

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Tuesday, 23 May 2017

**COUNCILLORS PRESENT:** Councillor Ansell (Chair) Councillors Beardsworth and Duffy

**OFFICERS:** Louise Faulkner (Licensing Team Leader)  
Eleanor Flannery (Licensing Enforcement Officer)  
Mehboob Kassam (Solicitor)  
Ed Bostock (Democratic Services Officer)

**FOR THE APPLICANT:** PC Chris Stevens (Northamptonshire Police)

**FOR THE REPRESENTORS:** Tim Shields (Solicitor, Trust Inns)

### 1. WELCOMES

The Chair welcomed everybody to the meeting.

### 2. DECLARATIONS OF INTEREST

There were none.

### 3. REVIEW OF LICENCE - THE BANTAM

#### Introduction:

The Licensing Enforcement Officer outlined the circumstances as set out in the report. Members were informed that an application to review the Premises Licence for the Bantam Public House was received on the 6<sup>th</sup> April 2017 under the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety.

#### Representation by the applicant:

PC Chris Stevens from Northamptonshire Police addressed Members, first commenting that the size and location of the pub were important factors; maximum capacity would only see approximately 280 customers inside. The pub closed at 6am on weekends and was the latest opening premises in the area. Compared to other premises open as late, the Bantam was represented disproportionately in the crime figures and incident reports by no small amount.

PC Stevens informed Members that he would be focusing on 3 incidents but asked that every other incident be recognised, as each crime had a victim who had either been assaulted or the victim of theft.

The first incident occurred on 1st April 2017 at roughly 5:45am. The injured person (IP) had been inside the pub, as had his attacker, before an altercation occurred outside. It was during the altercation that the IP was stabbed twice; once in the chest and once in the back. He suffered a punctured lung, requiring a chest drain and surgery. It was noted that the offender had been inside the pub before the incident took place, so PC Stevens stated it would be reasonable to assume that a weapon had also been brought inside. It was also

noted that the IP stated that the offender and his group of friends had caused several fights over the course of the evening and no action was taken by door staff to eject the group from the premises. There were also no calls to the Police regarding the incident, the first notification being from the CCTV controller and when the IP presented himself to hospital.

At this point in the meeting, PC Stevens showed Members footage of the offender entering the premises. Door staff did not search him, nor did they use their hand held wands. They did use them on a man who followed the offender into the pub, because he had his hands in his pockets as he entered. However, PC Stevens stated that as the doorman only poked at the man's jacket instead of sweeping the wand across the man's body, the search was insufficient. The footage then showed the IP, offender and company walking away from the pub to a location off camera, then the offender returning to the premises minutes later, only to be refused entry. Members' attention was drawn to the pub's "Door Staff Coverage Area" within the risk assessment and "Dispersal Policy" which PC Stevens stated were not adhered to, as the footage showed no door staff outside the pub when the incident occurred and at the end of the night, patrons were all ejected from the premises, including the IP, to the location of his attacker. The door staff on the night were new employees, replacing staff that had been removed following an incident on 4<sup>th</sup> February 2017. CCTV footage was played to Members which showed one doorman holding a man to the ground outside the pub while the other kicked him repeatedly. It was noted that the IP in this instance had assaulted a member of the door staff inside the pub before this incident took place.

On the same night, a fight resulting in another male breaking his jaw in two places, stating that it happened inside the pub.

A further 3 assaults had been recorded following the review application; 2 were classed as GBH with intent and one of these assaults, taking place on 24<sup>th</sup> April 2017, resulted in the IP's jaw being broken in 4 places. The crime log for that incident stated that a door man asked the IP what had happened, despite the IP believing that he witnessed the assault and did nothing.

