

## Licensing Sub-Committee – 4 April 2011

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Minutes of the meeting of the **Licensing Sub-Committee** held on **4 April 2011** when there were present:-

Cllr Mrs P Aves  
Cllr T G Cutmore

Cllr M Maddocks

### **OFFICERS PRESENT**

A Law	- Solicitor
S Bennett	- Interim Commercial Regulation & Licensing Manager
P Nellies	- Licensing Officer
S Worthington	- Committee Administrator

### **108 APPOINTMENT OF CHAIRMAN**

Cllr M Maddocks was appointed Chairman of the Sub-Committee.

### **109 PROCEDURE FOR LICENSING HEARING**

The Sub-Committee noted the procedure to be followed during the hearing.

### **110 LICENSING APPLICATION – LICENSING ACT 2003**

#### **CJ's Pool & Snooker Ltd, 7 Eldon Way, Hockley, SS5 4AD**

The Sub-Committee considered an application for the review of a premises licence made under section 51 of the Licensing Act 2003. The application relates to a premises known as CJ's Pool & Snooker Ltd, 7 Eldon Way, Hockley, SS5 4AD. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from the Police and the licence holders.

PC Hemsworth advised that the Police request for a review of the premises licence followed a serious incident that occurred at the premises on 10 February 2011. The Police had been called to the incident by the Ambulance Service, rather than by premises staff.

PC Farnsworth confirmed that she had responded to a call from the Ambulance Service on 10 February 2011, following an incident in which a man was assaulted, resulting in a fractured eye socket, fractured jaw and the top part of his ear being bitten off. CCTV footage showed that the assault had commenced in the bar area and then continued in the toilets.

The premises supervisor, Mr Hubbard, had been called into the premises by staff and downloaded CCTV footage for the Police. PC Farnsworth requested further CCTV footage for the bar area but it was not possible to download, despite using various different disks. PC Farnsworth, during questioning, ascertained that members did not swipe their membership cards all the time in order to gain entry to the premises and on this particular occasion there were

no guests signed in. PC Farnsworth did not find the premises supervisor helpful and during the course of their visit to the premises he drank 4 pints and appeared slightly intoxicated and quite obstructive.

The assault, resulting in part of the victim's ear being bitten off, had taken place in the toilet area. Police had to ask the premises supervisor to stop cleaning this area as it was a crime scene.

PC Crosby confirmed that there had been a problem with CCTV footage during the incident, which could not be downloaded or copied at the time. Mr Hubbard was at the premises on the morning after the incident and further attempts were made to download CCTV footage, to no avail. Mr Hubbard advised PC Crosby that a friend who had installed the CCTV was due in that afternoon and he would ask him to try and download the necessary footage. However, when the Police called by that afternoon the friend had not turned up and a Police expert was eventually called in to obtain the footage.

PC Hemsworth went through the Police crime reports included within the Police representation in some detail and it was agreed to discount the last crime report, dated 27 January 2008, as this related to CJ's Bowling, downstairs. One of the other incidents related to the car park outside, which was also used by customers to CJ's Bowling. There were two reported crimes relating to CJ's Pool & Snooker Club, in addition to the incident on 10 February 2011, on 2 May 2008 and 21 March 2008.

PC Hemsworth confirmed that the Police did not seek to revoke the premises licence, but did consider that there was a problem relating to management of the premises, which could be addressed by imposing additional conditions to the premises licence.

PC Hemsworth outlined the additional conditions suggested by the Police. The first four conditions all related to CCTV and sought to provide more clarity to the existing condition on the premises licence relating to CCTV. Conditions 5 and 6 relating to the recording of club members and attendance by members and their guests were suggested because it was apparent that on 10 February 2011 the club did not have full data as to who was present at the premises.

Condition 7, relating to the keeping of an incident book, constituted a standard operating procedure for licensed premises. Condition 8 required the premises supervisor to risk assess the use of door supervisors and it was clear that this already happened. However, it would give the Police the opportunity to insist upon the use of a door supervisor if it was deemed necessary; this would be done in writing, with forward notice given to the premises.

Conditions 9 and 10 were standard operating conditions for licensed premises, relating to staff training and the Challenge 25 policy. Conditions 11 and 12 were unusual, but the Police considered necessary, given the lack of co-operation shown by the premises supervisor during the serious incident on

10 February 2011. Condition 11 required the premises supervisor to cooperate fully with the Police and condition 12 required the premises to have a policy for dealing with serious incidents, including details of methods for scene preservation and securing of items/weapons.

In response to questions, the following was noted:-

- The previous incidents had not been brought to the attention of the Council as they were not serious; the Police had a number of licensed premises throughout a large area to deal with. The incident on 10 February 2011 was, however, a serious one and acted as a catalyst.
- Three incidents, including the serious one, had occurred within the premises.
- CJ's staff had called the Police on the previous occasions.
- Risk assessment with respect of the use of door supervisors was for the premises to determine; the Police would, however, insist on the employment of door supervisors on specified days, if there were further problems at the premises.

The hearing adjourned for ten minutes, to allow all parties time to read late documentation provided by the premises supervisor.

Mr Hubbard advised that on 10 February 2011 he had been at home, off duty. He received a call from staff and arrived at the premises shortly afterwards. It was his understanding that when the ambulance service is called to a serious incident, the Police are also called.

