

DECISION RELATING TO CLAYTON LODGE HOTEL, CLAYTON, NEWCASTLE APPLICATION FOR REVIEW OF PREMISES LICENCE

Having taken into account the Licensing Act 2003 and the guidance issued under Section 182 of the Act, the Council's statement of Licensing Policy and also the fact that Environmental Health have requested a review of the Premises Licence with further representations having been received by Staffordshire Fire and Rescue Service and Staffordshire Police to promote the licensing objectives relating to the prevention of crime and disorder, public safety and the protection of children from harm.

The Committee have considered those licensing objectives in the light of what has been said and have listened to the arguments and are persuaded that in the light of the evidence before it, it is appropriate to take steps to ensure that the licensing objectives are promoted. In considering which of its powers to invoke, the Committee had regard to the guidance at 11.19 and 11.20 which indicates that the committee should seek to establish the cause of the concerns that the representations identify and that the remedial action taken should generally be directed at the causes and be no more than appropriate and proportionate. In particular, where the cause of the identified problem relates to poor management decisions, the Committee may consider appropriate action.

Following a multi-agency investigation, Environmental Health brought the review on the basis that there had, inter alia, been reported incidents of crime and disorder at the premises, breaches of licence conditions, high readings of ion track drug swabs carried out at the premises, non-compliance with fire regulations, selling alcohol to a volunteer under the age of 18 years, cases of child exploitation linked to the premises, failure to notify the licensing authority of having gaming machines at the premises and no supervision of the use of such gaming machines.

Environmental Health gave evidence of a catalogue of breaches of licence conditions that had broad effect on all of the licensing objectives referred to between the period 24th April 2016 to present. Complaints started to be received soon after the former DPS had resigned on 21st April 2016, which generally related to the fact that there were no managers on site; that staff appeared to be too young, and that bar staff had poured vodka into young girl's drinks without charging, knowing that they were only 16 years old, as they also worked at the premises. Following a fire at the hotel, there had been no evacuation and there was no fire assembly point. Also, brawls outside the premises between young people took place.

During May of 2016, the licence was transferred to a limited company and an application was received to change the DPS to a David William McIntyre.

At that same time, further complaints were received similar in nature to earlier ones relating to the age of staff and the lack of management.

Following numerous visits from Environmental Health it had been ascertained that CCTV, whilst in place, did not fully function and no one knew how to use it. Due to concerns about the operation of the premises, the DPS was asked to consider a variation of the premises licence to add conditions to safeguard licensing conditions. Complaints continued to be received from May 2016 onwards about the lack of staff, defective fire alarm and guests not able to access rooms.

Inspections had also revealed that there was no supervisor or manager available when required; that there was a lack of staff training records; that there was no premises licence summary on display

and no full licence available. Cleaners were serving drinks to guests and, because of general mess in and around the premises, guests were put at risk.

Further complaints were received about the state of guest rooms and lack of managing staff, particularly at night throughout September and, during October, guests reported approximately 50 young people fighting after a birthday party, and all seemed intoxicated.

Complaints continued to be received regarding underage drinking, noise, lack of control and, in general, poor hotel management. Gaming machines were evident in bar areas without notification. The kitchen area was filthy and no one knew who the kitchen staff were. Electrical equipment had not been PAT tested, or testing was out of date. It was evident that some hotel rooms had been broken into.

Similar complaints continued to be received throughout the rest of the 2016 year and it was evident that numerous licence conditions were not being complied with. The premises were subject to crime facilitated by the lack of working CCTV, and the premises licence holder had been warned that, unless licence conditions were complied with, the licence could be reviewed.

On 16th November, a further application was received to transfer the premises licence. The Director and DPS of the proposed company licensee, Mr McIntyre was to remain as DPS. CCTV still remained inoperative; there was a lack of SIA registered door staff, which were required on occasions, and high readings of cocaine had been observed through ion track swabs at the premises. Again, the DPS was not available. Reports indicated that, despite warnings no notable improvements were evident. Environmental Health had also complained to the Gambling Commission about the illegal siting of the gambling machines at the premises.

Complaints about fighting and spirits being served without measure, including being served in pint glasses instead of single measures, and underage drinking, with guests helping themselves behind the bar, continued to be received. There was still a lack of management and supervision at the premises and staff had been inviting young girls to drink after parties. Large numbers of guests had been sick and toilets were observed to be out of service for large period of time after functions.

Concerns continued to be expressed throughout the rest of the year with no improvement and most notably there was still no working CCTV despite licence conditions in that connection.

During January 2017, it became evident that there was also child sexual exploitation issues at the premises and a number of cases had been identified. Staff at the premises had been identified as being young, unprofessional and poorly trained, which had exacerbated the problems. Staff had allowed older males to check in with young girls unchallenged, with no real identification taken.

