

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 21 NOVEMBER 2011 AT ST JOHN'S PARISH CENTRE, 2 WINGFIELD ROAD, TROWBRIDGE, BA14 9EA IN RESPECT OF AN REVIEW - THE COURTHOUSE, TROWBRIDGE

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Pip Ridout

Also Present:

Anna Thurman – Democratic Services Officer
Maggie Jones – Licensing Officer (Wiltshire Council)
Paul Taylor – Senior Solicitor (Wiltshire Council)
Ms Jacqui Gallimore – Licensing Officer (Wiltshire Police)
Mr Valls – Legal Representative for the Courthouse
Sgt McLundie – Wiltshire Police
PC Briddon – Wiltshire Police
PC Hambly – Wiltshire Police
Ms L Sutton – Licensee, The Courthouse
Mr G Picket – DPS, The Courthouse

1. **Election of Chairman**

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

Resolved:

To elect Councillor Desna Allen Chairman for this meeting only.

2. **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 1 – 6 of the Agenda refers).

3. **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

The Sub-committee were informed that, as part of their representations, the police intended to present an extract from a covert camera used to watch the premises.

The Sub-Committee resolved to exclude the public and press from that part of the hearing when the CCTV footage was being presented. This was on the basis that the footage would identify individual members of the public. The Sub-Committee considered that the public interest in excluding the public from the part of the meeting when the CCTV footage was to be shown outweighed the public interest in that part of the hearing, in accordance with Regulation 14(2) of the Hearings Regulations.

4. **Declarations of Interest**

There were no interests declared.

5. **Licensing Application**

Application for Review of Premises License by Wiltshire Police for The Courthouse, 2 Castle Street, Trowbridge.

The Chairman asked the Licensing Officer to introduce the purpose and scope of the application, the premises to which it related and the key issues for consideration.

The application relates to a Review of the Courthouse Premises Licence for the sale of alcohol, regulated entertainment and late night refreshment. Following advertisement of the application, no additional representations from responsible authorities or interested parties had been received.

Since November 2005, the premises has benefitted from a Premises Licence issued under the Licensing Act 2003.

The premises Licence was subsequently varied in November 2007 to extend the hours of the licence until 0600hrs Monday to Sundays. The Licence was transferred to Ms Lisa Sutton in February 2010. Ms Sutton applied to have Mr Gary Pickett named on the licence as Designated Premises Supervisor in August 2011.

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 were:

- The premises had been associated with high levels of crime and disorder.
- Police and Licensing Authority have attempted to work with the management of the premises over this period including numerous interventions and whilst short term improvements have been made for a short period of time, the premises has reverted back to being the subject of unacceptable levels of associated crime.
- March 2011 a serious incident occurred directly outside of the premises involving door staff and an ejected customer which is the subject of a criminal investigation. The incident provides evidence of assault by a member of door staff, as well as a lack of basic welfare and aftercare combined with a failure to provide police with accurate details of what actually took place.
- In summary the police have serious concerns that the licensing objective of preventing crime and disorder and public safety are not being supported.

There were no questions to the Licensing Officer and the Chairman thanked the Licensing Officer for her report.

Jacqui Gallimore, Licensing Officer for Wiltshire Police detailed the relevant points in support of the review application.

She explained that the Courthouse operates within a busy and vibrant night time economy, which includes pubs, clubs, numerous late night refreshment premises and taxi ranks. She went on to explain the recording systems that the Police had used and examined in relation to the Courthouse, specifically alcohol related arrest data and the Niche record management system.

- Alcohol related arrest data is collected through the divisional custody units, where detainees are booked into custody following an arrest for any offence to establish if they are under the influence of alcohol. Those who have consumed alcohol are will be questioned when sober.
- The niche record management system is where all crimes and crime related incidents are recorded. When a crime or incident takes place that is related to a licensed premises a tag is activated – this allows specific data searches to take place.

The Police Licensing Officer went on to detail a number of incidents that had taken place between January 2010 and August 2011 and provided supporting evidence to link the violent crime or crime and disorder to the premises with evidence of poor management practice and breaches of the conditions. She referred to the following incidents:-

- 9 Jan 2010 male arrested for affray. He had been drinking at the premises.
- 10 Jan 2010 disturbance including general disorder. Police called to premises where attending officers described the door staff as being 'unhelpful and passively obstructive' refusing to detail what had occurred.

