

MINUTES OF LICENSING PANEL

MEETING DATE Thursday, 1 March 2018

MEMBERS PRESENT: Councillors Mike Nelson (Chair), Mary Green and David Wooldridge

OFFICERS: Tasneem Safdar (Senior Solicitor), Peter Haywood (Revenues Manager), Andy Houlker (Senior Democratic Services Officer) and Chris Ward (Licensing Officer)

OTHER MEMBERS AND OFFICERS: Councillor Susan Jones JP and Councillor Paul Wharton

PUBLIC: 2 and 1 Press

4 Apologies for absence

None, all were present.

5 Declarations of Interests

There were no declarations of interest.

6 Application for Review of the Premises Licence relating to the Railway Public House, Leyland, in accordance with the Licensing Act 2003

The Panel considered for determination an application to review the Premises Licence submitted under Section 51 of the Licensing Act 2003. This application was in respect of The Railway Public House, 1 Preston Road, Leyland.

Following the publication of the agenda and application, there had been substantial additional published as two supplementary agendas. The second supplementary information was the day before the hearing.

At the start of the proceedings with the agreement of all interested parties present and for the benefit of all those present, two site layout plans of the premises were circulated.

The Panel noted that the application was to review the Premises Licence because it had been felt that two of the four licensing objectives were being undermined, namely:-

- a) the prevention of crime and disorder; and
- b) the protection of children from harm.

With the permission of the panel and in accordance with the council's hearing procedure the council's Revenues Manager introduced the application.

The applicant, then addressed the Panel. As part of this the Panel was informed

that there had previously been serious concerns about the running of these premises. However following the application for a review, there were now robust measures in place at the premises, there had only been a few incidents, and revised licence conditions had been drawn up which were agreeable to the applicant. The latter was included in the second pack of supplementary information. Questions were asked.

The solicitor on behalf of the Premises Licence Holder then addressed the Panel and questions were asked.

Having fully considered the application made by the applicant and the case made by the Premises Licence Holder, the Panel retired to reach its decision.

In reaching its decision the panel took into account the following:

- both written and oral evidence presented in connection with the hearing
- Licensing Act 2003
- S182 Amended Guidance of the Licensing Act 2003
- South Ribble Borough Council's Licensing Policy

The Panel recognised that the management of the premises had improved and that a new and dedicated Designated Premises Supervisor (DPS) to these premises had been appointed.

In that respect the Panel had not felt it appropriate to revoke the licence or reduce the licensed hours for these premises.

The Panel was conscious that a number of the proposed conditions (26 in total) were not new but existing conditions re-worded/re-emphasised from Annexes 2 and 3 of the Premises Licence. That being the case the Panel felt it necessary to look at all the suggested documentation and where appropriate compare this to Annexes 2 and 3 of the Premises Licence.

During the hearing there had been emphasis by the applicant and licence holder on the recent introduction of the use of Drug Dogs. The Panel felt that Drug Dogs and their use should be included as a condition.

The Panel felt that the existing condition relating to 'striptease' should be carried forward.

It was found that there was a discrepancy on the hours contained in the Risk Assessment Form and the proposed Condition 4 which needed to be aligned.

There should be explicit reference throughout to the door staff being SIA registered.

Suggested Conditions 8, 9 and 11 needed to refer to the appropriate policy.

Regarding suggested Condition 13 the Panel felt that it was important that the checks of the toilets should be hourly.

Reference in suggested Condition 22 should include a 'noise limiting device'.

In respect of the suggested Condition 25 it was felt appropriate for door staff to be

'regularly' trained.

In respect of the suggested Condition 26 it was felt this should be extended and explicit about the timing of door staff touring the premises (recorded) and advising any appropriate underage persons that they needed to leave before 20:00.

The Panel felt that the proposed measures would control those elements that had been raised as undermining the crime and disorder and the protection of children from harm licensing objectives. The measures were considered proportionate and appropriate in the circumstances of this case.

If the Applicant or the Premises Licence Holder were dissatisfied with the outcome of the hearing, then they may challenge the decision of the Panel by making an appeal to the Preston Magistrates Court within 21 days on receipt of this decision.

RESOLVED (UNANIMOUS):

that the determination of the application to review the premises licence be with the introduction of the following new Operating Schedule:-

1 The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police throughout the entire 31 day period.

2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested, subject to any data protection requirements.

3 An incident log ('the log') shall be kept at the premises in which any incidents witnessed by, or reported to a member of staff are to be recorded. The log must be made available on request to an authorised officer of the Council's licensing team or the Police. The log must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to a member of staff at the premises (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any refusal of the sale of alcohol.

4 A minimum of 2 SIA registered door supervisors shall be employed at the premises on Friday and Saturday nights from 20:00 hours until 30 minutes after closing **and an additional 3 SIA door supervisors** will be on duty on Friday and Saturday nights from 21:00 hours until 30 minutes after closing. At all times, any additional requirement for door supervisors shall be risk assessed by the DPS, in particular where the premises is holding either externally promoted events (such as private parties) or days where the premises expects to be busy, such as Sundays prior to Bank Holiday Mondays. Door supervisors shall be employed at such times and in such numbers assessed by the risk assessment to be required. In order to

comply with this condition, a written door supervisor risk assessment document will be maintained and updated by the DPS as required showing the numbers and times door supervisors shall be employed at the premises on any given day. A copy of this document will be made available to the police and licensing authority on request.

