2.4) the premise is to close Monday to Sunday at 04.00am;
- (3) Remove the DPS.

5. **EXEMPT BUSINESS**

There were no items of exempt business.