

Licensing Sub-Committee

Minutes - 18 January 2017

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr John Rowley

Conservative

Cllr Patricia Patten

Employees

Joanne Till
Anita Chonk
Sarah Hardwick
Mike Hooper

Section Leader – Licensing
Licensing Officer (*observing*)
Senior Solicitor
Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in Respect of Zina's Supermarket, 130 Lime Street, Penn Fields, Wolverhampton, WV3 0EX

The Chair reported that following notice being provided to the Premises Licence Holder (PLH) of a Hearing to consider the application for a review of the Premises Licence in respect of Zina's Supermarket, 130 Lime Street, Pennfields, Wolverhampton, WV3 0EX, the PLH had notified Democratic Services and provided evidence to prove that he would not be able to attend as he would be out of the country.

Resolved: That in the absence of the Premises Licence Holder, consideration of the matter be deferred to 2pm on Tuesday, 21 February 2017.

4 Licensing Act 2003 - Application for a Transfer of a Premises Licence in Respect of Bond Street Tavern, 14 Bond Street, Wolverhampton, WV2 4AS

An application for the transfer of a Premises Licence in respect of Bond Street Tavern, 14 Bond Street, Wolverhampton, WV2 4AS, had been received from Mrs L. F Heath, the Premises Licence Holder (PLH).

Ms J. Till, Section Leader (Licensing), provided an outline of the application. Mrs Heath confirmed that the summary was accurate.

Mrs Heath, supported by her business partner, Mr D. Minnot, presented the application, stating the following:

- Following submission of the application she had realised that she had completed it incorrectly. Following a call from the Police she had contacted the Licensing Authority to say that she recognised that she also needed to apply to transfer the Premises Licence;
- Longer term, it was intended that the Premises Licence would be transferred from Mrs Heath to the business that she ran with Mr Minnot, Lorraine & Derrick Ltd (Mr Minnot circulated to all present copies of a letter from the business to the Sub-Committee which detailed how Mrs Heath had previously taken action to address issues at an establishment for which she had been PLH, The Malt Shovel, along with plans to continue to ensure that historical issues did not reoccur at the Bond Street Tavern);

Having heard that it was Mrs Heath's intention to again transfer the Licence, the Chair sought the legal view with regard to whether or not that effected proceedings. Mrs S. Hardwick, Senior Solicitor, said that Mrs Heath had two options – 1. to continue with the Hearing and, if successful with the application, then submit a further application to transfer it to the business or 2. withdraw the application currently being considered and submit a new one under the business. Mrs Heath confirmed that she would continue with the current application.

Mrs Heath and Mr Minnot continued to present the application:

- Mrs Heath had received a letter informing her that the Police had objected to the application and the reasons why. In response to those objections, Mrs Heath said that she had only been the DPS of The Malt Shovel for five and a half months (from April-October 2016) and that the issues referred to by the Police, including drugs use on the premises and noise nuisance, had occurred under the previous DPS. She had taken over the role with the proviso that she continue with a previously agreed action plan to counter the problems. She had stuck to the permitted hours and had applied for Temporary Events Notices (TENS) when necessary. The only disturbance during her term as DPS occurred on her final day in the role, in October 2016;
- In response to the Police raising concerns of the potential for ineffectual management, measures had already been taken to ensure adequate security and signage at the Bond Street Tavern and the Licensing Regulations were being strictly adhered to. All staff had received training, the website contained drug awareness information and warnings and door staff conducted rounds of the premises to ensure that drugs weren't being used. In addition, customers were told that the PLH did not want the same issues that affected The Malt Shovel;
- The majority of customers came from either the Job Centre or the Council, clienteles that it was hoped could be developed;
- As PLH of The Malt Shovel, Mrs Heath had attended both Pubwatch and PACT meetings;
- The premises were covered by CCTV with 28 days recording capacity and employed three or four Leon Security Services staff, that despite there only being a requirement for two. There were also incident log books on site;
- Mrs Heath had opted to take Enterprise Inn's six-monthly training sessions for publicans;
- Housekeeping ensured acceptable access through all walkways;
- ABC Taxis were used for patrons in need of a lift home;
- People under 18 years of age were only allowed onto the premises in exceptional circumstances.

