

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Thursday, 16 April 2015

Present:

Members: Councillor P Hetherton (Chair)
Councillor A Andrews
Councillor L Bigham

Employees (by Directorate):

People: D Blackburn, D Cahalin-Heath

Resources: C Sinclair, M Smith

In attendance: PC Bowes (West Midlands Police)
A Potts (Licensee's Legal Representative)
Inspector Shigdar (West Midlands Police)

Public Business

10. **Appointment of Chair**

RESOLVED that Councillor Hetherton be appointed Chair for the meeting.

11. **Declarations of Interest**

There were no declarations of interest.

12. **Licensing Act 2003 - Application to Review a Premises Licence**

The Sub-Committee considered an application for the expedited review of the premises licence relating to Carters Bar & Grill, Skydome, Croft Road, Coventry. The ground for bringing the review is that the premises are associated with serious crime and/or serious disorder. The licence is held by KRA Leisure Ltd.

The review application refers to "serious disorder" in the vicinity of the premises which occurred in the early hours of 20th March 2015. The Police also refer to another 18 incidents reported to them since June 2014 relating to assaults, sexual assaults, possession of drugs and thefts.

On 20th March 2015 an Interim Steps hearing took place at which it was decided to suspend the licence. That decision was confirmed at a review hearing held on 24th March. At a further review hearing held on 30th March it was decided to lift the interim suspension and substitute interim licence conditions apparently agreed with the Police.

In addition to the Police, the Director of Public Health and the Landlord of the Skydome Complex submitted representations and joined the review. Representations were received from the Licensee and were included within the hearing bundle.

The Premises Licence permits the premises to generally open between 10.00hrs and 0330hrs the following day and permits regulated entertainment, late night refreshment and the sale of alcohol.

The Police requested the revocation of the licence.

All parties attended the hearing and addressed the Sub-Committee.

b) The Main Issues

i) Have the Police established, on the balance of probability, that the premises are associated with serious crime and/or serious disorder?

In the Sub-Committee's opinion the answer to this was 'yes'. It is clear from the evidence that an incident of serious disorder did occur in the early hours of the 20th March and, on balance, the evidence suggests that customers who had attended Carters were involved. The Sub-Committee were shocked by what it saw on the CCTV footage provided by the Police and by what it read in the various Police statements and wanted to put on the record its thanks and appreciation for the bravery and professionalism shown by the Police in dealing with the incident.

ii) Have the premises been managed in a way that promotes the licensing objectives?

In the Sub-Committee's opinion, holding an 'urban event' at the premises on 20th March was misguided as has been recognised by Mr McCloskey. Overall there were less than 20 police logs said to relate to the premises and the premises seem to have been managed in a generally satisfactory manner. Of particular significance, is that no formal enforcement action under the 'ladder of intervention' referred to in the local statement of licensing policy appears to have been taken which suggests that the way the premises have been managed has not merited formal intervention before now.

iii) What is the appropriate measure to take?

The Sub-Committee considered Part 11.20 of the Secretary of State's Guidance: "...it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

The Sub-Committee felt that the direct cause of the incident on 20th March was the 'urban event' that had taken place at Carters earlier that night. The Licensee had proposed a set of additional conditions comprising of modifications to the interim conditions imposed on 30th March together with nine further conditions which included a ban on any further 'urban events'. The Police helpfully also suggested some further modifications to the additional conditions proposed. Given the Secretary of State's guidance referred to above, given that the premises were generally managed in a way that promoted the licensing objectives, given that the interim conditions appeared to be working and given that no further high risk 'urban events' would be taking place, the Sub-Committee felt that the appropriate step in this case was to modify the premises licence by including additional conditions. The Sub-Committee accepted the additional conditions proposed by the Licensee at pages 7-10 of its document attached to its 'Notice of Attendance' subject to:

Page 7, Condition 2 – refer to 'Body cams' instead of 'Head cams' in view of Mr McCloskey's evidence concerning the equipment now deployed at the venue;

The amendments proposed by the Police were accepted as being appropriate apart from Page 10, Condition 7 - to delete details concerning the timings of meetings as this level of administrative detail was not appropriate for a licence condition.

A full set of the conditions approved by the Sub - Committee are attached as Appendix 1 to this notice.

In the light of its decision, the Sub-Committee did not regard the removal of the DPS or the suspension of the licence to be appropriate.

The Sub-Committee considered the option of revoking the licence but hadn't seen evidence of previous formal warnings, action plans, prosecutions or reviews relating to the premises or its management that would make revocation a proportionate response in line with Part 11.20 of the Secretary of State's Guidance.

