

## **Licensing Sub-Committee – 5 March 2018**

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Minutes of the meeting of the **Licensing Sub-Committee** held on **5 March 2018** when there were present:-

Cllr D Merrick  
Cllr A L Williams

Cllr Mrs L Shaw

### **OFFICERS PRESENT**

R Hurst	- Senior Solicitor
J Fowler	- Principal Licensing Officer
S Greener	- Licensing Officer
C Irwin	- Solicitor
S Worthington	- Democratic Services Officer

### **1 APPOINTMENT OF CHAIRMAN**

Cllr Mrs L Shaw was appointed Chairman of the Sub-Committee.

### **2 PROCEDURE FOR LICENSING HEARING**

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

### **3 LICENSING APPLICATION – LICENSING ACT 2003**

#### **Summary Review Application: The Pink Toothbrush**

The Sub-Committee considered an application for a summary review of a premises licence made under section 53A of the Licensing Act 2003 by Essex Police in respect of The Pink Toothbrush, 19/23 High Street, Rayleigh, SS6 7EW. Members had before them the report of the Assistant Director, Legal Services setting out the details of the application and the representations received from the premises and from Pub Watch.

Copies of conditions requested by the Police to be applied to the premises licence were circulated to all parties.

The Police advised that they had had serious concerns in respect of the premises relating to the licensing objective of the prevention of crime and disorder. Since the Licensing Authority had applied interim step conditions to the licence at an informal meeting on 8 February 2018 the Police and Premises Licence Holder had negotiated on various conditions that the Police considered should be added to the Premises Licence. The Police advised that the Premises Licence Holder had been very co-operative and had agreed to the conditions requested by the Police. The Police confirmed that they were satisfied that the application of these conditions to the Premises Licence would promote the licensing objective of the prevention of crime and disorder.

The following responses to Member questions were noted:-

- The wording ‘upon reasonable request,’ included within the proposed conditions relating to the provision of recordings from CCTV and body worn video cameras, had to be retained, as this was compliant with the Data Protection Act.
- Drugs safes were manufactured in such a way that allowed authorised premises staff to deposit any drugs in the premises drugs safes; however, a double locking system ensured that only the Police could unlock the safes to remove deposited drugs.
- Condition 4 related to stipulated occasions when the hours of the Premises Licence were extended. The Premises Licence Holder confirmed acceptance of an addition to this condition in relation to any occasions when a temporary event notice was applied for and granted or hours extended.

The Premises Licence Holder, in response to the Police application for a review of the Premises Licence, emphasised that he took seriously the responsibility of promoting the licensing objectives. He had owned the premises for over 35 years and up until now there had not been any applications to revoke or review the Premises Licence.

The premises had a number of longstanding members of staff and he had always worked well with the Local Authority and the Police and had helped to set up Pubwatch in Rayleigh. He was, in addition, a tireless fundraiser for local and national charities.

He referred to page 5.1 of the appendices and confirmed that Mr Lord had attended a meeting with the Police Licensing Officer to discuss an incident at the premises; however, nothing had been raised at that meeting in respect of door staff at the premises. He also emphasised that, in respect of the incident of 18 November 2017, he was not present at the premises. He further stressed that the weapons described by Police in their evidence used by Pink Toothbrush staff were actually mops and cleaning handles grabbed by staff in response to a male armed with a long fireman’s axe.

He further emphasised that the CCTV footage of the incident on 27 January 2018 showed that the male was not, as claimed, repeatedly punched in the face and kicked to the floor. The footage, however, clearly showed that the male’s girlfriend was unhappy with his behaviour.

He expressed his gratitude to the Police for all their assistance in this matter. He advised that a meeting was to have taken place at the premises last Friday; however, this had had to be cancelled due to the snow.

He stressed that he would work with the Police to ensure that CCTV was located in better positions and adjusted as the Police considered necessary and would also ensure that body cameras were introduced at the premises,

as well as any additional cameras, should the Police consider that to be appropriate. In conclusion, he stated that the conditions associated with the Premises Licence were outdated and this review provided an ideal opportunity to overhaul the Licence, with the agreement of the Police and the Licensing Authority.

The following responses to Member questions were noted:-

- The meeting due to have taken place last Friday would be re-scheduled for next week.
- The Challenge 25 scheme was operated at the premises.
- The premises would be willing to continue to use agency door staff.
- New agency door staff had recently been set upon by people who had been banned from the premises; however, the Police were satisfied with the way in which the situation had been handled.

The Council's Licensing Officer, in conclusion, agreed that the Premises Licence would need to be rationalised.