Staffordshire Fire and Rescue gave evidence to the effect that as a result of an inspection carried out on 7th June 2016, a Notice of Deficiencies Schedule had been issued to the then premises licence holder detailing breaches of the Fire Safety Order. One month later, it had been noted that not only had the work not been completed, but twelve additional concerns had been noted. Most notably the fire alarm was defective at the premises and fire escapes had been blocked. Correspondence had taken place between the parties but as time had progressed further concerns about the premises had been noted.

Staffordshire Police also produced a catalogue of issues with the premises including evidence that a young vulnerable girl missing from a children's home had been found at the premises with a male aged in his 30s. They had received complaints of fighting at the premises and were also concerned

that there was no CCTV in operation. Staffordshire Police had worked closely with Environmental Health and assisted in identifying problems referred to including lack of staff training, lack of refusals book and incomplete refusals register. They had identified that there was no accident/incident book available, and the fact that toilets were often soiled or out of order.

The Police had also had to attend at the premises with social services because of an incident with a female, in order to carry out a mental health assessment, and they were also concerned that unstaffed bars in the premises that were stocked with alcohol were accessible to the general public from outside. Again, it was identified that, despite numerous warnings, no notable improvements were being made at the premises. The young staff were poorly trained and had little or no understanding of child exploitation, and would probably be unable to support vulnerable people.

On the 9th December 2016, the premises were subject to a test purchase operation. Alcoholic drinks were sold by a member of staff to a volunteer aged 16 years old. The DPS was not present and the person who had sold the alcohol had received no training.

During December 2016, the Police continued to receive reports of fighting and assault at the premises, and on 15th December, disorder at the premises and outside had been as a result of a large scale Christmas party where the majority of people were intoxicated. The manager was not on the premises and CCTV was not in operation. The party was one of the party nights as advertised in the brochure 'Christmas 2016 Celebration Packages'.

On the 20th December 2016, the Police issued the DPS, Mr McIntyre, with a conditional caution in view of the number of breaches of licensing conditions.

On 31st December, complaints were received about large numbers of youths attempting to gain access to rooms at the hotel during another organised party. Again, there was no CCTV and the DPS was not present. Similar problems subsequently occurred.

In response, representatives of the hotel stated that they accepted all of the evidence, but that measures had now been put in place to prevent similar issues. ID now had to be produced by anyone booking rooms, and relevant licensing records were now being completed and training given. There was still an issue with the CCTV, but this was being dealt with. CSE training was to be given to staff, and the younger staff had now been dismissed. PAT testing was now being undertaken, and Mr McIntyre was to be replaced as DPS. There was no proposal to hold any more "all-inclusive parties" at the premises. The hotel manager stated that he had not been aware of the CSE and how bad it was. He now wanted to improve the premises and undertook to get the CCTV working as soon as possible. He acknowledged that the licence conditions were still being breached, but that he would like the chance to rectify the situation.

The Committees attention had been drawn to the revised Section 182 guidance and, in particular, paragraphs 2.22 and 2.23 relating to the protection of children from harm; 10.39 relating to irresponsible promotions; 11.27 relating to criminal activity that should be treated as serious, including the grooming of children and 11.28 relating to the review procedure.

In accordance with paragraph 11.22, the Committee considered the poor management of the premises and the proposal by the representatives of the hotel to remove the present DPS at some point in the future.

In the circumstances, and in view of the undertakings given by the licence holder to improve the premises, the Committee decided that it would not be appropriate at this stage to revoke the premises licence.

The Committee were, however, disposed to make the following order:

Firstly, the premises licence shall be suspended for three months, in order to enable the licence conditions to be complied with, including putting the CCTV into working order.

Secondly, that Mr D McIntyre be removed as designated premises supervisor forthwith, as it was not felt that he was a fit and proper person to hold that position.

Thirdly, that the premises licence be modified to include the following conditions:

1. That no "all-inclusive party nights" or similar events containing irresponsible drinks promotions shall be held on the premises.
2. That all staff shall be trained on child sexual exploitation (including how to spot it and who to report it to) by a body recognised by Staffordshire Police and / or the Licensing Authority's Partnership Department.
3. That the reception area of the hotel must be staffed at all times, particularly during the evening (to include during staff absences, however short.)
4. That no gaming machines shall be installed at the premises (any automatic entitlement thereto being removed).
5. Any recommendations raised by the Fire Authority shall be addressed within the timescales set by the authority.
6. Details of persons staying at the hotel must be taken to include guests' names, addresses and age, and forthwith upon request such details shall be supplied to any authorised officer of the Police or Local Authority for the purposes of intelligence and / or investigation of any criminal offence.

And a notice will be issued to that effect.