The Chair invited the Sub-Committee to put questions to the PLH, having heard their evidence. Mrs Heath and Mr Minott provided the following further evidence in response:

- Mrs Heath had worked as full-time Bar Manager at The Malt Shovel from December 2014. When she took over as PLH it was following a request from the Police, who had said that the pub would close if the previous PLH continued in the role due to his failure to stick to an agreed action plan;

- Bond Street Tavern employed three SIA registered doormen, sometimes four, every weekend between the hours of 11pm and closing time. They were provided with pictures of known troublemakers that had frequented The Malt Shovel and they were not always kept busy in terms of having troublesome patrons to deal with;
- Since Mrs Heath had worked at Bond Street Tavern there had not been an occasion where trouble had escalated to a level whereby it was necessary to call the Police. On occasions the Police had undertaken visits and check of their own accord;
- Mrs Heath left The Malt Shovel due to its closure;
- Enterprise, who owned both The Malt Shovel and Bond Street Tavern, knew Mrs Heath and the fact that the Managing Director invited her to apply for the Bond Street Tavern indicated that they felt that she was fit for purpose.

The Chair invited Sergeant L. Davies, West Midlands Police, to put questions to the PLH. Mrs Heath and Mr Minott provided the following further evidence in response:

- Mrs Heath took over the running of the Bond Street Tavern on 30 November 2016. However, the Licence was not submitted to the Licensing Authority until 12 December 2016 as the previous PLH failed to sign the consent form until that day, despite many phone calls and messages from Mrs Heath;
- Mrs Heath acknowledged that it was an oversight on her part that the Police were not provided with a copy of the application. Following a phone call from Sgt L. Davies, she immediately notified the Licensing Authority of the error and liaised with the Police;
- Mrs Heath acknowledged that she must have been a joint PLH of The Malt Shovel from late 2014, which was in line with Police records, and conceded that she could therefore have curtailed illegal activities there and informed the Police of them prior to them contacting her in 2016. Whilst acknowledging blame, she had felt unable to take action as her joint PLH had been in the industry for longer than her, he was a good friend and he had provided her with assurances that matters would be addressed. She had raised concerns with management at Enterprise but their view was that it was down to the PLHs to develop improved working relations;
- The relationship between Mrs Heath and Mr Minott had a different dynamic to that of her relationship with her previous joint PLH, who had no association with Bond Street Tavern;
- Mrs Heath did take some action against unlicensed and illegal activities at The Malt Shovel. She would turn the music off when necessary and would tell people that were smoking cannabis outside not to do so and to leave the premises. However, with regard to the latter issue, it was very difficult for her to both work behind the bar and keep check on activities outside;
- Mr Minott had not witnessed any cannabis smoking during his visits to The Malt Shovel. He didn't think any took place but he could not say for sure;
- The rules for patrons of Bond Street Tavern had been posted on Facebook;
- Mrs Heath confirmed that when the Police had visited over the Christmas period she had said that she didn't know what her Licence contained, she had forgotten;
- Some people that had frequented The Malt Shovel now went to Bond Street Tavern during the day;

The Chair invited the Senior Solicitor to put questions to the PLH. No questions were asked.

The Chair invited the Section Leader - Licensing to put questions to the PLH. Mrs Heath and Mr Minott provided the following further evidence in response:

- Mr Minott had researched security providers online and Leon Security, a company with whom Ms Till was not familiar, had been employed on the basis of positive reviews of their services. They were not the security providers that had been employed by The Malt Shovel;

The Chair put further questions to the PLH. Mrs Heath and Mr Minott provided the following further evidence in response:

- They were aware that local businesses had often reported trouble caused by patrons of The Greyhound and that those businesses were still observing behaviour of customers of Bond Street Tavern (The Greyhound was the previous name for the Bond Street Tavern). Measures taken to ensure that similar problems didn't reoccur included cleaning up cigarettes ends and plastic cups from the surrounding area and going outside to encourage patrons to go home and to ensure they leave the area following closing time at the weekend;
- Door staff documented refusals in an incident book that was kept at the bar. This enabled them to keep a record of troublesome customers and to turn them away if they returned. As yet, no issues had occurred;
- The Malt Shovel customers that now frequented Bond Street Tavern were nice, older people that viewed it as a respectable public house;
- Since Mrs Heath took over Bond Street Tavern, around seven people had been turned away. These were "stumblers" rather than people known from The Malt Shovel, many of whom wouldn't go there due to a mistrust of Mrs Heath;
- Mr Minott was 100% sure that Mrs Heath would do whatever she needed to ensure that the problems experienced at The Malt Shovel were not repeated at Bond Street Tavern.

