

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 23 November 2010

PRESENT: Councillor Wilson (Chair)
Councillors Reeve and PM
Varnserry

M Rahman
N Brindley
P Bayliss

Solicitor
Democratic Services Officer
Licensing Officer

Applicant for the Review

I Grieve

Northamptonshire Fire and Rescue

For the Representor

Mr Shields
Mr R Lewis

Solicitor for Trust Inns Ltd
Business Development Manager for Trust Inns
Ltd

1. THE TANNERS, 32 FARMFIELD COURT, THORPLANDS, NORTHAMPTON NN3 8AG

Councillor Reeve advised the Committee that he had retired from the Northamptonshire Fire and Rescue Service three years ago but had not been involved with the case or the Fire Officer.

The Licensing Officer outlined the purpose of the hearing explaining that an application for a review of the premises licence had been received from Northamptonshire Fire and Rescue Service with evidence to support the failure of a licensing objective to public safety. The Licensing Officer then explained the procedure of the hearing.

Applicant for the Review

Ian Grieve from Northamptonshire Fire and Rescue Service explained the background of the review. He confirmed that he visited the premises in February 2010 and he met with the then license holder, Jack Wall, and had found that there were a number of deficiencies identified which had included ground floor exit locked, no fire drills, fire alarm and emergency lighting not tested. Notice was therefore served to Jack Wall, the Shaggy Pub Company Limited as the workplace employer and Trust Inns Limited as the owners of the premises. The next time they had visited the premises they had been met by Penny Dixon who had been employed since 23rd August 2010. He had noted that the break glass call point had been activated and Ms Dixon was not aware of how the fire alarm had worked and had not completed a risk assessment. He confirmed that he had provided her with the usual guidance and referred to the Government website. Their emergency plan was to meet at the shops outside the building although this had not been put into writing.

Mr Grieve advised that the premises was over three floors with the main bar on the first floor

and the third floor was accommodation for the Premises Licence Holder. The fire exit was locked and there was no key available which was not satisfactory. If the main entrance had been compromised then the locked exit would be the second way out of the building. There were also plastic bins in the toilets and he had informed Ms Dixon of the two fires previously at the premises.

In response to a question from Councillor Wilson, Mr Grieve confirmed that the fire alarm did not activate during the fires. When he had attended the premises the number of LED's on indicated that the alarm did not work properly and was disabled. In the cellar the whole room was filled with furniture from the previous tenants and there were fire concerns in that area. At the rear of the building the final exit door was locked shut and there were no keys available to unlock it. Fire safety had been highlighted and Ms Dixon was informed that she would receive an enforcement notice as well as the Shaggy Pub Company and Trust Inns Limited. Ms Dixon was the responsible person and The Shaggy Pub Company was the responsible employer.

Mr Grieve confirmed since then he had visited the premises on two more occasions with the last time being on 19th November 2010 where he had met with Ms Dixon and Mr Lewis. Even though they had moved forward with the enforcement notice there were still a number of issues outstanding. He had raised concerns that there had been a number of new managers employed at the pub and each time they had not received the support from their employer.

Questions to the Applicant

In response to a question from Councillor Reeve, Mr Grieve confirmed that the February inspection was the first available time that they could visit the property due to other work commitments. They were also unable to contact the licence holder to arrange an inspection before this time.

Mr Grieve confirmed that the Fire Service did not provide training unless it was requested. The workplace employer should provide the training so people were fully aware of their responsibilities. Any sleeping accommodation carried the highest risk and the inspection frequency was every three years. There were fewer risks in Public Houses and the inspection was every seven years unless there was a complaint or a multiagency inspection. He confirmed that due to resources it was not practical to go out to every single property and to visit every premise was impossible.

In response to further questioning, Mr Grieve confirmed that he visited the premises when it was open and the fire exits were still locked.

Representation by the Respondent

Mr Shields from John Gaunt and Partners explained that Trust Inns Limited owned a large number of premises in the country and let out to autonomous tenants who carried out the day to day activities but could get assistance from Trust Inns on fire safety matters and wider obligations. They had hoped that Ms Dixon would take over as the new tenant as they would be removing the Shaggy Pub Company as the current tenants. At the last hearing Trust Inns had intervened and had assisted to ensure the matters were addressed and had periodically checked the situation. The Business Development Manager would visit the premises every 6-8 weeks to inspect and the certification had been put in place. The points which had been raised in the report were in place following last years hearing and were still in date and had been updated although they were not available for inspection at the time. The responsibility to ensure that the certificates were up to date was with the Shaggy Pub Company and the Managers they employed.

