

## LICENSING PANEL SUB-COMMITTEES

MONDAY, 24 APRIL 2017

PRESENT: Councillors Jesse Grey, Phillip Bicknell and Malcolm Alexander

Officers: Greg Nelson (Training Standards/Licensing Lead), Steve Smith (Licensing Officer), Roxana Khakinia (Legal), Shilpa Manek (Clerk), Daniel Bayles (Community Protection and Enforcement Services), Janette Brettell (Assistant Licensing Enforcement Officer) and Deborah Maynard (Local Safeguarding Children's Board)

### APPOINTMENT OF CHAIRMAN

**RESOLVED UNANIMOUSLY: That Councillor Grey be appointed Chairman for the duration of the meeting.**

### APOLOGIES FOR ABSENCE

There were no apologies for absence.

### DECLARATIONS OF INTEREST

Councillors Alexander and Bicknell, both declared a personal interest for item 4 as they are both RBWM representatives at the Royal Berkshire Fire Authority.

### CONSIDERATION OF APPLICATION UNDER THE LICENSING ACT 2003 – APPLICATION TO REVIEW A PREMISES LICENCE

The Chairman welcomed all the parties to the meeting, introduced the Sub-Committee Members and explained the procedure, which all indicated they understood.

#### Licensing Officer

Greg Nelson, Trading Standards/Licensing Lead, introduced the application from Thames Valley Police to Members to be considered to review the Premises Licence of the Copper Horse public house, situated in Ward Royal Parade, Alma Road, Windsor. The Licensing Officer explained that since the Agenda and papers had been published, further evidence had been received from the Licence Holder and from the Royal Berkshire Fire and Rescue. The Licensing Officer requested that the Panel adjourned to allow time for all parties to read the documentation.

The Panel agreed a short adjournment to read the documentation.

The Licensing Officer reported that his report had been circulated in the Agenda pack. The application from Thames Valley Police to review the premises licence was made under Section 51 of the Licensing Act 2003 and was in the Agenda pack. Thames Valley Police had confirmed that all of the required information had been sent to the Premises Licence Holder and to the Responsible Authorities.

The Licensing Officer explained that any such application must be based on one or more of the four licensing objectives contained in the Act. The four objectives are the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm.

The application from Thames Valley Police, in this case, was based on all four of the licensing objectives which, they allege, are being seriously undermined at the Copper Horse public house.

The Licensing Officer confirmed that, as required, a notice of the application had been placed at the Copper Horse public house, in the Town Hall and on the Council's website for the required 28 days. The notice had been included in the Agenda pack.

The Licensing Authority could have rejected the application if it had considered it to be frivolous, vexatious or repetitious. This was the first time that an application for a review had been received in respect of these premises and it was considered that the application was an extremely serious one. Therefore the application had not been rejected.

The Licensing Officer advised the Panel on the options they had once the application, the responses from the premises licence holder and all submissions from Responsible Authorities and interested parties had been considered. The options were as below:

- You can modify the conditions of the licence
- You can exclude a licensable activity under the scope of the licence
- You can remove the designated premises supervisor
- You can suspend the licence for a period not exceeding three months
- Or you can revoke the licence

The application, on this occasion from the Thames Valley Police was for the licence to be revoked.

The Licensing Officer informed the Panel that the premises licence holder, Miss Alka Singh was being represented by Bonningtons Solicitors. The Licensing team had received written representations for the hearing from Miss Singh on Friday 21 April at 16.10. A report had also been received from the Royal Borough Fire Rescue Service, a day after the 28 day consultation period. The Licensing Officer suggested that the Panel adjourned for a short period to read the representations and report.

It was **UNANIMOUSLY AGREED** by the Panel that the meeting adjourns for a short period for all parties to read both documents.

The Licensing Officer informed the Panel that RBWM was acting as the licensing authority for the premises (Greg Nelson) and as a responsible authority under the Licensing Act 2003 (Steve Smith).

#### The Applicant – Thames Valley Police (TVP)

Debie Pearmain, Police Licensing Officer, Thames Valley Police, put their case to the Panel. The Applicant highlighted the following point:

- The premises had gone downhill;
- Serious concerns for both TVP and RBWM Licensing over:
  - Fire doors being locked and barricaded, with customers inside;
  - Assault on the premises licence holder in November 2016;
  - The way the pub was managed and run;
  - Two underage children were sold alcohol in the pub;
  - Site manager smelling of alcohol when attending a licensing meeting;

- Staff members completely ignoring police officers, after permitted licensing hours.

The Applicant informed the Panel that neither TVP nor RBWM Licensing had faith in the current DPS, or site Manager in running the pub and due to these reasons, TVP had no other option but to request that the premise licence be revoked.

An account was also given by PC Hughes-Parry and PC McLulich. The Panel was informed that the site manager had been drinking before the licensing meeting as he was smelling of alcohol. Miss Singh did not grasp the seriousness of issues and was informed that the premises license would be removed. Other issues included:

- Fire doors being locked with customers in the premises.
- The Royal Borough Fire Rescue Service report.
- Other safety issues such as the sockets being overloaded and cut off sockets being switched off.
- The marquee fabric and carbon dioxide issues.
- The heater that was being used in the marquee.
- Alcohol sold to underage children.
- Alcohol sold after permitted hours.
- Conditions not being adhered to.

The concerns that they had were endangering lives and no attempts were being made to sort out the issues by the premises license holder.

