

# SHOPSHIRE COUNCIL

## LICENSING ACT SUB-COMMITTEE

**Minutes of the meeting held on 16 December 2014**  
**9.30 am - 12.59 pm in the Shrewsbury Room, Shirehall, Abbey Foregate,**  
**Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Shelley Davies  
Email: shelley.davies@shropshire.gov.uk Tel: 01743 252719

### **Present**

Councillors Peter Cherrington, Andrew Davies and Keith Roberts

### **22 Election of Chairman**

#### **RESOLVED:**

That Councillor Andrew Davies be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

### **23 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

### **24 Application for an Expedited Review of a Premises Licence - The Blue Boar, 52 Mill Street, Ludlow.**

Consideration was given to an application for an Expedited Review of a Premises Licence in respect of The Blue Boar, 52 Mill Street, Ludlow.

Ms. Louise Prince (Solicitor – Shropshire Council); Mr A. Morgan (Licence Holder); Mr M. Phipps (Licence Holder's Representative); Mr S. Ditton (Public Protection Officer (Specialist) - Shropshire Council ); Ms G. Wilding (Ludlow Town Council); Mr K. Porkett (Interested Party); Dr. J. Cartwright (Interested Party); Mr M. Woodman (Interested Party); Mr T. Evans (Interested Party); Mr R. Pote (Interested Party – Chairman of Ludlow Town Centre Residents Association); Mr T. Mahalski (Interested Party); Sgt A. Woolley (Applicant - West Mercia Police) and R. Thompson (West Mercia Police) were present.

Sgt. A. Woolley (Applicant – West Mercia Police) addressed the Sub-Committee, stating that the application for an expedited review of the Premises Licence was made on the grounds that operations at the premises undermined the Prevention of Crime and Disorder Licensing Objective. Sgt. A. Woolley detailed the background to the application for the expedited review of the licence, listing the recent incidents that had occurred at the premises.

In response to questions from Members of the Sub-Committee Sgt. A. Woolley confirmed that;

- The Designated Premises Supervisor had failed to adhere to the Licensing Objectives and a culture had developed at the premises but with the support from Punch Taverns this could be turned around;
- 2 SIA Door Supervisors were required to enforce the conditions of the Licence; and
- Measures were needed to avoid a reoccurrence of the problems already experienced.

The Public Protection Officer (Specialist) addressed the Sub-Committee confirming that the application for an expedited review had been accepted as a valid application and that representations had been received during the consultation period.

In response to questions from Members of the Sub-Committee and Interested Parties the Public Protection Officer (Specialist) confirmed that;

- The Council had not been inundated with complaints but these might have been directed to the Police if the incidents had occurred out of normal hours; and
- The Council did not receive a copy of complaints made to the Police.

Mr R. Pote (Chairman of the Ludlow Town Centre Residents Association) addressed the Sub-Committee explaining that over recent years and especially the last 18 months there had been a number of complaints made to the Residents Association in relation to the Blue Boar and listed 7 requests that the Association would like to be introduced as a result of the review.

Mr T Mahalski (Interested Party) addressed the Sub-Committee explaining that he supported the review of the Licence and read out a letter he had wrote to Punch Taverns. (A copy of the letter was shown to the Licence Holder's representative).

Mr T Evans (Interested Party) addressed the Sub-Committee explaining that he supported the statement by the Residents Association and detailed some of the incidents he had witnessed.

Mr M Woodman (Interested Party) addressed the Sub-Committee and gave his personal account of what it was like to live near the Blue Boar, he agreed that there needed to be a change in the culture of the premises.

Dr J Cartwright (Interested Party) addressed the Sub-Committee explaining that the premises was not managed properly and gave details of the incidents that had occurred at the Blue Boar.

Ms. G Wilding (Ludlow Town Council) addressed the Sub-Committee explaining that the Town Council had listened to representations of the Residents Association in

relation to the issues at the Blue Boar and as a result had written to all Public Houses not in the Pubwatch scheme. She added that the Markets Officer for the Town Council had reported glass and vomit in the street in Mill Street.

Mr M Phipps (Licence Holders Representative) addressed the Sub-Committee. He explained that Punch Taverns took their responsibilities seriously and read out a number of matters they would be willing to change in relation to the future management of the Blue Boar. Mr Phipps responded to the 7 requests made by the Residents Association and the recommendations made by the Police.

In response to questions from the Applicant, The Public Protection Officer (Specialist), Interested Parties and Members of the Sub-Committee, Mr Phipps confirmed that;

- The Designated Premises Supervisor would be present on the premises Friday/Saturdays and other key times;
- Punch Taverns wanted to show that they would do all they could to turn the Premises around;
- There would be a final sweep through at the end of the day but would not look to recording this information;
- Punch Taverns would monitor if the Designated Premises Supervisor was on site by on-going dialogue with the tenant;
- Punch Taverns had offered to remove the special hours on Bank Holidays and accept the amended hours for the week days but did not want to reduce hours on Friday and Saturdays;
- Punch Taverns had offered to change the opening hours but the hours for sale of alcohol would remain the same;
- Punch Taverns do not believe that door supervisors would ensure the changes required at the premises;
- Punch Taverns were keen to see the premises engaged in the Pubwatch scheme but would not want this to be a condition of the licence; and
- Punch Taverns would ensure that staff training was undertaken.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 11:47 and reconvened at 12:54 to announce their decision.