5 SIA door supervisors will be required to sign in prior to the start of their shifts, with date, full name and SIA badge number recorded, and sign out at the end of each shift.

6 SIA Door supervisors shall be required to wear high visibility vests at all times they are on duty, unless prior agreement has been obtained in writing from the police.

7 A door supervisor operating policy ('the operating policy') shall be written and implemented at all times that door supervisors are employed at the premises. The operating policy will set out the roles and obligations of the door supervisors, who they report to and any other duties expected to be undertaken, such as adherence to other policies and procedures in place at the premises. A copy of the operating policy will be made available to all door supervisors employed at the premises and shall be communicated to them in advance of their shift. A copy of the operating policy will be made available to the police and licensing authority on request.

8 A search policy shall be drawn up and implemented at the premises at all times door supervisors are employed. A copy of the search policy will be made available to all door supervisors employed at the premises and shall be communicated to them in advance of their shift. The search policy will detail when searches are to be undertaken and what action is expected to be taken in light of any items found during the search such as drugs or weapons. A copy of the search policy will be made available to the police and licensing authority on request.

9 An ID policy will be drawn up and implemented at the premises at all times the premises is open to the public. The ID policy will detail what actions are expected of staff in relation to ensuring that customers under 18 are not permitted to purchase alcohol. A copy of the ID policy will be made available to the police and licensing authority on request.

10 A drugs policy will be drawn up and implemented at the premises at all times the premises is open to the public. The drugs policy will detail what actions are expected of staff and door supervisors should illegal drugs be found or customers be suspected of either possessing or having taken illegal drugs. A copy of the drugs policy will be made available to the police and licensing authority on request.

11 A dispersal policy ('the policy') shall be drawn up and implemented at the premises. The policy will detail those measures the door supervisors, management and staff must comply with during the identified dispersal periods to assist with the quick and safe dispersal of customers away from the premises. A copy of the dispersal policy will be made available to the police and licensing authority on request.

12 A crime scene management document ('the document') shall be drawn up and implemented at the premises. The document will set out the steps staff and door supervisors are expected to take to ensure that any crime scenes are preserved (as far as safely practicable) to assist the police in the investigation of any incidents at or

in the immediate vicinity of the premises. A copy of the document will be made available to the police and licensing authority on request.

13 Hourly checks of the toilets will be undertaken after 19:00 hours daily and the results recorded. A copy of the records will be made available to the police and licensing authority on request.

14 The DPS shall ensure that there is regular attendance by a member of the management team at any local Pub Watch meeting.

15 Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

16 Exterior lighting shall be provided in the car park and external areas. All lighting shall be directed away from residential properties.

17 No food or drink to be permitted on the first floor external area after 23:00 each day. After 23:00 each day patrons permitted to temporarily use the first floor external area to smoke, shall not be permitted to take drinks or glass containers with them. Signs to this effect will be prominently displayed at the entrance to the first floor external area.

18 During the hours of operation of the premises, the DPS shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises or in the car park.

19 Bottles or other glass refuse shall not be disposed of outside after 20:00 hours.

20 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

21 During regulated entertainment, all windows and external doors shall be kept closed, except for the immediate access and egress of persons. The internal main entrance door must be fitted with an automatic door closing device.

22 The DPS shall put in place sufficient measures, a noise limiting device, at the premises to ensure that noise from regulated entertainment is kept to a level where it is unlikely to cause a public nuisance to residents in the immediate vicinity of the premises. Where noise levels from regulated entertainment are at such a level where it is deemed likely to cause a public nuisance to local residents, steps will be taken to reduce the levels sufficiently to comply with this condition. A written record shall be maintained of the checks undertaken to ensure that noise levels comply with this condition and shall include the date, time and result of the checks, the name of the person making the record and a note of any remedial action taken should noise levels be deemed too loud to comply with this condition.

23 A complaints log ('the log') will be kept and maintained at the premises and a record will be made of any complaints received by residents relating to allegations of noise nuisance from the premises. The log will record the date and time of the complaint, the name of the person making the complaint (if known) and a description of the nature of the complaint. The log will also record what action is taken in relation to the complaint.

24 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram, European Union ID card with photo and date of birth, or military ID card.

25 Staff shall be trained regularly in relation to the challenge 25 proof of age scheme prior to making any sales of alcohol. Such training will be recorded as having been completed in the employees' record, with the date of completion.

26 Children will not be permitted on the premises after 20:00 hours, unless partaking in a table meal or attending a pre-booked function. Children will be supervised by an adult at all times. Door supervisors will carry out a walkthrough 15 minutes prior to 20:00 and escort anyone under the age of 18 off the premises, unless they are partaking a table meal or attending a pre-booked function. These results will be recorded. A copy of the records will be made available to the Police and the Local Authority upon request.

27 At least once a month, on a Friday or Saturday night, and on at least 3 bank holidays during the course of the calendar year, drug detection dogs will be required to attend the premises to carry out detection of drugs.

28 The DPS/and his/her representative shall ensure that the outdoor areas are supervised by a member of staff when in use to ensure that patrons do not cause nuisance to nearby residents.

29 There shall be no striptease or nudity on the premises at any time.

Chair

Date