The interim conditions imposed on 30th March are comprised within the conditions attached at Appendix 1 and consequently those Interim Steps will be overridden when the full review hearing decision takes effect.

RESOLVED that the premises licence is modified by adding the conditions as follows:

N.B. To the extent that the remainder of the Operating Schedule is inconsistent with the conditions below then these conditions will prevail.

- 1. Challenge 25 will operate at the premises. All staff will be trained in this to cover day and evening trade.**
- 2. Body cams x 2 will be worn and remain switched on at all times during the operating hours of the venue. Such Body cams will be worn by door supervisors, including staff on the entrance and within the premises.**
- 3. The venue will install and use at all times a CCTV system which meets the standard required by West Midlands Police. All images MUST be retained for a minimum of 28 days and be made available to download at the request of any Responsible Authority.**
- 4. A full risk assessment will be completed and supplied to the West Midlands Police Licensing Team at Coventry Central Police Station for any external event or promoter. This assessment will be provided at least 28 days before any event or with the consent of West Midlands Police within 14 days for late bookings. West Midlands Police will reserve the right to VETO any event based on a reasonable belief that any one or more of the four licensing objectives will not be met. Belief will be considered reasonable where it can be shown that West Midlands Police have highlighted concerns to the DPS/venue owner (concerns will be based upon the content of the risk assessment and any intelligence/information West Midlands Police receive regarding the planned event and any participants) and any proposed mitigating action is considered by West Midlands Police to be insufficient to minimise the perceived risk surrounding the event. Any decision to VETO will be delivered verbally to the DPS/venue owner and will also be recorded in writing within 7 days of the decision being made. A copy of that decision will be provided to the DPS/venue owner. Provided always if West Midlands Police wish to impose any extra conditions they shall become a condition of that event.**
- 5. Hand held breathalyzers will be used at the premises measuring intoxication levels of patrons both seeking entry into the venue where there is a reasonable belief of intoxication, and in relation to those on**

- site but demonstrating a level of intoxication consistent with being 'drunk'. Any refusals will be documented in a refusals log. Any ejections are to be recorded in the venue Incident Book.
6. An ID scanner approved by the West Midlands Police will be used at the premises during any internal or external event in conjunction with condition No.1 other than where there has been prior written agreement from West Midlands Police.
 7. A safeguarding room will be set up at the premises which will be subject to a clear and visible written policy regarding operation.
 8. An incident/refusals/drugs confiscation book will be maintained at the venue at all times. All staff will have access to these books, which will be open to inspection by any Responsible Authority.
 9. All SIA staff will be signed in on each tour of duty. A door supervisors' register will be maintained. All SIA staff will display their badges on their arms or suspended from a lanyard around their neck when working. Door supervisors will wear clothing which denotes them being SIA when working in the premises.
 10. A search policy will be written and adhered to at all times during the hours the venue is open. The DPS will ensure all staff have a sufficient awareness of this policy and their respective roles. A copy of the policy will be available for inspection by any Responsible Authority.
 11. A drugs policy will be written and adhered to all times during the hours the venue is open. The DPS will ensure all staff have a sufficient awareness of this policy and their respective roles. A copy of the policy will be available for inspection by any Responsible Authority.
 12. All staff will be trained in basic licensing law and first aid. This will be documented and refreshed on a 6 monthly basis. Records will be made available to all Responsible Authorities on request.
 13. The premises will operate queue observers/marshals to monitor potential under-age/drugs/consumption of externally purchased alcohol. All risk assessments will include this as a requirement in order to aid the identification and safe management of vulnerable people.
 14. No off-sales of alcohol are permitted and no bottles are to be taken outdoors.
 15. No urban nights are permitted.
 16. At all times from 2200hrs there shall be at the entrance an attendance counter that records all entries and exits and gives a current figure.
 17. At all times there shall be in operation a narcotic detection kit.
 18. At all times that the premises are open after 2200 hrs there shall be metal detecting hand mitts in operation.
 19. No person under the age of 18 years will be allowed to remain on the premises after 2200 hrs.
 20. There shall not be any events or occasions which are aimed at the youth market. Any event shall have a minimum age limit of 18 years.
 21. There shall be monthly meetings with West Midlands Police.
 22. All promotion material shall feature the drink aware emblem as well as the venue's preferred local taxi firm.

23. A notice headed “Carters Sports Bar & Grill – Terms, Conditions and Policies – Valid 2015” shall be placed and remain conspicuously displayed at the entrance, adjacent to the bar and in the Safeguarding Room at the venue.
24. Last entry to the venue shall be at 0200 hrs.

13. **Any Other Business**

There were no other items of business.

(Meeting closed at 5.15 pm)