

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in Committee Room 2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **15th February 2013**.

Present:

Cllr. Shorter (Chairman);

Cllrs. Chilton, Feacey.

In accordance with Procedure Rule 1.2 (iii) Councillor Shorter attended as a Substitute Member for Councillor Marriott.

Apology:

Cllr. Marriott.

Also Present:

Licensing Officer, Legal Advisor, Member Services & Scrutiny Support Officer.

Applicant, Police Representative.

321 Election of Chairman

Resolved:

That Councillor Shorter be elected as Chairman for this Meeting of the Licensing Sub-Committee.

322 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 7th December 2012 be approved and confirmed as a correct record.

323 Exclusion of the Public

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, namely 'Application for a Personal Licence' as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to paragraphs 1 and 2 of Schedule 12A of the Act.

324 Application for a Personal Licence

The Chairman opened the meeting and welcomed all those present. Members confirmed that they had read the papers relating to the application. The Chairman explained the procedure to be followed at the meeting.

The Licensing Officer gave a brief summary of his report. He went through the case and explained that the Police had objected to the granting of the personal licence.

The Applicant then put his case to the Committee.

The Police Representative then put his case to the Committee.

The Licensing Officer, the Applicant and the Police Representative answered questions from Members.

The Applicant, Police Representative and Licensing Officer then left the meeting and the Committee retired to make its decision.

The Applicant, Police Representative and the Licensing Officer then returned to be advised of the decision.

Resolved:

That taking into account the evidence presented by both parties and in accordance with statutory guidance and the Council's Policy as no exceptional or compelling reason to grant the licence had been proven the Licensing Sub-Committee therefore refused the application for a personal licence.

The Legal Advisor advised the Applicant that he had a right to appeal to the Magistrates Court within 21 days.

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **3rd April 2014**.

Present:

Cllr. Shorter (Chairman);

Cllrs. Feacey, Marriott.

Apology:

Cllr. Davey.

Also Present:

Cllr. Apps.

Licensing Manager, Licensing Officer, Legal Advisor, Member Services & Scrutiny Support Officer, Member Services & Scrutiny Support Officer.

PC Julian Postlethwaite – Applicant's Representative.

Mr T Bartlett – Licence Holder's Representative.

Mr C Rai – Designated Premises Supervisor and Licence Holder.

385 Election of Chairman

Resolved:

That Councillor Shorter be elected as Chairman for this Meeting of the Licensing Sub-Committee.

386 Minutes

Resolved:

That the Minutes of the Meeting of this Sub-Committee held on the 28th February 2013 be approved and confirmed as a correct record.

387 The Old Prince of Wales, New Street, Ashford, Kent, TN24 8UU – Application for the Review of the Premises Licence

The Chairman opened the meeting and welcomed all those present. Members confirmed that they had read the papers relating to the application. The Chairman

explained the procedure to be followed at the meeting.

The Licensing Manager then gave a brief summary of his report. The application for the review of the premises licence for The Old Prince of Wales had been received from Chief Inspector Fox on behalf of the Chief Officer of Police. Where an application for a review had been accepted by the Licensing Authority the Act required that a notice be displayed on the premises, in a position where it can be seen from the outside, stating that an application to review the premises licence had been made. A notice must also be displayed at the Council's offices and on its website. The notices had been displayed correctly and a copy was appended to the agenda papers at Appendix B.

Representations were only valid where they related to one of the four licensing objectives, namely:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) protection of children from harm

An application for the review of these premises had been received from Kent Police under the objectives of the prevention of crime and disorder and the protection of children from harm. This application was also circulated to other responsible authorities to give them the opportunity to make representations.

Before determining the review application, the Council licensing authority must hold a hearing to consider it and any relevant representations received. No other representations have been received from any other responsible authorities.

