

Minutes of the Meeting of the Licensing Sub-Committee held on 1 September 2016 at 7.00 pm

Present: Councillors Ben Maney (Chair), Gary Collins and Graham Snell

In attendance: Jackie Cooper , Essex Police Licensing Officer
Joanne Nash, Essex Police
Paul Adams, Principal Licensing Officer
Laura Bryan, Licensing Officer
Elizabeth Cox, Licensing Officer
Adam Rulewski, Legal Services
Jessica Feeney, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

14. Items of Urgent Business

There were no items of urgent business.

15. Declarations of Interests

Councillor Maney declared a non-pecuniary interest in respect of the application, as there was a statement within the report from PC Martin Hatfield who was a neighbour to Councillor Maney's parents. It was confirmed that no discussions had taken place between them regarding this application.

16. Determination of an application for a review of a premises licence

The Licensing Officer informed the Committee that an application had been received for a review of the premises licence at the Lounge Bar, Unit 4, Lakeside Business Village, Fleming Road, Chafford Hundred, Essex RM16 6YA. The review relates to two of the four Licensing Objectives: Prevention of Crime and Disorder and Public Safety. During the consultation a further representation had been received from the Licensing Authority in relation to the four Licensing Objectives.

On 7th July 2016, an application for a Review was received from Chief Inspector Leigh Norris, of Essex Police, Grays Police Station, Grays, Essex, RM17 5BX.

Members were informed that there had also been a representation received from the Licensing Authority.

The Essex Police Licensing Officer questioned if the Sub Committee would like to read the suggested conditions which were proposed to the applicant

and his response. The Chair accepted this request and the papers were distributed to the committee.

Members were informed that since the review application was made, an application to transfer the premises licence and vary the DPS (write in full in first instance) has been made and accepted.

The representative from Essex Police was invited to the committee to make a statement. Members were informed that the application for Review related to the following licensing objectives.

Prevention of Crime and Disorder

- Recent visits to the premise had disclosed that on two separate occasions a number of conditions of the Premises Licence were not being complied with.
- On 22nd May 2016, CCTV from the premise shows that sales of alcohol were taking place more than one hour after the terminal hour for the sale

Public Safety

- On 22nd May 2016 a very serious incident took place at the premise when three customers were seriously injured following a number of fights. Two of these customers received stab wounds whilst the third suffered various fractures to his face. All three were recorded as GBH

Essex Police read a statement to the Committee from Inspector Frazer regarding the events which took place on the 22nd May.

Councillor Snell questioned the Risk Assessment Tool which was used to trigger the need for a review. Essex Police confirmed that this tool was used by the Met Police and had been implemented by Essex Police. Members were informed that when the breached activities reached a score of 70 a review was triggered, The Lounge Bar had reached a total of 75.

It was highlighted in the statement that the fight on the 22nd May was between a group of people from London, Councillor Collins questioned how they knew the group were from London. Essex Police explained that this was hearsay.

The Applicant questioned how many incidences had occurred since the change of DPS. Essex Police confirmed that no incidences had taken place, although there had been two complaints received by the Licensing Department regarding drug use within the premises. The Applicant queried if there was any proof of this, Essex Police explained that there was no proof.

The Responsible Authority was invited to the committee to make a statement in doing so the following points were raised:

- On the 19th August 2016 the Responsible Authority carried out an inspection in the Lounge Bar, evidence of drug usage was found in the toilet. Pictures were made available to the Committee.
- The Operation Benison inspections carried out by Essex Police along with PC Hatfield and PC Colbear's statements there had also been a continued failure by the premises to adhere to the conditions which were attached to the premises licence.
- There had been numerous attempts to engage with the Premises Licence Holder to ensure the operation of the premises is not undermining any of the four licensing objectives. Licensing attended meetings with Mr O'Connor in conjunction with Essex Police where assurances were made about paperwork that would be submitted and the future conduct of the premises, neither of which had been satisfactorily followed through by the premises therefore the Licensing Department fully support Essex Police's application for a review of the premises licence for Lounge Bar.

The Applicant was invited to the committee to make a statement the following was explained to the committee:

- Previously there had been bad clientele at the bar and the applicant was looking to change this and encourage a wine bar for over 40s.
- This was a new career change and the applicant explained that he was still learning the new role.
- It was added that the applicant now works at the bar full time and will be working his hardest to improve the bar.

Councillor Snell highlighted that the Police requested a condition which required that all customers were searched on arrival, the applicant had previously stated that this may cause embarrassment for older mature customers visiting the bar with their partners. Councillor Snell questioned if this condition would now be accepted, the applicant confirmed that he would adhere to this condition.

Councillor Collins questioned the relationship between Mr. O'Connor and the Lounge Bar, members were informed that Mr. O'Connor now had a full time job and would only visit the bar as a customer.

Councillor Maney questioned where the applicant was on the evening of the 19th August when evidence of drug usage was found. The applicant explained that he was not at the premises on that evening.

Councillor Snell questioned what the applicant would do to improve circumstances at the Lounge Bar. The Applicant explained that he would adhere to all conditions, ensure that there was no loud music and put up all required posters such as 'Challenge 25'.

The Principal Licensing Officer questioned if the applicant had taken out any drug awareness training courses for members of staff. The applicant explained that he had booked some training courses with 'Knights Training' which were to be undertaken in the future.

It was questioned further what the applicant was doing on the 22nd May 2016. The applicant explained that he was intoxicated at the bar when the incidents took place, it was explained further that he did not realise that the bar was open past its licensable hours.

The Police Licensing Officer queried why the SIA staff were not wearing their identification badges, the applicant explained that the SIA staff informed him that they did not need to wear their badges on the condition that they could produce a copy of their licence. It was then questioned if the applicant held a pavement licence for outside the bar. The applicant confirmed that he did not hold a licence for this.

All parties summarised their cases and the Sub Committee retired to consider its decision accompanied by the Clerk and Legal Adviser at 20.02.

The Committee Reconvened at 20.25.

The Premises Licence was revoked.

The meeting finished at 8.30 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**