

LICENSING PANEL

WEDNESDAY, 22 NOVEMBER 2017

PRESENT:- Councillors Vera Tomlinson (Chair), Caryl Sydney-Smith and Peter Watts.

82. Appointment of Chair

Resolved – That Councillor Vera Tomlinson Chair this meeting of the Panel.
(Councillor Tomlinson took the Chair.)

83. Minutes

Resolved – That the minutes of the meetings held on 15th and 20th September and 30th October 2017, be confirmed and signed as a correct record.

84. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

85. Application to Review the Premises Licence for Rendezvous/The Tree, 2 Hoopers Place, Swindon, SN1 3A

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Review of the Premises Licence for Rendezvous, The Tree, 2 Hoopers Place, Swindon, (b) written representations from Wiltshire Police in support of the review, (c) a set of conditions tabled at the meeting on behalf of Wiltshire Police and the Premises Licence Holder, (d) oral submissions in support of the jointly agreed additional conditions by Ms Sarah Le Favre (Solicitor to the Police), (e) oral submissions in support of the jointly agreed additional conditions by Mr Phillip Kolvin QC, on behalf of the Premises Licence Holder, (f) questions from Members to the Police, Premises Licence Holder and officers and answers received and (g) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Manager introduced the report noting that:

- The application for the review of the Premises Licence had been brought by the Police under the Crime and Disorder Licensing Objective.
- That additional conditions jointly agreed by the solicitor to Wiltshire Police and the Premises Licence Holder had been tabled for members' consideration.
- The options available to the Panel in determining the review and the tabled additional conditions were set out in paragraph 2.1 of the report.

Ms Le Favre supported the jointly agreed additional conditions and a summary of points raised can be broadly summarised as:

- That the jointly agreed additional conditions before Members was in

response the application for review of the Premises Licence brought under the Crime and Disorder Licensing Objective by the Police in October 2017.

- That the review covered the short period since the premises opened in August 2016.
- Incidents at the premises included, but were not limited to, excessive intoxication, alcohol related violence, disorder and abuse of the police.
- Since its opening the police and consultations have worked with the Premises Licence Holder to improve management systems at the premises.
- The police felt that they had no option but to seek a review of the premises licence.
- The additional conditions were proposed to address the root causes of the issues being faced at the premises.
- The additional conditions would also allow better supervision of patron on entry, during their stay and when they left the premises.
- In respect of the additional conditions Ms Le Favre made the following points:
 - Condition 1 – This allowed for accurate age related checks and would promote more moderate behaviour as patrons would realise their details were known and traceable.
 - Condition 2 - The overall capacity was based upon a recommendation of the Dorset and Wiltshire Fire and Rescue Service. The limit on the upper floor was intended to allow staff to better monitor patrons.
 - Condition 3 – This added to an existing condition.
 - Condition 4 – This added to the definition of training requirements.
 - Condition 5 – This condition was proposed by the management of the Tree to assist in assessing levels of intoxication.
 - Conditions 6 and 7 – This concentrated on the auditing and compliance of employment record keeping.
 - Condition 8 – This was standard practice in most large venues.
 - Condition 9 – That since May 2017 breathalysers had been used by the Police in Swindon to assess levels of intoxication at licensed premises and had proven to be successful in reducing incidents.
 - Condition 10 - This was to monitor alcohol consumption as well as to assist management of the area.

Mr Phillip Kolvin QC supported the jointly agreed additional conditions and a summary of points raised can be broadly summarised as:

- That his client Mr Mok was sorry that events at the premises had led to a review and recognised that changes at the premises were needed.
- That Mr Mok would actively engage with the Police and other authorities to improve controls at the venue.
- That the application had been properly brought and had been presented with clarity and fairness by Ms Le Favre.
- That having analysed the concerns of the police the tabled additional conditions were both parties' best efforts to reach a fair and balanced solution.
- That the conditions would reduce incidents at the premises but he noted that any venue with 150,000 visitors a year would have some alcohol related issues.
- His client would comply with the proposed additional conditions.

- In respect of the additional conditions Mr Kolvin QC made the following points:
 - Condition 1 – Some clubs resisted ID scanners because they feared losing their customer base. This was because it made individuals more identifiable and more easily traced should their behaviour require this.
 - Condition 2 - The capacity was set following a fire risk assessment. It had been accepted by his client even though it meant an 11% reduction in trading capacity. It would also facilitate better management at the premises as they wouldn't be so crowded.
 - Condition 3 - The CCTV system at the club was fit for purpose.
 - Condition 3 - The use of bodycams would help reduce confrontation from patrons.
 - Condition 4 - The commitment to serving staff passing the British Institute of Innkeeping's Certificate in Responsible Alcohol Retailing would give them more confidence in dealing with patrons and would increase standards.
 - Condition 5 - The paramedic would assist in spotting potential intoxication and help patrons if they had consumed too much alcohol. This was becoming more common in large London venues.
 - Condition 6 – The need for this was obvious.
 - Condition 7 – Ex-senior police officers have been used in this capacity before and can bring management's attention to issues they might not otherwise be aware of.
 - Condition 8 – His client agreed with this proposal.
 - Condition 9 - Breathalysers were a useful analytical tool.
 - Condition 10 - His client agreed with this proposal.

