

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Thursday, 25 August 2016

Present:

Members: Councillor T Khan (Chair)
 Councillor R Auluck
 Councillor G Crookes

Employees (by Directorate):

Place: D Blackburn, D Cahalin-Heath, M Ledbrook, M McCrystal

Resources: U Patel, A Wright

In Attendance:

PC Bowes (West Midlands Police)
D Craig (West Midlands Police Legal Representative)
D Gaine (Premises Lease Holder)
PC Healy (West Midlands Police)
F Humphreys (Licence Holder's Legal Representative)
C Moore (Licence Holder's Representative)
K Stevens (Westbourne Leisure Ltd, Licence Holder)

Public Business

14. Appointment of Chair

RESOLVED that Councillor T Khan be appointed as Chair for the meeting.

15. Declarations of Interest

There were no declarations of interest.

16. Exclusion of Press and Public

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business indicated below, on the grounds that that item involves the likely disclosure of exempt information and that there would be no public interest in disclosing that information, as defined in Schedule 12A of the Act, in particular paragraph 7 of Part 1 of the Schedule.

17. Licensing Act 2003 - Application to Review a Premises Licence

The Sub-Committee considered an application to review the Premises Licence in respect of Club M, Hertford Place, Coventry.

The Review application was made by Inspector Sarah Tambling of West Midlands Police. The grounds for the review were that there were concerns on the part of the Police, as a Responsible Authority, that the licensing objective of crime and disorder was not being upheld.

As part of the application, the Review Applicant proposed that the Sub Committee consider revocation of the premises licence in the first instance. However, the Sub Committee were made aware at the beginning of the hearing that extensive discussions had taken place between the Police and the Licence Holder since the review application had been made.

Further to these discussions, the Police had agreed to 13 conditions proposed by the Licence Holder which they believed could meet their concerns. Copies of the proposed conditions were given to the Sub Committee to consider.

The Sub Committee heard that the review application was issued on 15th June 2016 following an incident that occurred on 29th May 2016, where a patron of the premises suffered life changing injuries as a consequence of an attack with a mop handle.

The Representative of the Review Applicant advised the Sub Committee that there had been a number of incidents that had occurred at the premises over the last twelve months, and that West Midlands Police had greater difficulty in managing the premises due to the location. The Sub Committee heard that when there are incidents, it is not as easy to respond rapidly as the premises are located on the ring road.

The Sub Committee's attention was drawn to the application's supporting documentation to consider the number of incidents. The Sub Committee heard that following an incident on 16th August 2015, a Police Dispersal Order was utilised. Following this incident, a meeting took place between the premises, the Police and the Licensing Authority. It was agreed during this meeting that the premises would implement a number of agreed steps such as the use of body cams, UV lights and a dispersal policy.

Notwithstanding the agreed steps, further incidents continued to occur. This included further incidents of violence within the premises and drugs seized from patrons as part of Operation Cocktail. West Midlands Police highlighted these concerns to the premises, who were then placed on an action plan. This did not seem to have the desired effect as there were still police logs relating to the premises.

The Representative of the Review Applicant explained that agreement had been reached between the parties, but it was rightly noted that the Sub Committee may decide to take alternative measures to ensure that the licensing objectives continue to be upheld.

The Sub Committee heard that there had been 16 reported crimes in the last twelve months, with 27 police and ambulance logs to the premises. Of these, 52% occurred after 4am.

In response to questions from the Sub Committee, the Representative of the Review Applicant confirmed that the Licence Holder had been cooperative and proactive in trying to build a good working relationship with West Midlands Police. Further, the Police were confident that if the proposed conditions were formalised on the premises licence, the Licence Holder would continue to work with the Police

very closely. The Sub Committee heard that the Licence Holder displayed positive attitudes.

PC Bowes advised the Sub Committee that there has been a lot of work put in place recently regarding CCTV at the premises, which is to a standard that the Police are satisfied with. PC Bowes also confirmed that the previous management structure was not up to standard but there have now been changes sufficient to alleviate concerns.

The Representative of the Licence Holder was invited to make representations. He advised the Sub Committee that the Licence Holder takes their position very seriously. He confirmed that discussions had been ongoing for a number of weeks in terms of conditions that could be agreed to add to the premises licence in order to ensure that concerns of the Police were met and the licensing objectives would be upheld.