The second assault took place on 15<sup>th</sup> May 2017 at approximately 3:30am, the IP having been glassed inside the premises resulting in deep cuts to his face very close to his eye. PC Stevens showed two pieces of footage, the first being CCTV recording from inside the premises and the second from an attending Police Officer's body-worn camera. Immediately after the assault, the offender walked out of the pub, past a member of the door staff, who did nothing. The footage from the body-worn camera showed the IP refusing assistance from the Police and 3 paramedics, of whom the latter were recorded as saying the door staff were intimidating and unhelpful, going inside the pub and closing the door behind them when the Police arrived.

In this instance, it was noted that the Designated Premises Supervisor (DPS) was very quick to respond, calling an ambulance and attending to the IP. The body-worn footage also showed the DPS outside talking to the Police.

PC Stevens commented that since 10<sup>th</sup> September 2016 there had been 16 recorded assaults taking place either inside the premises or immediately outside; of those 16, all but 3 took place at or after 3am, but all took place after 2am. PC Stevens stated that it was the position of the Police that the safety of the public was being undermined at those late hours on the weekends, commenting that the contrast between pre and post 2am was drastic. He further stated that although the DPS had been mostly co-operative and helpful in providing CCTV and statements when needed, it had to be the position of the Police that it was not addressing the issue that people continued to be assaulted, with lasting injuries on 4 recent occasions. PC Stevens commented that the Licensing Objectives were worded in such a way as to be proactive, not just reactive.

Whilst making the review application, PC Stevens consulted the Section 182 Guidance, specifically paragraphs 2.1, listing the Police as the main source of advice on crime and disorder, 11.8, referring to previous warnings issued either in writing or orally. Ongoing contact between the Police and the DPS had failed to achieve the required improvements over an 18 month period, Members were told.

Also consulted were paragraphs 11.19 and 11.20 when determining the outcome of the review, along with the last sentence of paragraph 11.26, which referred to placing a duty on the licensing authority to take action in the wider interests of the community.

In response to questions asked, Members heard that of the 3 pubs or bars that were open until 6am on a weekend, the Bantam was the only one outside of the town centre. They were also informed that although breath screening kits were offered by the Police, the pub did not get many positive results from their use; they were used more for support for the door staff, or as a reason to refuse entry after 3am. They heard that a private course was all that was necessary to obtain an SIA licence, but that door staffing companies were also required to be registered. PC Stevens referred to what the Police call the "Golden Hour", the 60 minutes immediately following an incident in which the Police relied on door staff passing on information, stating that delays compromised evidence gathering. Members also heard that regarding the incident on the 15<sup>th</sup> May 2017, the door staff were outside of the pub with the paramedics, they only went back into the pub after the Police had arrived. It was also noted that the pub's front door did remain slightly open but was pulled to, to stop anybody else from entering. With regards to the back garden gate, Members were told that this was a fire escape so could not be locked. But during peak times, the garden area was supervised.

#### **Representation by the respondent:**

Mr Tim Shields, from Trust Inns, addressed Members. He stated that of the approximately 45 pubs owned and run by Trust Inns, this was the only review currently taking place. He also brought Members' attention to the training he and his staff had completed, both required and voluntary. He also asked Members to take into consideration that because the DPS's infant child had been in very poor health so from July 2016, he had been less involved in the running of the pub.

Mr Shields informed Members that the DPS had always been co-operative with the Police and their feedback had always been positive. He stated that the provided fire safety assessments showed there to be no issue, and the capacity log, which the DPS introduced of his own volition, showed that the pub did get extremely busy on weekends for such a small venue.

Mr Shields made comments in relation to the amendments contained within the review application. He and his client took issue with the proposal of a 3am closing time and also with door supervisors being present from 11:30pm as they were already present from 12am, suggesting that the change in policy would be insignificant. He also suggested an amendment that was not part of the application; that glasses and bottles be swapped for plastic or polycarbonates on weekends.