All applications for the review of a premises licence required the applicant to state the grounds for the review. In summary the application for a review stated the following problems:

- Public order disturbances both inside and outside the premises
- The sale of alcohol to persons under 18 years of age
- Controlled drug use within the premises
- The lack of age verification policies
- The ineffectiveness of the premises management

The application for a review of the premises licence was based upon events on the following dates;

- 18th January 2014
- 29th December 2013
- 21st December 2013
- 1st November 2013
- 25th September 2013
- 15th June 2013
- 27th May 2013

- 5th May 2013

Additional information in the form of witness statements from Police Officers (PC), Special Constables (SC) and Police Community Support Officers (PCSO) had been provided and were appended to the agenda papers.

PC Julian Postlethwaite advised the Sub-Committee that Chief Inspector Mitchell Fox had submitted the application for the review; however he was the Police Licensing Officer for the Area and would be representing the Chief Inspector and Kent Police. He apologised for an error in the application, the review was being called based on two of the licensing objectives not three. The Old Prince of Wales was a well-established pub that did not currently serve hot meals and was located close to the Town Centre ring road. Inside the premises was an area for bands and DJs with a purpose built walled area to the rear of the premises. Benches were located at the front of the premises. He would give the Sub-Committee an overview of the events that had led to the review being applied for:

- 18th January 2014 – The manager, Mr Danny Sherpa, contacted the Police regarding a fight outside the premises. Ashford Monitoring Centre (AMC) continued to observe the incident, which had started at the rear of the walled garden. Investigations were still continuing into this incident so limited detailed information could be provided at the meeting. During the course of the incident a male had been seen exiting the pub and approached a man involved in the incident and had offered him an 'ASP' telescopic baton. This offer was refused however the man was then allowed back into the premises after speaking to an off duty member of staff. He was concerned that this member of staff didn't raise the issue with an on duty staff member.
- 29th December 2013 – The Police were notified of a fight outside the premises by AMC. It was reported that a group of 8-10 people were involved with punches being thrown and a woman knocked over. Four patrols attended and dispersed those involved. PC Julian Postlethwaite advised that the pub was a member of the pubwatch scheme, however the pub did not report the incident.
- 21st December 2013 – The Police were contacted by AMC regarding a fight at the front of the premises. Six patrols attended and four people were arrested. Four of the statements submitted related to this incident. A 17 year old youth was seen on the premises and was involved in the fight. This youth had been seen at the premises previously. Bar staff watched the fight take place but did not make any attempt to intervene.
- 23rd October 2013 – A female member of the public contacted the Police to report an assault. The victim had been punched in the face and a cigarette stubbed out on her cheek. CCTV from inside premises had been requested however it had been broken on this occasion. The offender was not identified.

- 25th September 2013 – AMC contacted the Police to report a fight in the premises. Five patrols attended. One of the males involved in the fight continued to fight with Officers and was sprayed with PAVA incapacitant spray, he was highly intoxicated.
- 16th August 2013 – Operation Sentry, a drug swabbing and licensing operation took place. Two males were arrested for the possession of Class A drugs and dealer bags were also found in the cistern of the toilet. During another Operation Sentry held later in the year (1st November) one of the males arrested in August was found to be on the premises and was arrested for possession of Class A drugs. On 1st November PC Treadwell saw a male customer at the bar who was clearly intoxicated and advised the manager that he should be removed, this advice was provided twice more before the manager acted. At a pubwatch meeting on 7th November 2013 PC Julian Postlethwaite asked the manager of The Old Prince of Wales if he would be nominating the male arrested during Operation Sentry for exclusion. He was advised that he would not.
- 15th June 2013 – A PSCO attended following the report of an assault. Two drunk females were located at the premises.
- 27th May 2013 – AMC contacted Police to report a fight at the front of the premises. A patrol attended and the groups dispersed. No arrests were made.
- 5th May 2013 – AMC contacted Police to report a fight at the front of the premises. Officers attended and found two youths under the age of 18 drinking alcohol at the front of the premises. CCTV footage suggested that the fight that had taken place was violent.

