

Members of the Sub-Committee carefully considered representations for review from the Police, submissions from the Licence Holder and representations from other persons in writing, save as otherwise stated. And representations from the Police, the Licence Holder and his Legal Representative at the Hearing.

Members of the Sub-Committee considered that all Licensing Objectives had been raised by Police and other persons and they considered what steps were appropriate and proportionate to address the issues raised.

Members watched CCTV of an incident on 16 May 2017, where a 16 year old female was sold alcoholic drinks at the premises and was present for approximately four hours. It was alleged that she had shown no ID, but this was disputed and staff and the female stated she had shown the ID of her 19 year old sister to deliberately deceive. Members were of the view that CCTV did not clearly show ID being shown and in any event had it been 'flashed', it was not checked sufficiently for staff to be satisfied the girl was not underage, such that protection of children from harm was promoted properly as a Licensing Objective. The fact that the girl attended with older friends should not have distracted staff. It appeared to Members that at times she seemed intoxicated, particularly in the beer garden. When she left the premises she appeared less so, but Members are of the view that her consumption at the premises contributed to some extent to her behaviour some one and a quarter hours later at Bridge House which resulted in her being hospitalised and dealt with by Police and ambulance services. It was unknown what other factors contributed to this, but in any event sale to an underage person should not have occurred and was serious in itself.

With regard to five further incidents during April and May 2017: the incidents on 9 April 2017, 12 April 2017 and 28 May 2017, were problems with persons entering the premises and behaving threateningly or possibly having knives or batons, and having bats, bars and throwing bricks. Incidents were reported by staff and people were asked to leave. Staff behaviour was not criticised, but Police were concerned about the clientele of the premises attracting such behaviour. Members felt that there was no evidence that something the premises were failing to do caused clientele to be present that were pursued inappropriately by others. Staff responded appropriately, as agreed by Police.

Incidents on 1 May 2017 and 12 May 2017 relating to a man being found locked in the premises after hours demonstrated insufficient supervision of the staff by failure to monitor locked areas and check before premises closure. The second incident was an allegation of assault when the same man was asked to leave as barred. There was no independent evidence that the Bar Manager had carried out an assault. In any event the allegations related to a member of staff who is no longer employed at the premises. The working procedures did not adequately protect public safety and promote the Licensing Objectives.

In relation to public nuisance allegations by another person, there was no attendance by the person, or other evidence to support this. Contrary representations were made and evidence given that the car park does not belong to, and is not controlled by, the premises. No further steps in relation to this seem appropriate or proportionate.

Members were of the view that the underage sale, together with other incidents raised were not such that revocation of the licence would be appropriate and proportionate to promote the Licensing Objectives. Steps were being pursued to prevent access to the rear of the premises without going via the bar. Training is currently ongoing to qualify more staff members as Personal Licence Holders and carry out and document internal training to address any deficiencies and prevent underage sales and promote all Licensing Objectives. Records will be kept of all training and an incident/refusals register kept formally. Consideration is being given to childrens' presence on the premises and an access system for clientele.

Members were of the view that the three conditions requested by Police were appropriate and proportionate to address promotion of objectives at the premises, as shown at page 10 of the initial agenda, numbers three to five.

With these conditions in place, Members felt that removal of the DPS was not a proportionate step, but do wish to robustly remind Mr Barrett that all conditions must be complied with fully. This includes keeping training records and ensuring that training for staff, including him, is up-to-date and fully recorded to promote all objectives.

However, in order for the new conditions to be embedded and management to reflect on training and policy to promote objectives, ensure good practices and prevent future issues, particularly underage sales and for new Personal Licence Holders to be in place, there will be a suspension of premises licence for 14 days. Members consider this to be appropriate under the three Licensing Objectives raised by the Police and proportionate to the seriousness of the issue evidenced.