The Chair invited the Police to put forward their objections. Sgt L. Davies stated the following:

- The key concerns were the suitability of Mrs Heath to be PLH, bearing in mind the issues that occurred at The Malt Shovel whilst she was joint PLH, the location of the premises and the issues that had occurred there when it was The Greyhound;
- There had been five serious incidents when the premises was The Greyhound. Gang members frequented it and incidents included forced doors, a stabbing, cannabis use and intimidation of the Police;
- A robust PLH and PLS were required to ensure that licensing regulations were met and to work co-operatively with other bodies. Based on Mrs Heath's performance at The Malt Shovel, she was not seen as the right person to meet those needs;
- A 2015 action plan to address the playing of loud music after hours at The Malt Shovel was breached in January and February 2016. A new action plan was then agreed but that was breached in October 2016 when there were 4am reports of music, alcohol sales and cannabis smoking. There were also reports

- of around twenty people fighting and smashing glass on exit from the premises. Those issues were not logged by Mrs Heath;
- The electric power supply to The Malt Shovel was tampered with;
 - The Malt Shovel was closed prior to a review;
 - Officers that visited Bond Street Tavern over the Christmas and New Year period fed back the following: At 1:30am on Sunday, 8 January 2017, Mrs Heath greeted officers in the hallway. There was an overwhelming smell of cannabis and loud music could be heard outside. The door staff made the Police feel unwelcome. On 30 December 2016, music could be heard outside of the premises;
 - It was understood that gang nominals that were patrons of a different public house now frequented Bond Street Tavern. Mrs Heath's links with The Malt Shovel would encourage such people to go there;
 - Overall, Mrs Heath being associated with Bond Street Tavern would hinder its ability to meet the Licensing Objectives.

The Chair invited the Sub-Committee to put questions to the Police, having heard their evidence. Sgt L. Davies provided the following further evidence in response:

- He did not know which public house(s) the customers of The Malt Shovel now frequented;
- To clarify the statement that door staff made the Police feel unwelcome, some were dismissive and did not want to talk but some were receptive;
- He did not know if officers spoke to Mrs Heath about the smell of cannabis on the premises on 8 January 2017;
- The Police made more than two visits to Bond Street Tavern over the Christmas period. He could not comment on whether or not any gang nominals were at the premises on those occasions;
- Whilst it was recognised that neither Mrs Heath nor Mr Minott had any connection to the premises when it was The Greyhound, he had made reference to it as he wanted to show the fears of the Police that the same issues could reoccur. However, it was acknowledged that those issues had not reoccurred under the last PLH which showed that the venue could be run without trouble;
- The Police had not had any issues with TENS submitted by Mrs Heath whilst PLH of The Malt Shovel;

The Chair invited the PLH to put questions to the Police, having heard their evidence. Sgt L. Davies provided the following further evidence in response to questions from Mrs Heath and Mr Minott:

- Mrs Heath had not ensured that the Licensing Objectives were met when PLH of The Malt Shovel. The objections put forward by the Police in relation to this application were based upon tangible facts and evidence relating to her previous role;
- At this point, he would not like to see the procedures, policies, plans or risk assessments that Mrs Heath and Mr Minott had in place for Bond Street Tavern.

The Chair put questions to the Police. Sgt L. Davies provided the following further evidence in response:

- Based upon tangible facts, the issues that occurred at The Greyhound were predominantly at night;
- The Police visits to Bond Street Tavern over the Christmas period were conducted as part of planned visits to various premises but were also prompted by the venue's history;
- Colleagues had told him about the strong smell of cannabis on the 8 January 2017 visit. He knew no more about it.

The Chair invited the Police to make a closing statement. Sgt L. Davies said that he had nothing further to add.

The Chair invited the Premises Licence Holder to make a closing statement. Mrs Heath and Mr Minott stated the following:

If given the opportunity, they would stick to the four Licensing Objectives. They could not comment upon the reported smell of cannabis on 8 January 2017 as they had not smelled it themselves and the Police had not raised the matter with them. It was worth noting that it was Mrs Heath that contacted the Police, unprompted, to let them know that she would be moving to Bond Street Tavern.

All interested parties, with the exception of the Senior Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Senior Solicitor.

Resolved: The Sub-Committee are satisfied that Bond Street Tavern requires strong management and the aforementioned issues that occurred at The Malt Shovel whilst the Applicant jointly held the Licence demonstrates that she may not be able to prevent crime on the premises.

Therefore, in accordance with Section 44 of the Licensing Act 2003, the application is rejected.

5 **Licensing Act 2003 - Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor for Bond Street Tavern, 14 Bond Street, Wolverhampton, WV2 4AS**

The Sub-Committee had been due to consider an application to vary a Premises Licence to specify an individual as Designated Premises Supervisor (DPS) for Bond Street Tavern, 14 Bond Street, Wolverhampton, WV2 4AS. However, in light of the previous decision taken by the Sub-Committee in respect of the application to transfer the Premises Licence (minute 4, above, refers), Mrs L. Heath withdrew the application.

Resolved: That it be noted that the application to vary a Premises Licence to specify an individual as Designated Premises Supervisor was withdrawn.