#### Licensing Officer acting as the Responsible Authority

Steve Smith, Licensing Officer, reported to the Panel that the situation at the Copper Horse had gone downhill very quickly. The Royal Borough Fire Rescue Service had reported the premises in November 2016. RBWM felt that public safety was seriously being undermined. A number of meetings took place with the premises license holder where they were reminded of the four licensing objectives but no changes were made. The main concerns were highlighted, the fire doors being locked on numerous occasions and the sale of alcohol to underage children.

Steve Smith fully supported the application for the license to be revoked.

#### Local Safeguarding Children's Board

Deborah Maynard, Business Manager for LSCB & SAB, was highly surprised after reading the paperwork and was concerned that children were not being protected. Deborah Maynard fully supported the application to revoke the license.

#### Community Protection & Enforcement Services

Daniel Bayles, Community Protection Lead, had concerns on two main issues, health and safety and noise complaints. There had been evidence of smoking in the premises and fire doors being locked. Also there had been complaints about noise and people leaving after 1am on two separate occasions.

#### Premises License Holder Representative

Nicolas Jones, Objector's representative, reminded the Panel that all the issues had occurred after the assault on Miss Singh. The license holder accepts that mistakes were made and the pub was now being run properly as she had fully recovered. She would ensure that they would now fully comply with the responsibility of having a license.

There had been no issues initially, one complaint had been received about the noise. The licence holder had started karaoke at the pub but after the complaint, immediately stopped it.

The licence holder was assaulted on 12 November 2016. It had been suggested that the pub had been serving alcohol after licenced hours. It was explained that customers had already bought the drinks and were just being finished. A drink had been bought by a friend of a barred customer who had been sitting outside the premises. At midnight, the licence holder asked all customers to leave and this one customer would not leave. After some shouting, the customer punched the licence holder in the face causing many minor injuries.

The Panel was informed that after the assault, a pub manager was recruited. The manager was great to begin with and then they had realised that he had been drinking whilst working.

The shisha room was used for smoking e cigarettes, which produce a lot of smoke. This had been rented to a third party and was no longer in use. The fire doors, on the first occasion had been locked by the private party inside the room. The car park entry door had been locked by the management for a short period. The sockets had all been changed now.

The identification of drinkers was checked, a photo was taken with a phone, this was then recorded and then printed and dated and filed.

The Panel asked the following questions:

- Councillor Bicknell asked about the customer who assaulted Miss Singh, if she was barred from the premises, how was she being asked to leave. Miss Singh explained that since her drink had been served to the friend, she had allowed her to come and finish the drink.
- Councillor Alexander asked that if she owned the premises since 2014, what was the reason for there being no fire assessment till now. Miss Singh explained that she thought that the leasing company had already got one in place. She hadn't checked.
- What was being done about the high and medium level risks? Miss Singh explained that an action plan was in place and many of the risks had been addressed.
- The Chairman, Councillor Grey asked if any door men were employed. Miss Singh explained that she managed everything herself until the assault.
- Councillor Bicknell asked if Challenge 21 was used and how many photos of identifications did they hold. Miss Singh told the Panel that Challenge 25 was used and there were 12-15 photos of identifications that they held in a book.
- Councillor Alexander clarified if Miss Singh had management experience and asked if this was her first licensed premises. Councillor Alexander asked why

Miss Singh did not take more account of the premises. Miss Singh explained that when she took over the lease, everything was explained to her and she felt satisfied that all was up to date and completed. The leasing company were carrying out checks annually so Miss Singh felt that all was ok so she was not concerned.

- Councillor Bicknell was worried most by the locked fire doors, especially whilst people were inside the premises.
- Councillor Alexander asked if Miss Singh lived on the premises and if there were CCTV cameras on the site. Miss Singh confirmed that she no longer lived on the premises and there were seven CCTV cameras on the site. The Police have been given footage before.

The Applicant, Thames Valley Police, felt that the issues had been rectified too late in the day and only as a result of the review. It was very unusual that all four licensing objectives had been challenged by the police. This was an unprecedented serious issue. The Applicant felt very strongly and had tried to work with the premises owner but could no longer put the public at risk. It was difficult for the Licensing Officer to reassure the Panel that the premises was now safe to trade.

Nicholas Jones, Premises license holders representative, clarified with the Applicant, Thames Valley Police that there had been no evidence of alcohol being sold, tobacco being smoked or drugs on the premises. It was confirmed that CCTV footage had been provided to the police on many occasions.

#### Applicant's Summary

With all the recent events, Thames Valley Police and Licensing feel strongly that the licence of the Copper Horse be revoked.

#### Licence Holder Representative Summary

Two main points raise concerns, the fire safety doors being locked and the sale of alcohol to underage children. No drugs had ever been found on the premises and the selling of alcohol after hours was only an assumption. The conditions would have changed as the license holder was now back at work. The Panel were reminded that there had only been one previous issue that had been immediately resolved when it had been raised. It was requested that the licence holder be supported further to resolve all issues and move forward.

#### Licensing Officer Summary

Greg Nelson summed up and asked the Panel to consider all matters and decide what actions needed to be taken.

#### Licence Holder Summary

Miss Singh told the Panel that she had been running the Copper Horse for three years and had always worked closely with and had respected the police and the licensing team. The last three months had been difficult due to the assault and bad health. She reassured them that she had always worked hard and put all her efforts into running the pub and would continue if given the chance.

Decision

After serious consideration, the Panel **UNANIMOUSLY AGREED** that the license be revoked for the Copper Horse.

The meeting, which began at 10.00 am, finished at 1.30 pm

CHAIRMAN.....

DATE.....