- 16 Jan 2010 police attend the premises and request ambulance for a male with injuries.
- 24 Jan 2010 female calls police stating that she has been assaulted, two arrests made.
- 5 Feb 2010 information passed to the Licensing Officer. Bar staff continued to serve a man who was about to vomit and was clearly drunk.
- 7 Feb 2010 a female called the police for assistance, a known suspect assaulted the female by punching her in the face. The investigation also revealed that there were persons under the age of 18 years on the premises.
- 20 Feb 2010 police receive a call stating that a man was heading to the Courthouse armed with a rolling pin. He had been drinking in other establishments and continued to drink in the premises. There was an altercation and he went home but at home became angry and went back to the premises armed with the rolling pin – his recollection is hazy.
- 27 Feb 2010 a police officer found two persons who were highly intoxicated, one of the individuals had a cut to his head and were unable to understand what he was saying. The female became extremely abusive and violent and had to be restrained to protect herself from harming herself.
- 27 Feb 2010 police called as a female had been 'bottled'. She sustained a cut to her head and required hospital treatment.
- 6 March 2010 violent disorder outside the Courthouse whereby two males were punched unconscious. Interviewees explained that the Courthouse and Fever were selling double spirits and a mixer for £2.50. He had consumed a number of these before gaining entry to the Courthouse where he was still served additional drinks. Investigating Officers noted that this male could hardly walk when viewed on CCTV.
- 13 Jun 2010 police officers on patrol requested an ambulance for a male. It transpired that he had been hit several times over the back of the head whilst involved in an altercation on the dance floor at the Courthouse. A male was arrested for Actual Bodily Harm (ABH).
- 5 July 2010 staff were found not to be displaying their SIA badges. Officers found a heavily intoxicated individual. When asked to leave he became violent and aggressive and was arrested.
- 24 Aug 2010 a female had assaulted her partner with a pint glass. Police located both the victim who was treated for head injuries and the female who was arrested for assault.
- 29 Aug 2010 officers were approached by an injured party who had been punched in the face, scratched and had had her hair pulled by the suspect. A female was arrested for assault.
- 9 Oct 2010 patrolling officers came across door staff restraining a male, who had allegedly punched a female in the face, he was arrested for common assault. The male denied assault. On viewing CCTV it was found that 4 persons were involved in a fight on the premises. As a result of an investigation two females were arrested.

- 27 Nov 2010 a female calls the police reporting that she has been assaulted in the toilets of the Courthouse. She was able to identify a suspect.
- 18 Dec 2010 a female reported that she had been assaulted in the Courthouse. She sustained a cut to her head which required hospital treatment.
- 17 Jan 2011 a male contacted the police to report that he had been assaulted on the dance floor of the Courthouse. He sustained injuries, including a black eye, bite marks on his cheek, he had head pain and general bruising.
- 23 Jan 2011 ambulance staff reported that they were treating a male with a head injury, who was taken to hospital. Door staff had ejected the male for fighting on the premises. It is unknown how he sustained the injury.
- 9 Feb 2011 a male is ejected from the premises following an altercation inside the premises. He was issued with a Section 27 direction notice to leave the area.
- 26 Feb 2011 an incident occurs outside the premises initially involving two males. Others join in a verbal altercation, punches are thrown – no door staff intervention.
- 5 Mar 2011 CCTV operators called the police to report that door staff are dealing with a number of people fighting. Police attend but the door staff had broken up the fighting.
- 13 Mar 2011 officers attend a female who has sustained a head injury. She had been drinking in the Courthouse and alleged that she had been hit with a bottle.
- 16 Apr 2011 Licensing officers attend the premises and witness a male who appeared to be very intoxicated and had been refused entry at bar Fever. The male walked in to the Courthouse past two door staff.
- 15 May 2011 CCTV operator reported that persons were fighting door staff at another premises. They reported that the persons had come from the Courthouse. Police attended and found a female with head injuries and arrested a male for ABH. The male had been drinking in the Courthouse.
- 11 Jun 2011 a male was arrested on suspicion of assault which occurred outside the Courthouse. Both the suspect and the injured party were drunk.
- 3 Jul 2011 a female alleged that she had been assaulted in the Courthouse. She had injuries consistent with her account. She had been pushed and punched. Later she was attacked again, punched and was straddled on the floor by the suspect. The log indicates that both individuals were highly intoxicated.
- 28 Oct 2011 officers responded to a call from a late night refreshment establishment, where a female had a large cut to her arm. The female had thrown a brick at the premises. She was subsequently arrested and violent towards officers. She was heavily intoxicated and had just come out of the Courthouse.

These incidents relate to high levels of intoxication which led to violent crime.

The Police Licensing Officer drew the Sub-Committees attention to a letter dated 1 Mar 2010 which detailed the outcomes of a meeting between herself, Sgt McLundie and Ms Sutton. A number of incidents were discussed. Ideas on how to improve the premises incident book and register of door supervisors were made. Sgt McLundie discussed the dispersal policy and suggestions were made as how staff could prevent large numbers of people leaving the premises at the same time. Also discussed were the challenges of running a late night establishment, the management of door staff, and the need to reinforce to all bar staff their responsibility in relation to the serving of alcohol to person who were intoxicated.

The Police Licensing Officer detailed salient points from a letter dated 8 Mar 2010 which was a debrief from a meeting held on the 3 Mar 2010 following an incident on the premises in which a female was assaulted with a weapon. Ms Sutton was advised that the premises would continue to be monitored, and that given the concerns officers would be advised to consider enforcement action in the form of a closure notice to deal with immediate problems. If improvements were not made in the running of the establishment the premises may be the subject of a police review.