The Representative of the Licence Holder advised that at no point during the discussions was there a substantive dispute. The discussions were more to do with refinement and identifying what needed to be put in place to achieve the licensing objectives.

The Sub Committee was asked to note that those primarily charged with crime and disorder are satisfied that the proposed conditions were appropriate and proportionate. They were also asked to consider that the police logs identify when a premises have been mentioned, and therefore does not necessarily mean that an incident has taken place inside the premises, but rather that something has taken place in that location.

The Representative of the Licence Holder asked the Sub Committee to consider that in 2016 there had only been one reported incident at the premises which occurred in May 2016, although he conceded that this incident was very serious. The Representative of the Licence Holder invited the Sub Committee to conclude that there was a pattern of improvement.

With regard to the incident that occurred on 29th May 2016, the Representative of the Licence Holder conceded that the judgment of staff had not been exercised as it should have been. The staff at the premises now has full understanding that their duty to patrons does not end when they leave the premises.

The Sub Committee heard that the Licence Holder is under no illusion of the consequences should the proposed robust conditions, if implemented, were not to be complied with.

The Sub Committee also heard that the Licence Holder has voluntarily engaged the services of Mr Carl Moore, who is an independent licensing consultant. Mr Moore will bring another level of scrutiny to ensure the licensing objectives are upheld and that the premises is being managed appropriately.

In response to a question from the Sub Committee, the Designated Premises Supervisor, Mr Raynor, confirmed that the premises were already working towards the proposed conditions, a number of which had already been implemented voluntarily in advance of the Review Hearing.

Mr Raynor talked the Sub Committee through the procedure of entry in to the club and how door staff are trained to look for signs of intoxication. He also confirmed that all individuals are searched before they are allowed in to the premises and that a Challenge 25 Policy is in place. Further, Mr Raynor confirmed that logs are kept on a number of key areas, including confiscations and refusals. The Licence Holder proposed to hold monthly meetings, going forward, with the company providing the door staff to discuss any concerns they may have or proposed training.

In terms of the dispersal policy, Mr Raynor confirmed that customers are encouraged to move away from the premises quietly, are directed to taxi ranks and warned that they must demonstrate good behaviour. If they do not demonstrate good behaviour, they risk being banned from the premises. It was also confirmed that the log of refusals was to be sent to Police on a monthly basis.

The Sub Committee were keen to understand the role of Mr Carl Moore. Mr Moore confirmed that he would be re-visiting every policy throughout the premises and working with the Police to ensure that they are satisfactory. He also advised that staff would receive training on the dispersal policy and the licensing objectives as a whole. The Police would be able to check to see who has completed training.

The Sub Committee turned their attention to the very serious incident that occurred on 29th May 2016, and asked Mr Raynor to explain matters from his side. Mr Raynor advised the Sub Committee that the incident did not begin inside the premises; it had happened at the back after closing. At the time of the incident, the premises was empty and all exit doors were closed.

Mr Raynor said that staff were in the smoking area following the closing of the premises when they became aware that an incident had taken place. Mr Raynor became aware that the Police were on their way and assumed, incorrectly in hindsight, that an ambulance would also be coming.

Mr Raynor states that he approached the victim who was lying motionless on the floor, surrounded by a number of his friends who were intoxicated. Mr Raynor and accompanying door staff were apparently told by the victim's friends to get away.

Mr Raynor stated that he believed at the time, and continues to believe, that had he and the door staff intervened to get access to the victim, it would have made the situation worse. He also stated that he did not believe that the victim's injuries were as bad as they turned out to be.

Mr Raynor apologised if he made the wrong judgment call and stated that in retrospect, knowing how seriously injured the victim was, he wishes he had acted differently.

The Representative of the Licence Holder explained that the lesson to be learned was that staff have a duty that extends beyond the door. This will be emphasised through future changes.