He advised that he is not obstructive towards the Police, but that PC Farnsworth was quite rude to him on 10 February 2011. He further advised that his brother is a Police officer. He confirmed that there were a lot of problems downstairs at CJ's Bowling, with youngsters coming in from the youth club next door. He has called the Police on a number of occasions to deal with trouble caused by these youngsters, but the Police invariably only arrive when it is too late.

On 10 February 2011 when it was established that the victim was in the kitchen, he accompanied her there. He also provided her with the name and address of the suspect, who was one of his friends, and downloaded CCTV footage for her and spent over two hours attempting to download more footage, as requested by her. He confirmed that he was, possibly, not as helpful as he might have been, but PC Farnsworth's attitude towards him was quite aggressive.

He confirmed that this was the only serious incident at the club that has occurred at the club; there was a lot of blood in the toilets, which he tried to clear up as there were still customers on the premises wishing to use the

toilets. He had not known that customers should have been stopped from using the toilets.

He advised that he runs both CJ's Bowling and CJ's Pool & Snooker Club. In 6½ years there has been one serious incident and two other incidents at the Pool & Snooker Club. Since the youth club has opened next door there have been a lot of problems with youngsters on the industrial estate. Windows and doors to the premises have been damaged by youngsters from the youth club.

On the day after the serious incident his friend who had installed the CCTV system did not arrive, as expected. Mr Hubbard subsequently paid £150 for an ICT company to try and download the necessary footage, which he left on the back bar for the Police to collect. The Police's technical expert came in and wanted to remove cameras from the premises on a busy Friday night. Mr Hubbard did not feel it acceptable to expect a premises to operate without CCTV at one of its busiest times. When the Police offered replacement cameras, however, he did allow the cameras to be removed.

Mr Hubbard confirmed that there had been a problem with the club's system of recording membership details. There had been instances of staff not insisting on membership cards being swiped and of members who had forgotten their cards. Members' names had been entered manually onto the club's computer, but had not subsequently reappeared. On 10 February 2011 a new member of staff had been on duty who had not enforced the signing in of guests. These issues have now been addressed.

With respect to the suggested conditions, Mr Hubbard did not understand why the condition relating to door supervisors should be added to the premises licence, given that door supervisors are employed by the premises, whenever required. In addition, he advised that he did not understand condition 12 and did not agree with it.

In response to questions, the following was noted:-

- On 10 February 2011 staff called for an ambulance; if there are any serious incidents in future they will also call the Police.
- On 10 February 2011 there were very few people at the premises. Only two people were unknown to the premises supervisor.
- Door supervisors are employed when there are special functions, eg, 18<sup>th</sup> birthday parties, or during busy periods. It is expensive to employ door supervisors and these are therefore only employed when necessary.
- There are panic alarms, under the bar, that go straight through to the Police.
- The CCTV system is maintained by the premises supervisor.

- Members involved in the serious incident have subsequently been barred for life.
- A computerised membership system is operated by the club; members are required to swipe their membership cards when visiting the club and to sign in any guests. On swiping the card, a photograph of the member appears on screen, together with details of the membership, including whether or not the member is barred. If members do not have their cards with them, staff manually type in their names to access their membership details. There was a problem with this, in that names manually typed in did not show up on the system as being present, however, this has technical problem has subsequently been resolved.

In conclusion, PC Hemsworth emphasised that the Police have tried to be proportionate. They were not seeking for a reduction in operating hours. The Police considered that there were serious issues relating to the management of the premises that needed to be addressed. PC Hemsworth stressed that the Police officers' perceptions had been backed up by the evidence provided to the Sub-Committee. He did not, however, feel it appropriate to give too much weight to the late evidence provided by the premises supervisor.

The Sub-Committee retired from the Chamber with the Legal and Member Services officers to consider the decision, returning for its announcement.

Having given careful consideration to the application and all representations made, the Sub-Committee considered it appropriate to modify the conditions of the premises licence. It gave particular regard to the seriousness of the incident that took place at the premises on 10 February 2011 and felt that the modified conditions were proportionate, addressed the concerns raised by the Police and would promote the licensing objective to prevent crime and disorder.

### **Resolved**

That the conditions of the premises licence be modified, as follows:-

1. The whole premises will be fully covered by CCTV. This will cover all internal areas that customers have access to, including the main entrance and stairs leading to the club. All images will be retained for at least 31 days.
2. Access to CCTV recordings shall be made available to the Police or Local Authority as soon as practicable.
3. Full details of members and guests who are on the premises when open for trading must be readily available and produced upon request from the Police and Local Authority.

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4. Upon any lawful request the main list of members must be made available.
5. An incident book will be kept and fully updated as to any known incidents relating to the licensed premises. This book should be made available upon the request of the Police or Local Authority.
6. Employees of the licensed premises shall receive training on preventing sales of alcohol to underage and intoxicated persons. Staff training records should be fully recorded and kept at the premises. The records should be readily available to the Police or Local Authority upon reasonable request.
7. The Challenge 25 policy will be adopted whereby any person who appears under the age of 25 years will be challenged for suitable proof of age. The only acceptable form of I.D. will be a full passport, photo-style driving licence, pass accredited card, which will have the 'pass' hologram. (HES)

The meeting commenced at 10.00 am and closed at 1.25 pm.

Chairman .....

Date .....

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