

WESTERN AREA LICENSING SUB-COMMITTEE

MINUTES OF THE WESTERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON TUESDAY 15TH DECEMBER 2009 AT 11:00 AM, AT COUNTY HALL, TROWBRIDGE

Present:

Councillor R Eaton
Councillor J Green
Councillor W Moss (Chairman)

Miss J Green – Democratic Services Officer, Wiltshire Council
Mrs K Golledge – Principal Environmental Health Officer, Wiltshire Council
Mr R Hodgkinson – Solicitor, Wiltshire Council
Mrs M Jones – Policy & Licensing Officer, Wiltshire Council
Ms Jo Quartley – Licensing Officer, Wiltshire Council

Ms J Gallimore – Divisional Licensing Officer, Wiltshire Police
Inspector D Cullop – Wiltshire Police

Ms L Baxendale – Interested party
Mrs J York – Interested party
Mr P Williams – Interested party

Ms K Adams – Press
Ms R Allen - Press

Apologies:

Councillor D Allen

PART 1

Items considered whilst the meeting was open to the public

1. ELECTION OF CHAIRMAN

It was proposed, seconded and

RESOLVED that Councillor W Moss be elected Chairman of the Western Area Licensing Sub-Committee for the meeting dated 15th December 2009.

COUNCILLOR W MOSS - IN THE CHAIR

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Western Area Licensing Sub-Committee, held on 8th September 2009, were confirmed as a correct record and signed by the Chairman.

3. 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".

4. CHAIRMAN'S ANNOUNCEMENTS

There were none.

5. MEMBERS' INTERESTS

There were none.

6. REVIEW OF PREMISES LICENCE APPLICATION - THE MALTHOUSE, ROUNDSTONE STREET, TROWBRIDGE, WILTSHIRE, BA14 8DE.

The Licensing Officer presented her report.

In accordance with the procedure detailed in the Agenda the applicant and interested parties were given the opportunity to address the Sub-Committee and through the Chairman, to question one another about the detail of the application and representations. Sub-Committee members had the opportunity to question all parties.

Following summaries made by both the applicant and the interested parties, the Sub-Committee retired to consider the application.

During their deliberations the Sub-Committee was accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

Following their deliberations the Western Area Licensing Sub-Committee

RESOLVED:

- 1) To remove Mr Glynn York as the Designated Premises Supervisor for the Malthouse, 33 Roundstone Street, Trowbridge.**
- 2) The existing premises licence will now be subject to the following conditions:**
 - The Malthouse management will be active members of the Trowbridge Pubwatch scheme.**

- **The existing CCTV provision will be reviewed and updated as necessary to the satisfaction of the Wiltshire Police Crime Reduction Officer.**
 - **The CCTV images will be retained securely for a period of at least 30 days and will be available when requested by a Police Officer or Licensing Officer of the authority.**
 - **An incident book will be maintained on the premises, all incidents will be recorded by staff. The book will be available for inspection by a Police Officer or Licensing Officer of the authority.**
- 3) The premises licence, including the conditions referred to above, is hereby suspended for 3 months from today's date until the 15th March 2010.**

For the following reasons:

The Sub-Committee 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 Wiltshire Council Statement of Licensing Policy.

The Sub-Committee also considered the written evidence presented in the agenda and under Blue Sheet No.1, together with the oral evidence given at the hearing from Ms J Gallimore, Ms L Baxendale and Mr P Williams.

Firstly, Ms Gallimore referred to the consideration given by the Police to the Licensing Act 2003 and the Hearing Regulations 2005. In addition she referred the Sub-Committee to paragraphs 3.6, 3.11 and 14.1 of the Wiltshire Council Statement of Licensing Policy.

Ms Gallimore presented the evidence on behalf of the Police which was detailed and extensive. In summary this evidence alleged repeated and serious incidents of violent disorder and drunkenness occurring at the premises, in total the evidence referred to 31 incidents. Further there was evidence presented of very young children under ten years old who had been present when incidents of violence and drunkenness occurred. Item 31 at page vii recorded an incident where a male and female were arrested, both heavily intoxicated as a result of drinking at the premises whilst in the company of their two youngest children aged two weeks and eighteen months respectively.

Mr York the Designated Premises Supervisor had been arrested and is at present facing criminal charges.

In addition two letters were submitted, one from BLB Solicitors and the other from the Polebarn Hotel. The letter from BLB Solicitors supported the Police evidence of "numerous acts of violence". This letter went on to

allege general yobbish behaviour and verbal abuse of members of the public. Bullet point 4 appeared to suggest that drug dealing was going on, at or near the premises, however the allegation was vague and although supported by police intelligence, the Sub-Committee was not sufficiently satisfied on the evidence available to reach any decision on this issue which accordingly did not form part of the decision. The second letter referred to, that from the Polebarn Hotel, referred to verbal abuse and drinking starting quite early in the day and in the company of small children. This letter stated that scenes escalate into violent confrontations between drinkers and the Police are called.

The evidence provided by the Police was not challenged either by Ms Baxendale or Mr Williams. Ms Baxendale spoke of her wish to be given a chance to prove that they could turn the situation around. She stated that she would be available on her phone at any time if there was a problem and that certain people listed on the Pubwatch banned list, had been banned from the premises. However, this appeared to be the limit of her proposals to deal with what the Sub-Committee felt was an extremely serious situation.

The evidence of Mr Williams did not really bear on any of the licensing objectives. He expressed his desire to see the pub allowed to remain open. He stated that he drank at the pub approximately twice a week in the early evening. He admitted he had seen incidents of drunkenness but that he had not seen any incidents of violence.

Nevertheless the Sub-Committee accepted the evidence of the Police given that it was not challenged in any significant detail and it was broadly supported by the letter from BLB Solicitors and the Polebarn Hotel.

In summary the Sub-Committee was satisfied that there has been a history of serious and repeated drunkenness and violent incidents at the premises, some of which have been in the presence of very young children. There appeared to have been little or no effective management of these problems and the Sub-Committee noted that Mr York (the Designated Premises Supervisor) was not prepared to attend the hearing. No explanation was given for this and the only explanation of his whereabouts was that he was in his flat. The Sub-Committee considered this wholly unacceptable.

The Sub-Committee seriously considered revoking the licence entirely. However, they were persuaded on the evidence of Mr Williams that the premises were at least capable of providing a valuable social asset, however problems at the premises are consuming a disproportionate amount of public resources and the time of Police Officers and ambulance staff. Evidence was given on behalf of the Police that two other comparable premises in Trowbridge have had respectively seven and eleven serious incidents as compared to the 31 recorded against the Malthouse, over the same period. Taking account of this and the frequency and seriousness of the incidents the Sub-Committee felt that a

period of closure was justified to give local residents and businesses some immediate respite and to provide sufficient time for new management and staff at the premises to formulate suitable additional measures to deal with the problems. Additionally the Sub-Committee noted that no application had yet been made either by Ms Baxendale or Mrs York for a personal licence and until such a licence was granted neither of them could be appointed a Designated Premises Supervisor.

All parties have the right to appeal to the Magistrates Court within 21 days.

PART 2

Items considered whilst the meeting was closed to the public
None

Chairman
2010

Produced by Janice Green, Democratic Services, Direct Line 01225 718380
janice.green@wiltshire.gov.uk
Press enquiries to Communications, Direct Line 01225 713114/713115