The Sub Committee asked whether there would be a review system in place to ensure that the premises are complying with the proposed conditions. Mr Moore

confirmed that he will be going in to the premises every three months to conduct independent audits, which will include checking incident books and CCTV. If the premises are not complying, Mr Moore would raise the matter with the leaseholder, Mr David Gaine, as this could lead to him losing the club. If there were no improvements, Mr Moore would not hesitate to notify the Licence Holder and, if necessary, the Police.

In addition, Karen Stevens advised the Sub Committee that the Licence Holder has 53 premises nationwide and a number of those report directly to her. She advised that usually if there is a problem, the Police would contact her directly but in this instance, they had been dealing with management, i.e. Mr Gaine, instead.

As such, Ms Stevens was brought in too late as she had not been aware of the issues. Ms Stevens advised that Mr Gaine had previously been told that he needed to have his own procedures in place for the business that aligned with the Police. Unfortunately that had broken down, and Mr Moore has now been brought in as a result in order to provide continuing support. Mr Gaine has been advised that any future problems will lead to his lease being in jeopardy.

The Sub Committee then viewed CCTV footage of the incident on 29th May 2016, in private session, and retired to make their decision.

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 they were supportive of the Licence Holder's representations and that the imposition of conditions, as agreed with the Licence Holder, could meet their concerns.

The Sub Committee was also satisfied that the Licence Holder has demonstrated a willingness to take steps to prevent, so far as is possible, problems arising at or from the premises that may undermine the licensing objectives, in particular the fact that the 13 proposed conditions were put in place voluntarily prior to the Review Hearing, and that the Licence Holder has engaged the services of Mr Moore as an extra level of scrutiny to ensure the continuing smooth running of the premises.

The Sub Committee was pleased to hear that there has been an improvement in the working relationship between the premises and the Police and hopes that this continues.

The Sub-Committee considered that allowing the premises licence to remain in place would not undermine the licensing objectives so long as appropriate conditions were attached to the premises licence.

As a final note, the Sub Committee made two recommendations:-

Firstly that meetings between the Licence Holder and the door company do take place, as suggested, on a monthly basis.

Secondly, and more broadly speaking, is that licensing officers and Police always involve a Licence Holder at an early stage if a third party, such as a tenant, is operating the premises on a day to day basis.

RESOLVED that the premises licence be allowed to remain in place with the addition of the following conditions: -

- 1. All door supervisors are to wear high visibility vest/tabards when working at the premises**
- 2. A clear facial image taken of all persons entering the venue will be captured by CCTV at the point of entry to the venue**
- 3. The facial images captured by CCTV including related reports will be made available for inspection by any authorised officer of a responsible authority upon request.**
- 4. A cool down period is to operate at the club, a minimum of 30 minutes before closing. No regulated entertainment to take place during the cool down period.**
- 5. A minimum of 14 days' written notice to be given unless otherwise agreed with Coventry Police Licensing Team for any event outside of the premise's regular events.**
- 6. The Premises to supply a written risk assessment for all 'risk' events held at the premises, unless otherwise agreed with Coventry Police Licensing Team. Risk assessment to be supplied at the same time as the written notice. Included in the risk assessment will be a search policy which will reflect the event risk and a security deployment plan. (A "risk" event is defined as a music event attracting a defined or special interest audience).**
- 7. Last admission to the premises by patrons will be 3.30am**
- 8. Licensable activities to cease at 4.30am**
- 9. Premises to be closed at 5.00am.**
- 10. The premises will maintain a CCTV system to the satisfaction of the West Midlands Police Service (Coventry Police Licensing Team). The CCTV shall operate at all times when the premises are open and all recordings will be kept for a minimum of 31days.**

11. SIA trained CCTV operator to be used to monitor cameras in the control room when the premises are open to the public and there is a requirement for the CCTV to be monitored during that event. This will be determined by a risk assessment provided by the management of the premises and agreed with by Coventry Police Licensing Team.

12. Regular glass and bottle collections to take place outside of the premises

13. The premises will have a dispersals policy, the latest copy of which will be supplied to Coventry Police Licensing Team. This is to include the entire external perimeter of the premises.

18. Any Other Business

There were no other items of public business.

19. Licensing Act 2003 - Application to Review a Premises Licence

The Sub-Committee viewed CCTV footage in relation to an on-going police investigation.

(Meeting closed at 1.50 pm)