



Minutes of the Licensing Sub-Committee

26 April 2018

-: Present :-

Councillors Doggett, Stocks and Thomas (D)

(Also in attendance: Councillor Stubley)

9. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

10. Winstons, Station Square, Paignton

Members considered a report on an application for a review of a Premises Licence in respect of Pickwick, Station Square, Paignton, formerly known as Winstons.

Oral Representations received from:

| Name | Details |
|-----------------------------|---|
| Applicant (Police) | The Police outlined their application and responded to Members questions. |
| Respondent's Representative | The Respondent's Representative set out their response to the application and responded to Members questions. |

Additional Information

The Chairman permitted an extension of time for oral representations and advised that each party would be permitted 15 minutes to make their representations.

Decision

That the Premises Licence in respect of Pickwick, Station Square, Paignton, formerly known as Winstons, be reinstated, subject to:

- i) the sale of alcohol shall cease at 1 am;
- ii) the premises shall be open between 8am and 1.30 am, Monday to Sunday;

and the following conditions put forward by the Police and as agreed by the Applicant:

1. A CCTV system must be installed and maintained at the premises to the satisfaction of Devon and Cornwall Police. The system must run and record

continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days;

2. The CCTV system must provide a clear head and shoulders view of patrons and staff to an evidential quality on every entry/exit route and within any other vulnerable areas, as identified by Devon and Cornwall Police;
3. Recorded footage taken from the CCTV system must be provided to a representative of any Responsible Authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times;
4. The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request;
5. Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practical. The Police Licensing Officer or Police Licensing Team shall be notified by email of all defects, the action required to rectify the situation and the time frame for such action within 24 hours of the defect being identified;
6. At all times when the DPS is not on duty, their contact telephone number shall be made available to the Responsible Authorities on request;
7. An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:
 - (i) Any incident of violence or disorder on or immediately outside the premises;
 - (ii) Any other crime or criminal activity on the premises;
8. A Barred Customer Log book shall be kept at the premises and made available to the Responsible Authorities on request;
9. The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs. A copy of this policy shall be retained on the premises and shall be made available for inspection by a police officer, a police licensing officer or officers of the local authority on demand;

10. Written records in relation to the use of the breathalyser shall be completed and all documents shall be retained on the premises for a minimum period of 12 months, and be available to the police or local authority licensing officers on demand;
11. A record of all staff training, including copies of all relevant BIIAB Certificates, shall be kept at the premises for a minimum period of 12 months and be available to the police or Local Authority Licensing Officers for inspection on demand;
12. On any occasion that the premises sells alcohol after midnight SIA door stewards shall be employed at the premises from 2200 hrs at a ratio of 2 stewards for the first 100 customers, and thereafter 1 additional SIA steward for each additional 100 customers or part thereof. In addition, the Premises Licence Holder shall also carry out a risk assessment, taking the layout of the premises and the proposed activity to be carried out into consideration, to determine whether any additional stewards are required;
13. On every operational day that SIA door supervisors are required, then those stewards who are employed for front of house duties must wear yellow high visibility jackets for the entirety of their duty;
14. Whenever door stewards are employed at the premises there must be at least 1 female steward;
15. The premises shall have a metal detector wand which will be used randomly whenever door stewards are on duty;
16. Any persons employed at the premises in the sale and supply of alcohol, shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing (or other similar qualification as agreed with the Police Licensing Officer) within 3 months of the date of the Review or commencing employment at the premises;
17. The Designated Premises Supervisor must hold or complete the BIIAB National Certificate for Designated Premises Supervisors within 3 months of the date of the Review or commencing employment at the premises;
18. A Personal Licence Holder shall be on duty at all times the premises sell or supply alcohol;
19. There shall be no entry or re-entry to the premises after 12 midnight; and
20. The Premises Licence Holder shall apply to the Local Authority to request permission to use retractable barriers at the front of the premises between the hours of 10 pm and 1.30 am.

Where there is a duplication or conflict of wording with any conditions on the current Premises Licence, these conditions shall supersede those.

Reason for Decision

Having carefully considered all the written and oral Representations, Members resolved to reinstate the licence; subject to the additional conditions which they determined were appropriate and proportionate to facilitate the necessary culture change needed at these premises and to promote the Licensing Objectives.

In coming to this decision, Members had careful regard to the changes that had been implemented by the Premises Licence Holder during the interim period and whether these, along with the agreed conditions put forward by the Police would alone, address the serious concerns they had, on hearing the evidence before them at the Summary (Expedited) Review hearing on the 4th April 2018.

Given the apparent absenteeism of the Premises Licence Holder to date, the inactions and serious failings of the previous DPS and SIA door stewards, Members remained somewhat concerned that it had taken the Summary (Expedited) Review and suspension of the Premise licence, for the Premises Licence Holder to take steps to improve these premises in line with his obligations as a responsible licensee.

Notwithstanding this and after serious consideration to revoking the premises licence, Members noted that the Premise Licence Holder is now taking an active role in the future operations of these premises and were assured that the newly appointed member of staff, who will be the replacement DPS, has the necessary experience and determination to continue making improvements at the premises and would ensure compliance with the conditions of the Premises Licence.

In concluding, Members determined on the evidence before them, that it was appropriate and necessary to reduce the premises operational hours, insert a re-entry condition and to reduce the sale of alcohol to 1am in an attempt to discourage intoxicated persons migrating to these premises when other licensed premises in the area closed.

Chairman/woman