

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

21 NOVEMBER 2011

**Application for Review of a Premises Licence; The Courthouse, 2 Castle Street,
Trowbridge, BA14 8AN**
Premises Licence Holder – Ms L Sutton

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of The Courthouse, 2 Castle Street, Trowbridge, made by Wiltshire Police.

2. Background Information

- 2.1 An application for the Review of The Courthouse Premises Licence for the supply of alcohol, regulated entertainment & late night refreshment, has been made by Wiltshire Police. Following advertisement of the application, no additional representations from responsible authorities or interested parties have been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 52 (3) of The Licensing Act 2003, the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To modify the conditions of the licence.
 - ii) To exclude a licensable activity from the scope of the licence.
 - iii) To remove the designated premises supervisor.
 - iv) To suspend the licence for a period not exceeding three months.
 - v) To revoke the licence.
 - vi) To determine that no steps are necessary

Government Guidance issued under s.182 of the Licensing Act states that:

“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of

the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives

- 2.5 Since November 2005, the premise benefits from a Premises Licence issued under the Licensing Act 2003.
- 2.6 The Premises Licence was subsequently varied and granted November 2007 to extend the hours of the licence until 0600 hours Mondays to Sundays. The licence was transferred to Ms Lisa Sutton (the present licence holder) in February 2010. Ms Sutton applied to have Mr Gary Pickett named on the licence as Designated Premises Supervisor in August 2011. The Premises Licence is attached at **Appendix 1**.

3. Details of the Grounds for Review

- 3.1 On the 30 September 2011, an application for a review of the Premises Licence was served on the premises and the Licensing Authority. The review of the licence has been requested by Wiltshire Police on the grounds that the premises have been conducted in such a manner as to prejudice the licensing objectives. The grounds for review are:

“The premises have for a considerable period of time been associated with high levels of crime and disorder.

Police and the Licensing Authority have attempted to work with the management of the premises over this period including numerous interventions and whilst short term improvement have been made for a period following intervention, the premises has reverted back to being the subject of unacceptable levels of associated crime.

In March 2011 a serious incident occurred directly outside the premises involving door staff and an ejected customer which is the subject of a criminal investigation.

The incident provides evidence of an assault by door staff, as well as a lack of basic welfare and after care and a failure to provide the police with accurate details of what actually took place.

The police therefore have serious concerns that the licensing objective of preventing crime and disorder and public safety are not being supported.”

- 3.2 The application for review is attached as **Appendix 2(a)**. The evidence relied upon by Wiltshire Police in support of their application is contained within **Appendices 2(b)**.

4. Consultation and Representations

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days, together with a copy of the notice posted at the offices of Wiltshire Council, 165 Bradley Road, Trowbridge, Wiltshire, BA14 0RD. During the consultation period no additional relevant representations have been received.

4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

4.3 The Wiltshire Police case

The police have specified the following as the reasons for calling the review:

4.3.1 Between January 2010 and August 2011 police will provide evidence of incidents of violent crime and public disorder directly linked to the premises together with evidence of poor management practice and breaches of conditions.

4.3.2 Police record alcohol related arrests and all reported crime associated with licensed premises. For the period January to December 2010 The Courthouse is the number one premise in the County Division (All of Wiltshire except Swindon) for incidents of reported crime and second in the Division for alcohol related arrests. For the period January to June 2011 the premises remain first for crime incidents and 7th for alcohol related arrests.

4.3.3 The police, being so concerned about the propensity for violent crime at and around the premises, made an application under the Regulation of Investigatory Powers Act 2000 to monitor the exterior of the premises by the use of covert CCTV.

4.3.4 On 19 March 2011 a serious incident took place at the front of the premises whereby a customer who had been ejected was punched unconscious by a member of Courthouse door staff. This incident was captured on CCTV. The alleged perpetrator for this assault has been interviewed by police and the Crown Prosecution Service has authorised a charge for an offence of Actual Bodily Harm.

4.3.5 At or around the time of this incident the DPS took the decision to close at 0300 hours which is welcomed by police. However the current licence does allow opening until 0600 hours.

4.3.6 Negotiations have been ongoing with Scottish & Newcastle who own the Premises. This has resulted in an agreement around the earlier closing, together with a change of the Designated Premises Supervisor.

4.3.7 Police however remain extremely concerned in respect of the management and conduct of door staff at the premises. In the main these concerns arise from the incident on 19 March 2011.

In particular:

- (i) The assault itself – it's ferocity and the fact that the perpetrator was in a position of responsibility for public safety.
- (ii) The fact that at no time was any medical assistance or welfare administered to the victim by any member of door staff. Not even a call to the ambulance service.
- (iii) The police are not satisfied that the statements made by members of door staff present when the assault took place accurately reflect what is clearly apparent from the CCTV footage.

Police do not feel able to continue working with door staff and door staff management where such a serious incident could take place and whereby integrity remains a serious concern.

4.4 Recommendations to the Committee:

Police believe that additional conditions are required to ensure that the licensing objectives the prevention of crime and disorder and public safety are met.

4.4.1 Police request that consideration be given to the following –

- That the premises replace the existing security company and its personnel.
- That the premises licence is to cease at no later than 0300 hours.
- That the DPS be at the premises throughout all key trading times (during holidays and/or periods of illness, a suitably experienced and qualified replacement will be appointed to deputise. Prior notification to be given to police).

Note: The Police may not raise matters at the hearing unless they have already referred to them in the review application. The Licensing Authority may nevertheless take into account documentary or other information produced by the Police in support of their application, if it is provided to the Licensing Authority before the hearing, or at the hearing with the consent of all the other parties.

4.5 Premises documentation submitted by Ms Lisa Sutton Premises Licence holder

Attached as **Appendix 3** is supporting paperwork submitted by the licence holder. This includes extracts from the premises incident/refusals log book, and a sample of the premises training record for bar staff.

4.6 A location map of the premises and surrounding area is attached as **Appendix 4**.

5. **Legal Implications**

5.1 This Hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

6. **Officer Recommendations**

6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. **Right of Appeal**

7.1 It should be noted that the Premises Licence Holder and the Responsible Authority may appeal the decision made by the Licensing Sub Committee at the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

- 7.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee is suspended until any appeal is heard and any decision made by the Magistrates Court.
- 7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the Hearing and their right to attend and be represented.
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8 November 2011

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Current Premises Licence**
- 2a Application for a Review by Wiltshire Police**
- 2b Evidence in support of Application for Review**
- 3 Supporting documentation submitted by the Licence holder**
- 4 Location plan of the premises and surrounding area.**