

Licensing Sub Committee

Tuesday 23 October 2012

PRESENT:

Councillor Rennie, in the Chair.
Councillor Gordon, Vice Chair.
Councillors Mrs Bowyer and Kate Taylor (fourth member).

Also in attendance: Sharon Day – Lawyer, Linda Perez – Licensing Officer and Amelia Boulter – Democratic Support Officer.

The meeting started at 10.00 am and finished at 4.30 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.

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

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

51. **DECLARATIONS OF INTEREST**

There were no declarations of Chair's Urgent Business.

52. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

53. **VENUE, 99 - 101 UNION STREET, PLYMOUTH, PL1 3NB - REVIEW OF PREMISES LICENCE**

The committee:

- Considered the report from the Director for Place
- Considered the police evidence as follows from written and verbal submissions that:
 - On the 28 September 2012 Devon and Cornwall Constabulary applied for a review under section 53A Licensing Act 2003 in respect of 99-101 Union Street Plymouth (the premises) as the premises was associated with serious crime and disorder.
 - On the 1 October 2012 at the interim steps hearing the Licensing Authority agreed to suspend the licence pending the final review hearing in order to promote the crime prevention licensing objective

- The premises licence was held by Plymouth Nightlife Limited between 31 October 2011 until the 13 July 2012 when it was transferred to Devon Pub Services Limited. The director of both companies was Gary Miller.
- There has been serious violence with injury both at the premises and within the immediate vicinity of the premises. The level and frequency has escalated and the police investigations indicate that the management and door staff are failing on a regular basis to show the expected duty of care to those affected:
 - The statement of Mr Prout detailed the management failings with respect to their duty of care and detailed visits he had made to the premises to engage with the management.
 - L10's produced also demonstrated incidents where the door staff had been ineffective, uncooperative and sometimes heavy handed.
- The management and door staff regularly fail to effectively engage with the police in the promotion of the licensing objectives as they fail to contact the Police to report incidents of serious assaults, violence and disorder.
- A timeline shows:
 - 23 incidents of violent crime from October 2011 to the end of September 2012. This showed four crimes of wounding with intent to cause GBH, four crimes of wounding without intent to cause GBH, 13 assaults occasioning actual bodily harm and 2 common assaults.
 - Disorder and reports from Police of drunkenness, management and door staff failings and violence
- PC McClean's statement detailed an audit that had been carried out in July 2012 following a serious assault in the premises and had spoken to manager Dan Robinson about the door staff's lack of awareness. Following this it was noted that a banning book and incident book had been introduced and that door staff were being more robust. However further serious incidents then occurred. PC McClean told the committee that the premises had been helpful to her and that she considered that Mr Robinson was the manager. She said that she had told the premises of her concerns about the door supervisors and had said that there were some good ones but that others were really bad. She added that the fact that the door supervisors were still in place indicated that the premises were not taking her complaints about the door supervision seriously.
- CCTV evidence was shown of recent serious assaults occurring inside and immediately outside the premises and a statement from the male assaulted on the 22 September 2012. In this incident the door staff and management had failed to call the police or call an ambulance for the victim who had had part of his ear bitten off. The incident showed that no first aid was provided to the victim and ice was only produced to him five minutes after the incident.
- Evidence was produced of the history of the management's involvement in previous premises and relevant committee determinations on the issues that arose in those cases. It was stated that the same individuals involved in those premises were involved here and the same issues of poor door supervision, poor management and violence had arisen again.
- The police had tried to work with the premises but violence incidents continued to occur and increased in seriousness.
- The incidents had occurred within a period that the club was monitoring and trying out new actions following the Police's Serious Event Audit in August.

- In light of the evidence it would be proportionate and necessary to revoke the licence to promote the crime prevention licensing objective.