Mr Shields confirmed that Ms Dixon took over as the DPS on the 10th September 2010 and stressed that the inspection took place four days later, the pub was a quite community premise and one person ran the pub the vast majority of the time. Trust Inns had put in place the necessary certification and the situation had been responded to on a different level. Penny Dixon had been in the licence trade for 5-6 years and would be fully supported by Trust Inns. They had been badly let down by the Shaggy Pub Company and would be removing them from the site. There had been no other representation from other authorities in relation to the running of the premises.

Questions to the Respondent

In response to a question from Councillor Wilson, Mr Lewis, the Business Development Manager for Trust Inns Ltd confirmed that he had officially taken over the area as from 1st November 2010 and had meetings with Ms Dixon and the Fire Officer. The Shaggy Pub Company had changed area managers a number of times and did not follow up to ensure documents changed from one Manager to another. Mr Lewis confirmed that there had been three area managers of Trust Inns Ltd and Julie Wilson had been the area manager for the longest time. He was now the area manager on a permanent basis and had been looking after pubs in Northampton since 2000. The management structure had changed and there was now one person responsible for a whole area.

Ms Dixon confirmed that she had all the keys for the locks, the alarm was now working and she knew how to use it. The majority of the cellar had now been cleared out. She had been in the pub trade for 5-6 years and worked at the Broadmead, Clicker and Bantam Cock mostly as a barmaid and assistant manager. She was responsible for the general fire escape and the manager was responsible for the alarms.

Mr Grieve confirmed that the premises were checked on Friday and there was the minimal amount left to do which would be complied with but was confident these would be resolved in the near future and commented that they had improved 1000%.

Mr Shields confirmed he would investigate why the licence holder was not available when the Fire Service had tried to contact them.

Mr Lewis explained that Trust Inns were responsible for the exterior of the property and the tenant would be responsible for the internal which included broken glass fire alarms, secondary lighting etc.

In response to a question from the Solicitor, Mr Lewis advised that the Shaggy Pub Company would be removed as a tenant within the next month and would ensure they were not in this situation again. It is planned and hoped Ms Dixon would become a direct tenant.

In response to further questioning, Mr Shields confirmed that the premises was on different levels which made disabled access difficult although staff would be given training next week to assist disabled customers off the premises. The premises did comply with the Disability Discrimination Act.

Mr Grieve confirmed that the phone line to the premises would be reviewed as part of the emergency plan. In response to a question from the Solicitor, Mr Grieve confirmed that they could make regular visits to the premises every three months.

Mr Lewis advised that it was the tenants responsibility that adequate training is given to the staff. As part of the Trust Inns package the tenants would receive a welcome pack which

would give details of health and safety, manual handling and secondary lighting. They would guide the tenants on what courses to take but it would be down to them to organise it. They did not recommend specific courses as every area was different.

Mr Grieve confirmed that there was still work to be done on the fire risk assessment, records of staff training to be produced and raising the alarm. He had received the necessary certificates for the fire fighting equipment. He had been assured that the outstanding matters would be completed but the notice did not expire until mid December. He considered there to be a lack of fire safety by the employers.

Summing up by the Applicant

Mr Grieve had no further comments.

Summing up by the Respondent

Mr Shields confirmed that there was a difference between this and the last hearing as the site was very different and there would be action taken against the Shaggy Pub Company. He advised that the emergency lighting certificate was in place but had not been produced. Trust Inns Limited had faced this situation very rarely but had been let down by the tenant and undertook work from the last hearing and carried out periodic which had decreased after they had been satisfied the work had been done. The Licensing Officer had made no objections and progress had been made and checks undertaken as there was a reliance on the tenant who had the day to day operation. They would now have direct contact with Ms Dixon and would ask this to be taken into account.

The Determination

There being no further questions, the Sub-Committee adjourned at 10.55 to make a decision and the Solicitor was called for advice.

The Sub-Committee reconvened at 11.54.

Having regard to the Licensing Act 2003 and the guidance thereunder; the Council's Licensing policy statement and the representations made, the following conditions are to be added to the premises licence:-

1. The Designated Premises Supervisor shall remain within the vicinity of the premises on a regular basis as reasonably expected.
2. The Premises License Holder and the Designated Premises Supervisor meet with the Fire Authority within 21 days, with a view to holding quarterly (or more frequent) inspections for at least the next 18 months.
3. The Designated Premises Supervisor shall demonstrate to the satisfaction of the Fire Authority overall Fire Safety Management Procedures including knowledge of and compliance with Small & Medium Place of Assembly Guidance

The Committee determined that without these conditions the Licensing Objective of Public Safety would be seriously compromised.

Councillor Wilson expressed concern that these issues were still ongoing, a phone line had not been installed and this was the second time it had come to Committee. It was her view that Trust Inns Limited should have had more involvement to ensure this did not come to Committee again. If one person was injured in the pub it was one person too many as the

safety of the people of Northampton was paramount.

The meeting concluded at 11.54