Mr Shields stated that for all of the correspondence the DPS had had with the Police, no conversation had taken place before the review was called. He also stated that the "niche incidents" report within the agenda was not how they had been "painted" to be; some of the incidents had no accompanying Police report, others were possibly domestic issues or incidents that had taken place away from the premises. He also disputed the claim that on 1<sup>st</sup> April 2017, the offending man and his group had caused 5 or 6 fights over the course of the evening and stated that there was no evidence of the IP or other patrons being forced

from the premises. Regarding 4<sup>th</sup> February 2017, Mr Shields noted that the door supervisors in question had been removed from their post as agreed with the Police. It was further noted that the IP had gained access to the pub by climbing over the garden wall as he had been banned and had also assaulted a door supervisor. The same man came back to the Bantam the following day and had to be removed by 7 Police Officers, also on 10<sup>th</sup> April 2017. On this occasion, 2 Police Officers happened to be passing by and assisted in removing the man from the pub without incident.

Regarding the incident on 1<sup>st</sup> April 2017, Mr Shields stated that the door supervisors were not required to search every customer and although the offending man was not searched, others were over the course of the evening. It was also noted that without evidence of a weapon and the attack happening off camera, nobody could say for certain that the IP was stabbed or that the offender brought a weapon into the pub; he could have found something outside to assault the IP.

Regarding the 15<sup>th</sup> May incident, Mr Shields asserted that it happened so suddenly there was no time for staff to intervene. It also appeared, according to audio footage of the IP speaking to Police, that he and his attacker knew each other

Regarding the incident taking place on 24<sup>th</sup> April 2017, resulting in a man's jaw being broken in 4 places, there had been no request for CCTV from the Police. Whilst the report stated that the incident took place on the premises, Mr Shields stated that was "a huge leap" as no interview with the IP had taken place.

It was noted that mobile phone thefts were rarely reported and even when they were, it was only assumed that it happened in the Bantam and not in a kebab house or a taxi on the way home, for example.

In response to questions asked, Members heard that the decision to remove the two door supervisors following the 4<sup>th</sup> February incident was made by both the DPS and the Police, being the best course of action at the time. They were also informed that the DPS had been in contact with Prestige Security regarding Police recommendations, including dispersal and the requirement for door staff to wear hi-visibility garments at all times. It was noted that while the DPS had been less involved with the running of the business in the last 6 months, he was almost always on the premises, always had a walkie-talkie on him and was usually covering the CCTV cameras. Additional CCTV cameras had recently been installed, Members heard.

It was explained that the DPS felt he had received little support from the Police in terms of their presence at the pub; they would occasionally drive past and on the weekends, would pass the pub while an altercation was occurring and do nothing. The weekend starting Friday 19<sup>th</sup> May 2017 was an exception, however; for the first time in the DPS's 7 years running the pub, the Police came inside to ensure everything was running smoothly and stationed themselves outside for a period of approximately 40 minutes on both the Friday and Saturday nights. It was noted that possibly due to the pub's location and opening hours, it did not see the normal "Bridge Street clientele", the pub's patrons were generally in their mid-twenties or older. Mr Shields commented that if required, the door supervisors would carry out searches on every person who came through the doors, as well as the capacity log being updated at hourly intervals

With regard to the employment of door supervisors, Members heard that they were employed through an agency. It could not be known how a door supervisor might react in a volatile situation until it happened.

### **Summing up by the applicant:**

PC Stevens explained it was the opinion of the Police that the Crime and Disorder and Public Safety Objectives were not being upheld, as evidenced by the high levels of violent crime, including but not limited to the 4 cases of GBH since 1<sup>st</sup> April 2017. He stated that the continued operation of the premises after 3am represented a clear and evidence based risk to the Licensing Objectives. The Licensing Act, Members heard, was a proactive piece of legislation, with the aim of preventing incidents; a reactive approach was considered unacceptable. A stepped approach had been followed, improvements made but subsequently lost; the Sub-Committee were urged to consider the new conditions.