- Considered what was said by the Premises licence holder and his representatives:

- Mr Robinson went through the police's time line and commented on each incident
- Drugs had never been found on the premises and he questioned why individuals in possession of drugs had not been arrested
- They had not been told that CCTV was not good enough otherwise they would have dealt with it.
- They accepted that there had been an unlicensed door supervisor working on the 7 January 2012 but he had not worked once discovered.
- On the 22 January 2012 these were not the Venue's customers and they did report the matter to the police
- On the 28 January 2012 it was a negative drugs search
- The premises do not use glasses they use polycarbonate drinks vessels although they do supply glass bottles.
- In relation to the incident on the 12 February 2012 the person did not gain entry and they did radio the incident through
- If the incident was not on their premises or right outside they did not allow the door supervisors to become involved; this was on the advice of police
- The police do not always follow up issues with the door supervisors with the premises.
- One doorman has been charged with assault and as a result they tell them not to get involved and they also questioned the legal responsibility of doorman
- They were being blamed for incidents that didn't occur at their premises and whilst they may be their customers the incidents were occurring elsewhere
- The time line shows 30/40 incidents but in reality it is only 3 or 4.
- The smoking area incidents are not actually in their area and relate to another club.
- They have 1000 patrons in their club on a Saturday and they all feel safe.
- They do not have a lot of incidents compared to other clubs
- This is the first time the club has been brought before the committee.
- Mr Robinson is always there to help the police and just because he is not the Designated Premises Supervisor or Premises Licence Holder he should not be criticized for this.
- The premises are being victimised.
- They were only made aware of 80% of the incidents on the time line on receipt of the information in relation to this committee.
- Mr Robinson agreed that he had a good working relationship with some police officers.

The committee had the following concerns having considered all the evidence and comments made by those present:

- To say that the victim of the ear biting incident didn't want to go to hospital was not acceptable. The victim would have been traumatised and the management should

- have taken control and had first aid provision available. They should have called the police and arranged an ambulance. They failed in their duty of care to the victim.
- With regard to the aggressor in the above incident there did not appear to be any action taken by the premises in regard to him. The committee were of the opinion that he should have been apprehended especially considering that a door supervisor had been directly behind the aggressor when the incident occurred. These actions would have assisted the police and promoted the crime prevention licensing objective.
 - There was a general lack of knowledge of the licensing conditions. This was of particular concern in relation to the incident on the 5 August 2012 as those representing the premises licence holder indicated that when the incident occurred at 0604 the premises were closed (having closed four minutes earlier) and that the Door Supervisors were no longer being paid and were therefore not responsible or obliged to act. The premises licence however requires the door supervisors to supervise and ensure the safe dispersal of patrons.
 - The director of the company which is the premise licence holder is unaware of his roles and responsibilities under the licence or licensing act. He was unable to describe his management systems and checks and was not able to say who his management team was when the serious incidents had occurred at his premises. He did describe Mr Robinson as the promoter and Mr Williams as the maintenance man. However in committee's opinion these gentlemen appeared to be involved in the management of the premises. The committee considered that the premise licence holder had little or no management of the club.
 - The committee accepted the police evidence that since the premises opened there have been various areas of concern at the premises and in particular an escalation of violence on and in the immediate vicinity of the premises since June 2012; it was these incidents that raised the most concerns for the committee. The committee did however disregard the incidents on the 11 and 18 August.

The committee considered what if any action should be taken against the licence.

The committee considered that action was required but that modification of the conditions of licence would not address their concerns as the management had demonstrated a lack of awareness of their current conditions of licence and also a lack of cooperation with the police and therefore modification of conditions would be ineffective.

The committee considered statutory guidance at paragraphs 11.22 and 11.23 and considered that the failure to promote the crime prevention licensing objective was down to poor management by the premises licence holder and therefore it was considered proportionate and appropriate to the revoke the premises licence.

On the coming into effect of this decision the interim steps imposed on the 1 October 2012 will cease to have effect.

54. **EXEMPT BUSINESS**

Whilst parts of the documentation presented to Committee were confidential, it was not necessary for the Committee to move to Part II during their discussions on this application.