

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 19 AUGUST 2014 AT COUNCIL CHAMBER- COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - THE BLACK PEARL, 5A CHURCH STREET, TROWBRIDGE

Present:

Cllr Desna Allen, Cllr Nick Blakemore and Cllr Trevor Carbin

Also Present:

Wiltshire Council

Teresa Bray (Public Protection Officer (Licensing))
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant/Representatives

Martin Hinds
Chris Fox
Russ Matthews

Responsible Authority

Dave Bennett (Police Licensing Manager – Wiltshire Police)
PC Alison Davies (Wiltshire Police)
Jacqui Gallimore (Licensing Officer – Wiltshire Police)
Sue Thurman-Newell (Licensing Officer – Wiltshire Police)

1 **Election of Chairman**

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

Resolved:

To elect Councillor Trevor Carbin as 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.

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

Application by Martin Hinds for a Premises Licence at The Black Pearl, 5a Church Street, Trowbridge

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

In accordance with the procedure detailed in the agenda, the Applicant and the Responsible Authority who had made a Relevant Representation (Wiltshire Police) were given the opportunity to address the Sub Committee.

The Licensing Officer reported that the Environmental Health team had not made a representation on the basis that an agreement had been reached that if a licence was granted then the following noise conditions would be included:

1. Noise levels will be checked regularly during regulated entertainment to make sure noise from the premises is at a level unlikely to cause disturbance to neighbours. If noise from the premises is too loud the volume will be turned down accordingly. A written record of such checks will be maintained and kept on the premises.
2. All doors and windows will be shut during regulated entertainment.
3. In order to reduce noise breakout, the fire door shall promptly be changed or soundproofed after the approval of a scheme by Public Protection.

Key points raised by Martin Hinds, Applicant were:

- The premises were generally quiet until later in the evening. The pub was used extensively by pool players who participated in the local pool league. He called Mr. Russ Matthews, Chairman of the Trowbridge and District Pool League in support of this point.

- He felt that the premises had come a long way and did not consider that all of the conditions that had been placed on the previous licence were now necessary. In particular, he was critical of the condition restricting use of the outside smoking area, which he felt was not workable, as it was used by people other than those who were in the Black Pearl.
- He had cooperated with the police in respect of the recent incidents and had replaced the previous DPS, as she had been unwilling or unable to deal with people who caused problems at the premises.
- He called Mr. Chris Fox, the proposed DPS to speak. Mr. Fox stated that he could have dealt with some of the incidents that had occurred, had the police contacted him. He confirmed that he was not employed by the Black Pearl but did visit it regularly to check whether there were any issues.
- It was his intention in the longer term that the premises might become a members-only club.

The following questions were asked of the Applicant:

What days of the week are Pool Nights normally held on?

Normally on Mondays.

What conditions would you like to amend/delete?

Some of them work but some of them don't. I would like to be able to use glasses until 2200 hrs instead of 2100 hrs. The others I would like to work on in time. A large number of the conditions are not relevant to Pee Wees so why should they be imposed on us? I should be offered help.

You mentioned about the venue being a member's only club?

That is an aspiration that we do this in time then we can chose who we allow into the premises – only our members.

What are the Pool age groups?

Eleven plus years – no alcohol is sold at young people events. No children are allowed in the pub after 9pm as they have the opportunity to play pool during the day.

Key points raised by Jacqui Gallimore (Wiltshire Police) - Responsible Authority were:

- That a correction was to be made to page 84 of the Agenda under the log 15/05/2014 01:17 niche 5414004109. It states in the first line "Police were called by an anonymous female" it should be corrected to "male".
- There was a long history of problems at the premises, which was set out in the papers presented to the Sub Committee. The police had objected to the original application for a premises licence in 2012, because of their concerns as to the ability of the then applicant to manage the premises. Within a few months of the grant of that licence, they had felt the need to call for a review of the licence, because of the number of incidents of crime and disorder associated with the premises.
- Mr Hinds, the current applicant, was the partner of the previous licence holder, Ms. Newbury and had been closely involved in the management of the premises since the grant of the initial premises licence to her. It was also understood that Ms. Newbury would continue to play a role in the running of the premises, if the licence was granted.
- There had been at least two serious incidents of violence this year at the premises, details of which were set out in the papers. It was the police's view that Mr. Hinds had failed to deal with those incidents appropriately or to cooperate adequately with the police in respect of those incidents.
- In respect of the incidents at the premises, Mr. Hinds had displayed a lack of understanding of the role of a premises licence holder and had demonstrated a lack of control and supervision of the premises.
- There had been a number of incidents where persons on the Trowbridge Pubwatch banned list had been allowed to drink in the premises. The premises had not had effective involvement with Pubwatch, despite this being a condition on the previous premises licence.
- The proposed Designated Premises Supervisor, Mr. Fox was not able to have effective supervision of the premises as he was not regularly present on the premises.
- The previous Licensing Sub Committee, when considering the 2012 review application had seriously considered revocation of the premises licence, because of the problems at the premises. The management of the premises had, effectively, already been given a final chance to improve, but had failed to do so.
- It was the view of the Police that the only way that the serious problems associated with the premises could be addressed was by rejection of the current licence application. The Police did not consider that any further conditions that might be imposed on the licence would be complied with.

