



## Minutes of the Licensing Sub-Committee

19 August 2019

**-: Present :-**

Councillors Brooks, Ellery and David Thomas

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#### 4. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

#### 5. White Hart Inn, 48 Temperance Street, Torquay

Members considered a report on an application for Full Review of a Premises Licence, following an application made under section 53A for a Summary (Expedited) Review of the White Hart Inn, 48 Temperance Street, Torquay, TQ2 5PU. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Application for a Summary (Expedited) Review (exempt)	24 July 2019
Police	Additional information submitted by the Police showing a log of crimes recorded between 2006 and 1 August 2019 and a log of incidents at the White Hart since 28 June 2012.	various
Police	Photographs (exempt).	22 July 2019
Torbay Council Safeguarding and Reviewing Service	Representation suggesting four conditions that should be added to the Licence on the grounds of 'prevention of crime and disorder' and 'protection of children from harm'.	29 July 2019

Additional Information:

With the agreement of the Chairman the time for making representation was extended to 1 hour to allow the Police to show CCTV footage of the recent assault.

An image using Google maps to identify the location of the Premises was circulated to all parties present, with the agreement of the Chairman.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application for a Full Review of the Premises Licence, showed CCTV footage and responded to Members' Questions.
Respondent	The Respondents legal representative submitted a response to the Review and answered questions on behalf of the Premises Licence Holder, Admiral Taverns.

Applicant's response to Representations:

Ten proposed conditions suggested by the Police, were circulated to all parties present at the meeting with the agreement of the Chairman.

Miss Clamp, on behalf of Admiral Taverns, following a 30 minute adjournment to consult with her client, Admiral Taverns, accepted the ten conditions in principle, but suggested changes to some of the conditions and questioned how others would be enforced.

**Decision:**

The Premises Licence in respect of the White Hart Inn, 48 Temperance Street, Torquay, TQ2 5PU be revoked.

**Reason for Decision:**

Having carefully considered all of the written and oral Representations, the Sub-Committee resolved that on the evidence before them, the only appropriate option was to revoke the premises licence to ensure that patrons who frequented these premises were safe and The Prevention of Crime and Disorder licensing objection was not undermined further by these premises operations.

In coming to their decision Members gave full consideration to the representation made by the Police and their initial request, which was retracted in their summing up, that the premises licence be suspended for three months together with ten conditions proposed by them to be added to the licence. Members also gave full consideration to the Respondents offer to accept those ten conditions in part, the offer also of a three month suspension and two conditions proposed by them.

Whilst this should have alleviated the concerns of Members, it was following the oral representation from the Respondents legal representative, that Members could not be satisfied that since the serving of the summary (expedited) review application on the 24<sup>th</sup> July 2019 and today's hearing, that the Respondent had sufficiently demonstrated proactive measures to prevent the likely reoccurrence of violent incidents continuing at these premises once and if, it reopened as a licensed premises. Members noted, notwithstanding the interim step to suspend this premises licence until the 21 August 2019, the Respondents submission that these premises were up for sale and may not be sold as a licensed premises.

Members resolved that a three months suspension of the premises licence would not eliminate the risk to patrons safety, noting the historical number of incidents recorded at these premises by the Police which has resulted in it having the third highest crime rate of all premises within the area in the last four and a half years, that this is a regular's pub and should it opened again, there was no robust plan that would seek to prevent those patrons associated with these incidents returning. This Members determined on the evidence before them that the individual who was involved in the violent incident on the 15<sup>th</sup> July 2019 where a weapon had been used, was the same individual involved in the serious violent incident on the 22<sup>nd</sup> July 2019, where the victim could have sustained life changing injuries. Members noted that this individual had not be banned from the premises and had he been so, the indecent on the 22<sup>nd</sup> July 2019 may have been avoided. Members considered whether the removal of the current Designated Premises Supervisor would go far enough to alleviate the issues of concern, given her inaction to operate these premises in a responsible manner but resolved that there was an historical cultural issue of concern relating to these premises and that the current Designated Premises Supervisor had only been in the post is post since 21<sup>st</sup> November 2018, whereas incidents of concern dated much further back. Members noted the Respondents submission that they had removed the current Designated Premises Supervisor and had served her with a notice to quit the premises but it was reported by the Licensing Officer at the hearing, that they had not received formal or verbal notification from the Respondent of this change.

