

**Coventry City Council**  
**Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)**  
**held at 10.00 am on Monday, 22 October 2018**

Present:

Councillor D Gannon  
Councillor P Hetherton (Chair)  
Councillor T Mayer

Employees (by Directorate):

Place: D Cahalin-Heath, N Chaplin, R Masih, C Sinclair, A Wright

In attendance:

West Midlands Police:

D Noble (Counsel)

Insp M Teago

PS N Witts

PC K Healy

PC S Flowers

For Licence Holder:

R Edge (representative)

P Farmah (Licence Holder)

S Njau (Designated Premises Supervisor)

J Erick (in support of Licence Holder)

## **Public Business**

### **1. Appointment of Chair**

Councillor Hetherton was appointed Chair for the meeting.

### **2. Apologies**

There were no apologies.

### **3. Declarations of Interest**

There were no declarations of interest.

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

The Sub-Committee considered an application to review the premises licence in respect of Feast Junction (trading as Club Junction), Hertford Place, Coventry, CV1 3JZ. The Review application was made by West Midlands Police on the grounds that they have failed to uphold the four Licensing Objections: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

West Midlands Police, as the Review Applicant, began by explaining to the Sub Committee that Club Junction had opened in March 2017. Due to concerns raised at the time of the initial application by the Responsible Authorities about the premises close proximity to Club M, a number of conditions were agreed by the Licence Holder in order to satisfy the Responsible Authorities that the four licensing objectives would be upheld.

The Police stated that there had been a persistent failure by the Licence Holder to adhere to the conditions placed on the licence, including a failure to keep relevant documentation, such as an incident refusals log, failure to implement and enforce Challenge 25, failure to carry out risk assessments and notify Police of events so that appropriate resources could be put in place, and a failure to implement CCTV that could be accessed by West Midlands Police upon request. The review application was supported by Environmental Health who explained that a number of noise complaints had been reported, mostly as a result of the failure to install a noise limiting device and keep doors and windows shut at all times, both of which were conditions of the licence.

The Police detailed that they had experienced great difficulty in getting the Licence Holder or DPS to engage, and all meetings to discuss the management of the premises were instigated by Police. It was further explained that the best venues in the city work closely with the Police and go above and beyond to ensure that the night time economy is safe. In this instance, the Police considered the basic legal requirements were persistently being breached as a result of lack of understanding or contempt.

It was noted by the Police that the Licence Holder had now produced some lengthy documentation detailing the policies that could be implemented to satisfy the Responsible Authorities that the premises can be managed lawfully. However, the Police conceded that the relationship with the Licence Holder and DPS had completely broken down and they had no confidence that any promises made or conditions agreed to would be forthcoming. Further, the Police highlighted that it should not have taken them to call for a review for this documentation to be put in place.

In support of the application, Environmental Health explained their concerns that the DPS demonstrated a lack of understanding during meetings as to licensing law, what time the premises should be closing, how he should go about asking DJ's to keep their noise at an appropriate level etc. A meeting took place between Environmental Health and the DPS in April 2018 during which it was noted that a noise limiting device had still not been installed despite this being a condition of the licence. The DPS was told to remedy this straight away and was issued a formal warning but it took until June 2018, after further intervention from Environmental Health, for this to be adhered to. Environmental Health said it was clear that the DPS was totally unaware of the licence conditions. It was explained to the DPS and Licence Holder on this occasion that if improvements were not made, the licence would be reviewed.

The Sub Committee were then invited to view CCTV footage, in private, of a serious incident which took place on 22<sup>nd</sup> July 2018 outside the adjacent Club M. It

was noted that on this date no searches were being conducted by security staff at Club Junction, that no dress policy was in place and that staff made no attempts to intervene or telephone Police when two altercations broke out between their patrons and those of Club M.

The Police considered that the CCTV footage was enough to demonstrate that the Licence Holder and DPS have totally failed to take adequate measures to uphold any of the licensing objectives.

The Licence Holder was given the opportunity to address the Sub Committee, and conceded that they had 'taken their eye off the ball.' The Licence Holder explained that the CCTV and noise limiter is now in place although this had not been done in the time requested. When asked why, the Licence Holder said he was 'slow on the uptake' and whilst he was aware of the requirement, he did not see the urgency as the noise was only an issue for neighbouring properties every so often. When asked why the CCTV was not implemented, the Licence Holder stated that the CCTV was in place but could not be accessed as the controls were in the downstairs restaurant area, of which he is the landlord, and his lessee had 'disappeared for a while.'

The Licence Holder described the review hearing as a 'huge wake-up call', stating that he now realises he needs to take a more hands on approach to running the premises.

