

LICENSING SUB-COMMITTEE HEARINGS

27 FEBRUARY 2009

Present :- Councillor Barrie Cook (Chairman)
Councillors Christopher Garnett and Philip Oxford

1. Membership

The Committee Services Officer (Licensing) advised that there were no changes to the membership.

2. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

3. Declarations of Interest

There were no declarations of interest.

4. Minutes

The minutes of the meetings held on 24 October 2008 and 5 December 2008 were noted.

5. Application for a Review under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

6. Yates's Wine Lodge, 1-3 Head Street, Colchester, Essex

The Sub-Committee considered an application for the review of a premises licence in respect of Yates's in relation to the following licensing objective -

- Prevention of crime and disorder

In Attendance

Premises Licence Holder: Miss Grant represented by Ms Eames, Solicitor and Mr Walten (Area Manager) for Yates's

Responsible Authority: On behalf of Essex Police – Mr Aitchison, Divisional Police Licensing Officer and Inspector Paul Butcher
Officers: Mr Essex, Solicitor and Mr Harvey, Licensing Manager
Mrs White, Committee Services Officer (Licensing), briefly introduced the application made by Essex Police to review the premises licence of Yates's, 1-3 Head Street, Colchester. The review had been sought on the grounds of the prevention of crime and disorder. A condition imposed on the premises licence required one of the SIA registered door supervisors to wear a head camera when employed by Yates's. This condition had not been complied with despite meetings and letters of advice from the Police. In addition Yates's had one of the highest levels of incidents of crime and disorder in Colchester Town Centre and these incidents included reports of the use of excessive force by door supervisors towards customers on several occasions.

Mr Aitchison addressed the Sub-Committee on behalf of Essex Police and explained that the requirement to wear a head camera had been attached to the licence following an application to vary the premises licence. Following an allegation of assault at the premises the police had spoken to the DPS and explained the need for greater supervision of the door staff. This matter together with a number of others was the subject of further conversations and liaison between the Police, the Designated Premises Supervisor and the Area Manager for Yates's however the situation did not improve and in December 2008 a further warning letter was sent which made it clear that the police was considering an application to review the licence. The decision to review the licence was taken after a visit to the premises found a further breach of the terms of the licence.

Following the application to review the licence there had been a number of meetings between the Police and the new Area Manager with the result that the door staff team had been changed and an undertaking given that the terms of the licence would be complied with. Following the change in the door staff team, the incidents of drunkenness and associated disorder had decreased and the Police had no further concerns regarding assault by door supervisors. It was mentioned that had Yates's responded in this manner following the initial contact by the Police, a review would not have been sought.

In responding to the points made by Essex Police, Ms Eames stated that she did not seek to challenge the view of the Police and gave details of the steps that had been taken to address the areas of concern. Ms Eames mentioned that the Designated Premises Supervisor had been unwell over the past year and whilst this point was acknowledged by the Sub-Committee it was concerned that problems had been occurring since 2006 and therefore before the period of ill health. The Area Manager explained in some detail the actions he had taken and would continue to take to ensure the smooth running of the premises. In addition to changing the door staff team, the CCTV system had been upgraded so that there was a CCTV camera on the front door to provide a visual image of everyone entering the premises. This would provide a better quality image than could be obtained from a Head Cam. There was also renewed emphasis on staff training to ensure the smooth running of the premises.

The Decision

RESOLVED that after careful consideration of the representations made by Essex Police and those of the Premises Licence Holder and her representative and having regard to the contents of the report, the Sub-Committee was satisfied that the objectives of the Licensing Act 2003 had not been promoted. The Sub-Committee concurred with the evidence presented by Essex Police and determined that it was necessary and proportionate to impose the following conditions on the premises licence:-

- That no change be made to the existing door staff team or personnel of that team without prior consultation with Essex Police.
- CCTV to be maintained at levels agreed with the Police in 2009.
- The designated premises supervisor or a suitably qualified substitute to be readily available during opening hours.
- All new and existing staff members to receive training and refresher training on the company's operating policies in relation to Yates's, Colchester.
- Colchester Borough Council's Licensing Enforcement officers to have access to the CCTV system and the incident book on request.

Reason for the Determination

The Sub-Committee considered the evidence presented by Essex Police and in particular had regard to the –

- Statement of evidence supplied by the Divisional Police Licensing Officer, Mr Aitchison in advance of the meeting.
- Verbal evidence provided by Inspector Paul Butcher and the Divisional Police Licensing Officer, Mr Aitchison at the hearing.

The Sub-Committee also gave consideration to the evidence presented on behalf of Yates's by Ms Eames and had particular regard to the verbal assurances that the Sub-Committee was advised had been given to Essex Police prior to the hearing concerning–

- The change of door staff used at the premises.
- The improvements to the CCTV coverage.
- The change of Area Manager.
- The verbal assurance that the condition regarding the head camera be adhered to.

The Sub-Committee was not satisfied that the objective of the prevention of crime and disorder had been promoted by the management at Yates's.

It considered that-

- There had been a failure to ensure compliance with the condition on the premises licence that required one SIA Door Supervisor to wear a head camera when employed by Yates's.
- The management of Yates's had failed to proactively resolve the issues concerning

the use of force by door staff when ejecting customers from the premises and the quality of the CCTV when they had been brought to their attention by Essex Police and that these issues over two and a half years had only been dealt with following the application for review.

7. Close of Meeting

The meeting closed at 12.00.