PC Julian Postlethwaite advised that he had available several recordings taken from CCTV footage of the incidences described to the Sub-Committee. The Sub-Committee expressed a wish to view one of these recordings.

388 Exclusion of the Public

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, namely 'Application for the Review of the Premises Licence' as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to paragraphs 2 and 7 of Schedule 12A of the Act.

The Sub-Committee viewed a recording taken from CCTV footage of an incident that had taken place outside of the premises.

389 Resumption of Meeting in Public

Resolved:

That the Meeting be resumed in public.

After a five minute recess to allow people to return to the Council Chamber, the Meeting was resumed in public.

In response to questions from the Sub-Committee PC Julian Postlethwaite advised that Ashford Monitoring Centre controlled the CCTV in the Town Centre and contacted the Police upon the discovery of an incident. CCTV footage was recorded and then formed part of the Police incident log.

Mr Bartlett advised the Sub-Committee that the purpose of a review was to bring the pub back on track with the licensing objectives; it was not a means of punishment. Since the application, a minor variation had been submitted which, in his view, went a substantial way to meeting the concerns raised by the Police. The only outstanding areas of concern were the closing hours and the tables and chairs to the front of the premises. He advised that Mr Rai was prepared to remove the picnic style benches and replace them with bistro style table and chairs that could be removed and out of use by 22:00.

The Chairman distributed a hand-out that had been prepared by the Council's Licensing Team, which detailed the licencing hours and conditions for the premises at the time the application for the review had been submitted, the subsequent variation and the proposal put forward by the Police as part of the application. All parties confirmed that they were in agreement for this to be circulated.

Mr Bartlett further advised that he felt the proposals put forward by the Police were punitive and reflected their inability to police the area. He felt that the current policing levels were not good. The proposed reduction of the closing time to 23:00 highlighted policing difficulties rather than assisting with the promotion of the licensing objectives. He drew Members' attention to the proposal put forward by the Police for door supervisors to be in place at a ratio of 1:35, the industry accepted ratio was of 1:100, with 1:70 for more stringent premises. The ratio of 1:35 was too high, a ratio of 1:70 would be acceptable. His client agreed with the conditions relating to the training of staff and CCTV. The premises had recently started to provide a menu for hot meals, as such a condition relating to the admittance of a person under the age of 18 provided that they were accompanied by someone over the age of 18 whilst partaking in a table meal would be accepted. The Licence Holder hoped to turn the pub into a family focused venue.

Three additional members of staff were to be put on personal licence courses as soon as possible, with staff attending a drugs awareness course scheduled for June 2014. The proposed bistro style tables could be stacked and stored by 22:00 with a notice advising patrons to use the walled terrace area after this time. He referred to the CCTV footage shown earlier at the meeting and advised that, in his opinion, it looked far worse than it actually was. Any conditions that were attached to a licence

had to be proportionate, should a closing time of 23:00 be imposed it was likely that this would lead to the closure of the premises.

In response to questions from the Sub-Committee Mr Rai advised that in his role as Designated Premises Supervisor he tried to get staff to follow procedures and abide by the legal requirements of the licence as well as dealing with customers and stock. Both managers were booked on personal licence courses. He was new to the industry and felt that he had been through a learning phase and would take on board all that he had learnt. He was going to implement the Challenge 25 scheme and would ensure that all his staff were trained appropriately.

Mr Bartlett advised that all policies were being written down and recorded. Previously there had been a fear of using the pubwatch radio as there was a perception that it would reflect badly on the pub, this had now been rectified and staff were encouraged to use the radio where necessary.

In response to questions from the Sub-Committee PC Julian Postlethwaite advised of the ratio of door supervisors to patrons for a number of establishments in the Town Centre. He then provided clarification of the timings of the incidences that he had referred to earlier in the meeting.