**RESOLVED:**

1. That the decision made by the Sub-Committee held on 26<sup>th</sup> November 2014 to remove the Designated Premises Supervisor stands;
2. That the Premises Licence is suspended for a period of 1 month effective from receipt of the decision notice;

3. That for a period of 2 months following the suspension of the licence the opening hours of the premises and the supply of alcohol are as follows:

Monday – Thursday: Supply of Alcohol –11:00 – 23:00  
Opening hours –11:00 – 23:30

Friday – Saturday: Supply of Alcohol –11:00 – 23:00  
Opening hours – 11:00 – 23:30

Sunday Supply of Alcohol –12:00 – 22:30  
Opening hours - 12:00 – 23:00

Following this 2 month period the opening hours and supply of alcohol will be as follows:

Monday – Thursday: Supply of Alcohol –11:00 – 23:00  
Opening hours –11:00 – 23:30

Friday – Saturday: Supply of Alcohol –11:00 – 23:30  
Opening hours – 11:00 – 00:00

Sunday Supply of Alcohol –12:00 – 22:30  
Opening hours - 12:00 – 23:00

Non-standard opening times will remain as currently stated on the licence i.e. Bank Holidays.

Timings for all other licensable activities to be in line with the above stated times.

4. For a period of 1 month following the suspension of the licence, 2 SIA Door Staff will be employed at the premises on Friday and Saturday from 17:30 until the termination of licensable activities.
5. For a period of 2 months following the suspension of the licence, the Designated Premises Supervisor is to be on the premises on Fridays and Saturdays from 17:30 onwards and on Sundays between 14:00 – 18:00. Following this 2 month period a Personal Licence Holder is required to be on the premises at all opening times;
6. Contact details of the Premises Licence Holder are to be affixed to the exterior of the premises;
7. Meetings are to be called every 6 months to involve the local residents, the Town Council and the Designated Premises Supervisor;
8. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
9. No bottling out to take place after 22:00 until 08:00;

- 10 The following conditions proposed by Police to be added to the premises licence:

#### **Under age sales - Protection of Children from Harm**

- All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards. This training to be delivered PRIOR to undertaking any alcohol sales. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
- All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained sixth monthly thereafter for the first 2 years and then once every twelve months thereafter. The training shall include:
  - Drugs Awareness
  - Conflict resolution
  - Selling to under age person
  - Selling to drunks
- Training records shall be kept on the premises which shall show the area of training covered, the date of the training, and the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Shropshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
- The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Shropshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 fonts bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any serving area advertising the scheme operated.

#### **Prevention of Crime and Disorder**

- The DPS will employ SIA door staff at other times when risk assessment dictates door supervision to be necessary.
- The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be

kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

- CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or USB to the Police, an authorised Shropshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and USB/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 101 immediately.

### **Prevention of Public Nuisance/Prevention of Crime and Disorder**

- No regulated entertainment will take place in external areas at any time.
- All windows will be kept shut after 21:00. Doors will be closed when music is being played.
- The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
- Where regulated entertainment is provided, the premises licence holder or DPS or a responsible person nominated by either in writing will monitor noise emanating from the premises at least every 60 minutes to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.

- Loudspeakers shall not be located in the entrance lobby or external to any part of the premises. Loudspeakers will not be mounted on any Party wall. Loudspeakers will not be used in any rooms where the walls or roof are not constructed to standard living construction. Loudspeakers will not be used in rooms where there is inadequate insulation or substantial roof covering.
- Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The courtyard/garden shall not be used for licensable activities after 22:30. After 22:30 the area will not be used for any purpose with the exception as a 'smoking area' when it will be monitored by the premises licence holder/DPS who will ensure that customers will not loiter or congregate in the area.
- The premises licence holder will have in place a dispersal policy to ensure that they effectively move customers away from the vicinity of the premises. The policy shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police.

#### **Further conditions.**

- The external areas will be cleaned at close of day to ensure litter; cigarette ends and any waste are removed. Refuse bins and sacks will not obstruct the public right of way.

#### **Reason:**

The Sub-Committee had read all of the submitted documents and considered all the representations made by the parties, at the hearing.

The Sub-Committee had particular regard to historical issues which had been raised in connection with the premises and recent incidents of crime and disorder that had occurred at the premises. They also had regard to the breaches of the licensing conditions together with the effect the apparent lack of good management at the premises has had on local residents.

The Sub-Committee had also taken into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

It was noted and appreciated by the Sub-Committee that the premises licence holder and the police were able to reach agreement in respect of a number of the conditions proposed.

The Sub-Committee considered that the suspension of the licence and the additional conditions were appropriate and proportionate, in order to promote the licensing objectives.

Signed

(Chairman)

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Date:

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