In response to questions from the Sub Committee, the Licence Holder accepted that he had identified gangs within the area but had chosen not to have more than two door staff working as the numbers inside were usually small. The Licence Holder stated that the Police should advise how many door staff needed to be on duty once a risk assessment is completed, although he conceded that these risk assessments are not being done and the Police are not being informed.

The Licence Holder explained that he did not obtain any references for his DPS, but knew he worked as a DPS for another premises and had experience in running venues. The Sub Committee noted that all of the action plans provided are reactive, and asked how the business would be proactively managed to mitigate future risk of incidents. The Licence Holder explained that previously the business has been run as a family friendly environment rather than a nightclub and 'when you don't have incidents, you become complacent.' The Licence Holder stated that no incidents have taken place within the venue and it has been running calmly, so they had become complacent.

The Licence Holder accepted that the concerns of the Responsible Authorities were brought to his attention during a meeting in August 2018 but no measures were put in place at that time.

The Licence Holder proposed a one month suspension of the licence, during which time there would be comprehensive training for the management as well as the staff, and that the club would not re-open until the Police were satisfied with the measures that had been put in place. The Licence Holder also said that the

DPS would be removed from his position and the premises could be placed on a three month action plan.

In summing up, the Police once again stated that they had no confidence in the proposals put forward by the Licence Holder owing to the chronic failures and false promises that have given the backdrop for the review hearing.

West Midlands Police and Environmental Health have identified and evidenced systematic failures, including failure to keep relevant documentation, failure to implement and enforce Challenge 25, failure to carry out risk assessments and notify of events to ensure Police resources were available, and failure to implement CCTV which could be viewed by West Midlands Police upon request.

In particular, the Sub Committee viewed disturbing CCTV footage of a serious incident on 22<sup>nd</sup> July 2018 whereby a male was stabbed outside Club M. The Sub Committee were appalled that there was no attempt by security staff to intervene or notify Police of this incident, which they were clearly able to view. Further, that the males responsible for the altercation were free to come and go from Club Junction wearing hooded jackets, bags, and trainers without being challenged or searched. When asked about this incident, the Sub Committee found it disturbing that the Licence Holder sought to place the blame solely on the security company.

Throughout the hearing, the Sub Committee considered that the Licence Holder had a casual approach to his duties to uphold the four licensing objectives. The Licence Holder has demonstrated a total lack of understanding or willingness to take responsibility for the short falls. The Sub Committee found it completely unacceptable that conditions of the licence to install a noise limiting device and CCTV in a format viewable to the Police on request were not complied with until recently. Further, that the Licence Holder commented when asked that the delay in installing the noise limiting device was simply because he did not see the urgency and 'only breached it a few times', and with regard to the CCTV that it was not accessible because it was contained within the restaurant downstairs and the lessee 'disappeared for a while.' This is not what the Sub Committee would expect of a Licence Holder who takes his responsibilities seriously and fully comprehends how important it is to uphold the licensing objectives.

The Licence Holder described the review hearing as a 'huge wake-up call' but the Sub Committee struggled to understand why steps were not taken following the meeting with the Responsible Authorities in August 2018. The Licence Holder was given ample opportunity at that stage to address the failings and bring the management of the premises to a standard that the Responsible Authorities and the Licensing Authority would expect. It is clear that the Licence Holder did not take matters seriously at this point and continues to ignore the basic legal requirements.

West Midlands Police have made clear that they have no confidence in the management at these premises going forward. The Licence Holder and DPS have failed to engage with the Police since the premises opened in March 2017 and provided no assurances to the Sub Committee that going forward, they would be open to working with the Responsible Authorities in order to uphold the licensing objectives and ensure the safety of the night time economy in Coventry.

The Sub Committee could not be satisfied, owing to the Licence Holder's persistent attempts to pass blame to others and breach the conditions already in place on the premises licence, that any further conditions to the licence or indeed the removal of the DPS would be enough to uphold the licensing objectives. The Sub Committee consider the failings to run at a deeper level than that of the control of the DPS and as such, consider that only a revocation is appropriate in the circumstances.

In reaching its decision, the Sub Committee had regard to both national guidance and the Council's own policy.

In particular, the Sub Committee attached the appropriate weight to Guidance point 9.12, namely that the Police should be the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder objective. It was noted that the Licensing Authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.

The Sub Committee noted the position of West Midlands Police, namely, that the imposition of conditions or the removal of the DPS would not be enough to satisfy their concerns.

There is a young, vibrant residency of people in Coventry and the Sub Committee are aware of their responsibility to ensure that they at all times feel protected and safe through the licensing regime.

**RESOLVED the premises licence be revoked.**

## **5. Any Other Business**

There were no other items of business.

(Meeting closed at 1.45 pm)