Responses to questions to the Police, Premises Licence Holder and Officers from Panel members can be broadly summarised as:

- All security staff employed at the premises were SIA qualified in line with relevant legislation.
- The reduced capacity in the upper floor area would allow better management of clientele.
- Any paramedic employed at the premises would have the authority to look for drug use as part of their duties.
- Should the paramedic employed at the premises be unavailable to work an agency replacement would be employed for the period in question.
- No test level had been set in respect the use of breathalysers as they were to be used as an analytical tool to support staff.
- The use of breathalysers had proven to be effective when used in Swindon at venues selling alcohol. At one venue there had been a fall of 95% in alcohol related incidents.
- VIP bookings would be mixed groups.
- There would be 19 staff on Saturdays and 12 on Fridays as Saturdays were busier.
- A running total of people entering and exiting the premises was kept by door staff and entered into a log every 30 minutes.
- A consultant from the company providing ID scanners was scheduled to visit the property in the coming week and it was anticipated a system would be installed within two weeks.

Resolved – After considering:

1. Representations made by the Police and their legal representative, the Premises Licence holder's legal representative and the jointly submitted conditions.
2. The revocation or suspension the premises licence due to the employment of an illegal worker.

And taking into account:-

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement.

And having in mind the promotion of the Licensing Objectives and in particular, the prevention of crime and disorder.

The Panel has imposed the jointly submitted additional conditions set out below:

1 (a) Every customer to the nightclub shall be processed through an ID scanning device. (b) Without prejudice to (a) above, the Designated Premises Supervisor shall not on any evening admit more than 12 people personally known to him, whose names and addresses shall be entered on a register which shall be maintained at reception for the immediate inspection of authorised officers at all times the premises are open.

2 The licensed capacity of the nightclub shall be 800 persons including a capacity of 225 customers for the second floor room shown as the Loft on the building floor plans. Security staff shall count customers both at the entry to the venue and at the entry to the second floor room. A register of customer counts shall be maintained at reception for the immediate inspection of authorised officers at all times the premises are open.

3. The nightclub security shall use at least 6 bodycams, of which at least 3 shall be used outside the premises and 3 inside.

4. All bar managers, nightclub supervisors, full time nightclub staff, VIP floor managers, floor walkers (as described in condition 22), and bar staff shall have taken and passed the British Institute of Innkeeping's certificate in Responsible Alcohol Retailing (or any successor qualification) within 1 month of commencement of employment. A register of such qualifications shall be maintained at the premises for the immediate inspection of authorised officers at all times the premises are open.

5. The nightclub shall employ a qualified paramedic at all times the club is open, whose duties shall include checking alcohol and/or drug intoxication levels at the club during trading hours.

6. No person shall be employed at the club, whether temporarily or permanently, unless they have presented documents proving that they have a right to reside and work in the UK. Copies shall be taken and a proper record maintained of all documents provided. The record shall be maintained at the premises for the

immediate inspection of authorised officers at all times the premises are open.

7. The premises shall be subject to an unannounced compliance audit by a suitably qualified licensing consultant at least once per month until 31st May 2018 and then once every two months thereafter. The audit shall include compliance with conditions and the right to work of those working at the venue. A copy of these audits will be made available to the police and licensing authority within one month of the audit taking place.

8. A deployment plan shall be drawn up and agreed with police, to include distribution of SIA staff within the premises.

9. The premises licence holder shall purchase and utilise a breathalyser and all readings recorded and made available upon request to the police and licensing authority. A policy for the use of breathalysers shall be drawn up by management and shall be agreed by the Police and Licensing Authority. This policy shall be available for inspection by the relevant authorities.

10. Two VIP floor managers shall be deployed whenever the VIP areas are open for use, whose responsibilities shall include the supervision and control of the consumption of alcohol in the VIP areas.

Reasons

1. The Panel having regard to the submissions of both parties and the jointly submitted conditions decided not to revoke or suspend the Premises Licence given the police's agreement to additional conditions on the Premises Licence.

2. The Panel took into account during its deliberations the applicant's acceptance of the conditions jointly submitted by both parties, their co-operation in agreeing conditions and the fact that the conditions being imposed have addressed the concerns of the applicant for the review.

3. Whilst the Panel decided not to revoke or suspend the Premises Licence Panel at this time it did wish the Premises Licence Holder and Designated Premises Supervisor to understand the severity of the employment of an illegal worker, even unintentionally, and the possible sanctions available in accordance with paragraph 11.28 of the Section 182 guidance.

The Chair reminded both parties that they had the right of appeal against this decision to the Magistrates Court. Any such appeal should be made within 21 days of the decision.