### **Summing up by the representor:**

Mr Shields stated that a number of the Police reports had no foundation, either taking place outside of the pub or CCTV footage showing nothing apparent when checked by the premises. He noted that the DPS had always been co-operative with the Police when needed and that it was unfortunate that the review had been called for without any prior discussion with the DPS. He also argued that phone calls, letters and email exchanges did not equate to a "stepped approach" and questioned the presence of weapons on the premises, given that no weapon was ever discovered or seen on camera. He noted that the conditions were agreed and asked that the Sub-Committee take into account the DPS's running of the pub for the last 7 years.

### **RESOLVED:**

Thank you for attending the Licensing Sub-Committee to consider the review of the Premises Licence for The Bantam Cock, 7 Abington Square, Northampton, NN1 4AE.

The review was called by a responsible authority namely the Police under the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety under Section 51 Licensing Act 2003.

The Sub-Committee have carefully considered the application, representations from the Police, the representative for the Premises Licence and the Designated Premises Supervisor himself.

The Sub-Committee have therefore decided unanimously that on a balance of probability, the current operation of the premises is not promoting the Licensing Objective of the Prevention of Crime and Disorder and of Public Safety.

Therefore it is considered unanimously by the Sub-Committee that the following are appropriate and proportionate under Section 52 Licensing Act 2003:

To modify conditions on the Premises Licence with the addition of the following conditions:

- 1) A fully working and maintained CCTV system capable of recording and storing images must be installed on the premises. The CCTV system must record at all times the premises are open to the public and images must be stored for a minimum of 28 days with date and time stamping. The CCTV coverage must cover all entry and exit points, both sides of all areas where the sale/supply of alcohol takes place, the external garden area and the curtilage of the building.
- 2) A minimum of 3 door supervisors licensed by the S.I.A. must be present and on duty at all times when the premises is open to the public and licensable activity is taking place after midnight on a Friday and Saturday night and a Sunday when it precedes a Bank Holiday Monday. This will also apply to Christmas Eve and New Year's Eve

where they fall on a day other than a Friday or Saturday.

- 3) Door supervisors employed at the premises will wear high visibility outer garments at all times both when working inside and outside the premises.
- 4) The premises do have a policy to deal with identification of and dealing with people who are vulnerable due to their presence in the night time economy.
- 5) The premises do have and apply a Dispersal Policy. Such policy to be agreed with Northamptonshire Police.
- 6) That all drinks be decanted or served in polycarbonate/plastic glasses on Thursday, Friday, Saturday and Sunday when licensable activities are taking place.
- 7) The closing time of the premises shall be no later than 05:00 Fridays and Saturdays.
- 8) The terminal hours for licensable activity be no later than 60 minutes prior to the premises closing time as per Condition 7.
- 9) No persons shall be allowed to enter or re-enter the premises after 02:30 on Thursday, Friday Saturday or Sundays.

The Sub-Committee received advice in terms of:

- 1) The Licensing Objectives
- 2) The legal test to be applied
- 3) The options available to the Sub-Committee
- 4) Section 182 Guidance

The reasons for the decision are as follows:

- 1) The Sub-Committee noted that a stepped approach to the premises had been taken in accordance with para. 11.17 and 11.18 of the Section 182 Licensing Act 2003 Guidance by way of letters sent to the premises outlining the concerns of the Police.
- 2) The restriction of not allowing persons to enter or re-enter after 02:30 would on balance promote the Licensing Objectives of Prevention of Crime and Disorder.
- 3) The reduction of the opening hours and sale of alcohol hours is appropriate to reduce incidences of Crime and Disorder and to ensure public safety.
- 4) The decision being in the interests of the wider community
- 5) Under Section 182 Guidance the Police being the main advocates for the prevention of Crime and Disorder

Any persons aggrieved by this decision has a right of appeal to the Magistrates Court no later than 21 days from the date of receiving the decision notice.

#### **4. EXCLUSION OF PUBLIC AND PRESS**

The meeting concluded at 2:11 pm