PC Julian Postlethwaite advised that the review had not been requested lightly. He understood what had been said in respect of the possible impact on the Town Centre however felt it was important that the public could enjoy the area in safety. The walled area to the rear of the premises had been constructed for use by smokers and those wishing to drink outside and patrons should have been directed to use it from the beginning. The conditions proposed were appropriate. He had a good relationship with the management of the pub and wanted to ensure that it remained in the Town Centre.

The Sub-Committee then retired to make their decision.

On return the Legal Advisor read out the decision.

Resolved:

That given the evidence presented to them and the views presented at the hearing, the Sub-Committee decided to amend the licence conditions as follows;

The hours of the licence be amended as follows:

Licensable hours	
Sale of Alcohol Monday to Thursday Friday & Saturday	07:00 – 00:00 07:00 – 01:00

Live Music	10:00 – 23:00
Films	07:00 – 23:00
Indoor Sporting Events	10:00 – 23:00
Other entertainment	10:00 – 23:00
Late Night Refreshment Monday to Thursday Friday & Saturday	23:00 – 00:00 23:00 – 01:00
Opening Hours Monday to Thursday Friday & Saturday	07:00 – 01:00 07:00 – 02:00

The Sub-Committee also decided that it had no confidence in Mr Rai as the Designated Premises Supervisor and that based on the extensive history of problems, the lack of proper procedures, the failure to manage the premises in accordance with the current licence or in accordance with the law and his answers to questions put to him about the management of the premises at the hearing , he is removed from being the Designated Premises Supervisor.

And the following additional conditions be applied to the licence:

- 1 At least one personal licence holder to be on duty at the premises from 17:00 daily.
- 2 At least one member of SIA approved door staff per 50 customers on duty from 21:00 on Friday and Saturday nights. The same condition to apply for any organised, ticketed or advertised event on any other night.
- 3 The Licence Holder will ensure that an incident book is maintained at the premises and that all staff will be trained in its use. The book will be bound and clearly marked with the following information:
 - a. Time & date of incident
 - b. Full description of incident
 - c. Details of description of any person involved in the incident

- d. Any action taken by staff
 - e. Name of staff member making the entry
- 4 A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing authority and in consultation with Kent police. Such system shall be:
 - a. Operated by properly trained staff.
 - b. Be in operation at all times that the premises are being used for a licensable activity
 - c. Ensure coverage of all entrances and exits to the licensed premises, internally and externally.
 - d. Ensure coverage of such other areas as may be required by the licensing authority and Kent police.
 - e. Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of one month, and shall be supplied to the licensing authority or a police officer on request.
- 5 Persons under 18 may be permitted on the premises up to 21:00 if accompanied by an adult, and only if they are having a table meal.
- 6 The Licence Holder will ensure that all staff are trained on age and alcohol awareness and that all staff training records are regularly audited by the Designated Premises Supervisor, seen to be implemented and will be available to all of the responsible authorities at their request.
- 7 The paved area at the front of the premises, bordered by the café, and railings around the 1st World war tank is not to be used by customers for the consumption of alcohol after 21:00 hours. All tables and chairs are to be removed from this area at the same time and secured safely. Staff at the premises will direct customers, to the purpose built walled terraced smoking area at the rear of the pub.
- 8 The licence holder must ensure that any individual who appears to be under 25 years of age is required to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The reasons for imposing the new conditions and for removing the Designated Premises Supervisor are to ensure public safety, to prevent crime and disorder, to prevent public nuisance and to protect children from harm

The Licensing Manager be given delegated authority to make minor amendments to the wording of the conditions as necessary.

The Chairman advised that the time taken to reach a decision by the Sub-Committee reflected the evidence before them and the discussion that had taken place. The Sub-Committee had not been impressed that the Police and the services that they provided had been blamed for the problems at the premises. The management of the premises needed to take on board their roles and responsibilities and fulfil them. He urged him to take on board the comments made at the Meeting and that the running of the premises needed to improve.