Given the seriousness of the injuries suffered and level of the violence that had occurred at this premises on the 22<sup>nd</sup> July 2019, which Members viewed the CCTV footage of and were advised a copy of this footage had been sent to the Respondent to view also, Members were extremely concerned to learn that despite being offered on three separate occasions following the summary (expedited) review hearing and prior to this hearing, an opportunity for the Respondent to meet with the Police to discuss their concerns, the Respondent had declined these offers due to the distance of their offices and the availability of a representative. Members could not fathom why an area manager who attended these premises every 4 to 6 weeks on average or a sufficiently qualified member of staff, if this person was not available, could not, given the scale of the Admiral Taverns operation, attend a meeting with the Police to collectively look at measures and devise a robust plan to ensure that further incidents of such violence did not reoccur.

This in Members opinion demonstrated a lack of commitment to address what is an escalation of serious violent incidents which they should have known and been proactive to address sooner, given the evidence of the Police which dated back to 2009. To state that they were not aware of such incidents, despite regular visits by an area manager and that it was for the Responsible Authorities to notify them, fell well below the standard reasonably expected by Members of a responsible Premises Licence Holder whose premises are situated within the Authority's Cumulative Impact Area. This being an area identified by the Police as being subject to high levels of alcohol related crime and public nuisance and whilst not a new or varied application, it was reasonable to expect the Respondent to be aware of the area in which their premises is situated and that their premise operations

was largely a contributing factor to this negative status. Members also noted the wording of the Licensing Objective, which is the 'Prevention' of Crime and Disorder, and determined that it was not unreasonable for them to have expected a Respondent such as Admiral Tavern to have been more proactive in ensuring that these premises were operating in a way which maintained promotion of the Licensing Objectives and where they were found not to, taken robust action to address this.

Members noted the submissions of the legal representative, in respect of only having had sight of the ten conditions, once circulated at the hearing and having had a 30 minute adjournment to discuss them with Respondent. However, they unanimously resolved that, notwithstanding the short notice and noting that no further period of adjournment had been requested by the Respondents legal representative as necessary, had a representative of the Respondent attended one of the three offered meetings, they would have had the opportunity to have collectively formulated these conditions with the Police and demonstrated reassurance to Members of their intended compliance. Instead, Members were presented with an attempt by the Respondent to refine some of the conditions in a way that abdicated any responsibility by them in submitting that the Designated Premises Supervisor was a self-employed person and that whilst they could inform them of such requirements within the conditions, they could not ensure they were undertaken. The metaphor 'taking a horse to water' was submitted.

When asked what the Respondent had proposed to put forward in response to this Review, not knowing what the Police's proposals would have been, Members were concerned to learn that other than a three month suspension, two conditions were proposed which would provide for enhanced training and CCTV. Given the seriousness of the matters to which the premises appeared before them, Members found that proposed by the Respondent, fell well below that needed to address the serious and historically persistent concerns at these premises.

Members had grave concerns, following the submissions of the Respondent's legal representative that the Respondent sought to abdicate their responsibility by seeking to remove themselves from being named in some of the Police's proposed conditions. This the Respondent submitted was due to these premises having a tenanted arrangement, and the practicality for them to manage compliance with those conditions. This resulted in Members having absolutely no confidence that the Respondent would or could ensure that the operations of these premises would prevent incidents of concern reoccurring, which in light of the submissions and the evidence before them, had in their opinion, a high likelihood of risk which may potentially lead to a fatality, should the Respondent be permitted to continue operating these premises.

Members were surprised to learn that a Respondent, such as Admiral Tavern, did not have available an acceptable behaviour policy which could be adopted by these premises, albeit with some amendments to ensure its relevance to the specific issues of concern, given the scale of its national operation and to submit that they would welcome more detail in respect of this, was in Members opinion, a real concern. In Members opinion and experience, it is for a Premises Licence Holder to manage the operations of its premises in a way that seeks to promote

licensing objectives and that this may include, where appropriate, an acceptable behaviour policy. Such a policy should consider the geographical area in which the premises is located, the licensable activities on offer and its opening times, taking also into account an established clientele, as is the case with this premises and any operational expectations a tenanted pub should maintain to protect the Premises Licence Holders, premises licence. To seek a further discussion with the Police after the Review hearing and not being able to evidence that such policies were readily available, albeit may need slight modifications, was in Members opinion, a further concern.

In noting that the Respondent was legally represented at the hearing, it was extremely disappointing and hindering for Members that the Respondent had not prioritised sending a representative of Admiral Tavern, given the seriousness of the matters before them. This is despite having almost a calendar month to arrange for such a representatives attendance and would have assisted Members in answering relevant operational questions to which the Respondents legal representative was not able to.

In concluding, Members gave careful consideration to all options available to them in determining the appropriate outcome of this Review and unanimously resolved that in all the circumstances before them, revocation was the only appropriate option.

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Chairman/woman