The Police Licensing Officer also commented on work undertaken by partner agencies who were working in tandem with the police to improve the premises. During the period of February and March 2010 there was considerable support to the premises and for a time this appeared to have a positive effect, however the police still had significant concerns to have a covert camera installed. Data available from police analysts showed that the Courthouse during Jan – Dec 2010 was second in the premises list for alcohol related arrests and from Jan to September 2011 was eighth in the same list.

It was noted that the Courthouse was shutting earlier at 3.00am and that on the 18 Aug 2011 an application was received to change the Designated Premises Supervisor. However a formal application to vary premises licence had not been received.

In accordance with the procedure detailed in the agenda, the representative of the Licence Holder, Mr Valls took the opportunity to address the Sub-Committee.

- He did not dispute and of the evidence produced by the police.
- He concurred that an application had been made to change the DPS and that there was no intention to trade after 3.00am. He stated that licensable activities would stop at 3.00am, with the premises closing at 3.30 a.m., to allow 30mins for customers to disperse.

- He stated that the present door staff and company would be dismissed and that no individuals from that company would be employed at the premises in future. A new security company, Full Security Limited, had been appointed. The new company could, if required be in place by the weekend.

The Licensing Officer welcomed these comments but had significant concern that it had taken a review of the Premises Licence to address the issues raised by the police.

Members of the Sub Committee asked whether the quality of the CCTV within the premises was adequate. Mr Valls informed them that CCTV (12 cameras) had been installed in June 2010, and appropriate training for staff had taken place.

The Chairman requested that the press and public should leave the rooms for the duration of the DVD and the subsequent discussion that would follow surrounding the viewing of the DVD.

The Chairman then asked for the Licensing Officer to sum up her case for the Police. She stated that although there had been a reduction in incidents from 2010 to date there needed to be a further drop and for this to be maintained. Numerous agencies had been involved and had worked hard in conjunction with the Courthouse to improve. There was still significant evidence of over serving and that members of the public were vulnerable by virtue of their intoxication coupled with the failure to provide police with CCTV footage when required.

Mr Valls acknowledged that the evidence presented by the police showed an unacceptable situation at the premises. He fully supported the suggestions that the Police Licensing Officer had suggested to rectify the management issues at the Courthouse.

The Sub-Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub-Committee then retired to consider the application at 12.30pm

The Hearing reconvened at 2.30pm

Following the deliberations of the Sub-Committee, the Solicitor for the Council reported that no material legal advice had been given in closed session, other than to draw members' attention to the Council's policy on the cumulative impact of licensed premises and the related provisions in the statutory guidance.

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council.

The Chairman read out the decision of the Sub-committee, as follows:-

Decision:

The Western Area Licensing Sub Committee has resolved to amend the Premises Licence for the Courthouse, Trowbridge as follows:

The Provision of Licensable Activity:

Supply of Alcohol – on and off sales

Monday to Sunday 1100 to 0300 (the following day)

Exhibition of a film, live music, recorded music, performance of dance, karaoke, provision of facilities for making music, provision of facilities for dancing and similar entertainment

Monday to Sunday 1100 to 0300 (the following day)

Late Night Refreshment

Monday to Sunday 2300 to 0300 (the following day)

And subject to the following additional conditions:

- 1) Premises should be closed to the public by 0330hrs.
- 2) The DPS or suitably experienced and qualified replacement appointed to deputise, to be present at the premises throughout all key trading times. Prior notification to be given to the Police of the name of the designated deputy.
Key trading times are Thursday, Friday and Saturday from 2000 – 0330hrs; or any time when regulated entertainment is taking place on the premises or for special events such as Christmas, New Year.
- 3) The Licence Holder shall, within 30 days, prepare, and thereafter maintain and comply with, a management plan setting out the management responsibility for dealing with any incidents, including the keeping of appropriate records and the management of door supervisors. This management plan should be approved by Wiltshire Council's Licensing Authority and Wiltshire Police.

Reasons

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda and the supporting evidence provided by the Police, together with the oral evidence given at the hearing from Ms Jacqui Gallimore, PC Bridden and PC Hambly (On behalf of the Applicant), and Mr Valls (On behalf of the Licence Holder). They noted in particular the assurance given on behalf of the licence holder that the present company supplying door staff for the premises would be dismissed and that no individuals from that company would be allowed to work as door staff at the premises.

The Sub Committee considered that the evidence presented by the Police showed a failure to manage the premises and to comply with the licensing objectives, in particular those relating to the prevention of crime and disorder and public safety.

The proposed additional conditions are considered to be necessary to address the concerns regarding these objectives.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. This decision does not come into effect until the appeal period has elapsed or, if an appeal is made, until that appeal has been finally disposed of.

(Duration of meeting: 10.30am – 2.35pm)

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