The Police confirmed that they were happy with the co-operation of the Premises Licence Holder and that the agency staff had dealt appropriately with the recent incident.

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

The Sub-Committee had given careful consideration to the officer's report and all written and verbal evidence given at the hearing. It considered that in order to promote the licensing objective of the prevention of crime and disorder the conditions submitted by the Police and agreed by all parties should be imposed on the Premises Licence and implemented within 28 days of this hearing and that until then the existing interim steps imposed at the informal meeting on 8 February 2018 should remain in place. In addition, the Sub-Committee considered that the other conditions currently applied to the Premises Licence should be amended, with the agreement of the responsible officers of the Licensing Authority, the Premises Licence Holder and the Police.

### **Resolved**

That the following conditions be imposed on the Premises Licence and that all other conditions currently applied to the Premises Licence should be amended, with the agreement of the responsible officers of the Licensing Authority, the Premises Licence Holder and the Police within 28 days of this adjudication and that until then the existing interim steps imposed at the informal meeting on 8 February 2018 should remain in place:-

### 1. CCTV

- (1) 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.
- (2) CCTV cameras shall cover all entrances and exits and all areas where the sale of alcohol takes place, including fire escapes, all entry and exits and in particular shall provide an external view of the main entrance door area (including the entry recess) and an internal view of corridors to main doors and internal areas immediately next to exits.
- (3) Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days.
- (4) At all times, whilst the premises are open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the Police or licensing authority staff upon reasonable request.
- (5) The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with.
- (6) 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 these are to be recorded immediately.
- (7) Any failure of the CCTV system which cannot be rectified within 24 hours of discovery must be reported to the central Essex Police Licensing Team by phone or email.
- (8) Signs must be displayed at all entrances and exits advising customers that CCTV is operating and shall be a minimum size of 200 x 150 mm and are clearly legible at all times when the premises conduct licensable activities.

2. An incident log shall be kept at the premises and made immediately available to Police or Licensing Authority staff upon request.

The log must be kept as a bound document with individually numbered pages and be retained for a period of at least 6 months after the last incident recorded.

The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:-

- a) All crimes reported to the venue
  - b) All ejections of patrons
  - c) Any complaints received concerning crime and disorder
  - d) Any incidents of disorder
  - e) All seizures of drugs or offensive weapons
  - f) Any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the Licence.
3. Where SIA licensed door supervisors are used at the premises a record shall be maintained on the premises which is legible and details:-
  - a) The day and date when door supervisors were deployed;
  - b) The full name and SIA registration number of each door supervisor on duty at the premises;
  - c) The start and finish time of each door supervisor's worked duty period.
  - d) This record shall be retained on the premises for 31 days and be immediately provided to Police or Licensing Authority staff upon reasonable request.
4. At least 5 SIA licensed door supervisors shall be on duty at the premises whilst licensable activities are taking place and for at least 30 minutes after the premises have closed. On a Saturday, Bank Holiday, Sunday, Christmas Eve, New Year's Eve and on any event where a Temporary Event Notice is applied for and granted or hours extended, there shall be at least 6 such door supervisors deployed for the same time periods. All door supervisors engaged outside the main entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
5. The Premises Licence Holder shall not directly employ door supervisors. A third party contractor who has the appropriate SIA licence to employ door supervisors shall instead provide door supervisors. For the avoidance of doubt, that contractor is not required to be a member of the SIA "Approved Contractor Scheme".
6. At least one door supervisor supervising the entrance to the premises will wear Body Worn Video Cameras (BWV). Recordings of BWV shall be retained for a minimum of 31 days and be made available to Essex Police or an authorised officer of the Licensing Authority upon reasonable request.
7. The provision of qualified first aid staff during the time when licensable activities are taking place.
8. The premises shall have in place and operate a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive

substances and advertise the same within the premises on posters and similar means.

This policy shall specifically include but not be limited to:-

- a) Searching practices upon entry;
- b) Dealing with patrons suspected of using drugs on the premises;
- c) Scrutiny of spaces, including toilets or outside areas;
- d) Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
- e) Staff training regarding identification of suspicious activity and what action to take;
- f) The handling of items suspected to be illegal drugs or psychoactive substances;
- g) Steps taken to discourage and disrupt drug use on the premises; and
- h) Steps to be taken to inform patrons of the premises drug policy/practices.

A copy of this policy document shall be lodged with the Police and the Rochford District Licensing Authority.

9. A suitable drugs safe/cabinet shall be fitted and any seized items shall be deposited in it. The safe should be installed at the main entrance and only the Police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe. (ADLS)

The meeting commenced at 10.00 am and closed at 11.35 am.

Chairman .....

Date .....

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