The following questions were asked of the Responsible Authority (Wiltshire Police):

How many of the incidents that you refer to have been reported to me (Chris Fox, DPS)?

The issues were raised with the Premises Licence Holder as we had taken the view that Mr Hinds and Ms Newbury were those running the premises.

Are the notes of the meeting held on 23 July 2014 a précis version?

Yes they are, but a full copy of the notes of the meeting could be made available.

If you don't notify me of any incidents you are concerned about I (Chris Fox, DPS) cannot deal with them.

OK.

Do Wiltshire Police attend the Trowbridge Pubwatch meetings?

The Police attend as often as they are able to subject to their operational requirements. The more people that join and attend the more successful the Pubwatch Scheme will become.

The Chairman wished to clarify the following points with the Applicant/Mr Fox:

Do you adhere to the banned list and not admit them to the Black Pearl?

Not always – we will say that there haven't been any violent incidents in our premises.

Are you (Chris Fox) employed at the Black Pearl?

No I am not paid. I do the role of DPS voluntarily to help them out. I did go in 7 days a week but this has now reduced. I have whittled it down to 2 – 3 visits per week to check the diary and incident logs. If required in future I can "sign in" so that there is a record of when I have been in attendance.

Jacqui Gallimore made the following points in summation:

- We feel that the Designated Premises Supervisor has been absent for some time and is not actively involved in the running of the premises.
- Although Mr Hinds had provided a voluntary undertaking to take on the conditions attached to the previous licence, there had been instances of over serving of customers, not attending the Pubwatch meetings and not calling for Police assistance when required.

- Mr Hinds showed a lack of understanding of the role and obligations to support the Police and has a blatant disregard of those on the banned list – allowing them into the premises.
- That the Sub Committee refuse this application. If the decision is taken to grant the Licence then ask for the DPS to be present at key trading times.

Mr Hinds made the following points in summation:

- My refusal to give evidence is because the Town Centre cameras should clearly show the offender having a knife.
- We do comply with the conditions; we do not over serve our customers.

The Sub Committee members retired at 12.05pm to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 1.30pm.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that there was no specific material legal advice given in closed session.

Resolved:

The decision of the Sub Committee is that the application by Mr. Martin Hinds for a Premises Licence in respect of The Black Pearl, 5a Church Street, Trowbridge, BA14 8DR be rejected.

In reaching its decision, the Sub Committee took account of the representations, both oral and written, that had been made by and on behalf of the Applicant, together with those made on behalf of Wiltshire Police in objection to the application. The Sub Committee also took account of relevant Government guidance and the Council's licensing policy.

Reasons for the Decision:

The Sub Committee concluded that the Applicant had demonstrated insufficient evidence as to how he would address the licensing objectives, in particular the prevention of crime and disorder. This was a significant failing, given the history of the premises concerned.

The Sub Committee acknowledged that this was a new application for a Premises Licence at the Black Pearl and that the previous licence for these premises had not been held by the Applicant. However, the Sub Committee

accepted that the Applicant had nevertheless been closely involved in the management of the premises since the grant of the original Premises Licence in 2012. He had also been the holder of a series of Temporary Events Notices which had been issued since the lapse of the previous Premises Licence.

The Sub Committee therefore considered that the Applicant would have been aware of the problems and concerns with the premises and the need to address those problems. However, as demonstrated by the evidence presented on behalf of the police, he had failed to do so sufficiently.

The Sub Committee noted that a considerable number of conditions had been placed on the previous premises licence for the Black Pearl, both at the time it was originally granted and following the review called by the Police. There had been a lack of regard for these conditions, including a failure to participate in Pubwatch. The conditions were specifically designed to reduce disorder, violence and injuries. This demonstrated a disregard for the obligations imposed by the Licensing Act 2003.

The Sub Committee were therefore in agreement with the Police's grave concerns regarding the fitness and suitability of the Applicant to promote the Licensing Objectives in respect of these premises. They concluded that they had no confidence in the ability of the Applicant to adequately address the previous failings in respect of the licensing objectives. The Sub Committee, therefore, concluded that rejection of the application was the only practical option and was one which was both proportionate and appropriate.

The Officer who has produced these minutes is Lisa Pullin , of Democratic Services,
direct line 01225 713015 , e-mail lisa.pullin@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115