

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
THURSDAY, 15 APRIL 2010 AT 10.20 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors

F.W.C. Allen (Chairman)

Ansell, Mrs. P. Todd, Mrs. D.

Solicitor Representing the Applicant:
Mr. David Campbell

Tenants of Pool & Snooker Club, Brewery Street, Rugeley
Mr. Geoff Bishop and Mrs. Dawn Bishop

Arcade Site Manager
Mr. M. Brazier

Responsible Authority Representation:
Inspector C. Ellerton, Staffordshire Police
PC O. Blewitt (Chase Division Licensing Unit, Staffordshire Police)
Sgt. J. Dorrington (Chase Division Licensing Unit, Staffordshire Police)
PC A. Frost (Chase Division Licensing Unit, Staffordshire Police)

Solicitor representing the Responsible Authority – Staffordshire Police
Mr. H. Aoulick

The Licensing Authority Representatives:

Steve Shilvock (Head of Environmental Health, Cannock Chase District Council)
Mr. S. O'Meara Senior Licensing Officer, Licensing Unit, Environmental Health,
 Cannock Chase Council

Legal Advisor to the Committee:
Miss J. Uppal

Secretary to the Committee:
Mrs. W. Rowe Senior Committee Officer
Mrs. C. Bowker Senior Committee Officer

(Prior to the commencement of the meeting the Members of the Sub-Committee had made a site visit to the premises.

The Solicitors representing the Applicant and the Responsible Authority – Staffordshire Police , together with the Legal Advisor to the Sub-Committee had also met prior to commencement to discuss the fact that the Council’s Legal Advisor had previously acted as a self employed Locum for Staffordshire Police.)

1. Appointment of Chairman

RESOLVED:

That Councillor F. W. C. Allen be appointed Chairman for the Hearing.

2. Apologies and Reconstitution of Membership

The Chairman informed all parties that the Council would only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place would be substituted by another Member taken from the membership of the full Licensing/Public Protection Committee. In the event of this substitution taking place, all parties would be informed of the change of membership at the beginning of the hearing. The Chairman confirmed that Councillor Mrs. D Todd had replaced Councillor Mrs. P. Williams on the hearing due to her not being eligible to sit on the Sub Committee as she was a Ward Councillor for the area in which the premises were located.

3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

<u>Officer</u>	<u>Nature of Interest</u>	<u>Type</u>
Miss J. Uppal	Had previously acted as a self employed Locum for Staffordshire Police	Personal

(The Committee agreed to a short adjournment to enable the Applicant’s Solicitor to discuss with the tenants and Site Manager whether they were content for the hearing to continue due to the fact that the Council’s Legal Advisor had previously acted as a self employed Locum for Staffordshire Police. The tenants and site manager indicated that they were content for the hearing to continue.)

4. Licensing Act 2003 – Application for a Premises Licence – Pool & Snooker Club, Brewery Street, Rugeley, Staffs.

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.26 of the Official Minutes of the Council).

The Chairman asked all parties to introduce themselves and to confirm their understanding of the procedure.

The Officer of the Licensing Authority presented the report. He outlined the relevant issues for

consideration by Members. The Sub-Committee was advised that the application had not been granted under officers delegated powers because representation had been received from Staffordshire Police.

Members were asked to determine whether the application should be granted, with or without conditions, having due regard to the four Licensing Objectives. He reported that photographs of the premises were available following the site visit.

The Solicitor for the Police was afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. He asked the Officer to confirm that the Licensing Unit understood the application to relate only to a snooker and pool club. The Officer confirmed that this was correct, with music and dancing as part of its activities. It was not considered to be an application for the premises to be used as a nightclub on Friday and Saturday nights.

The Applicant's Solicitor was afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. The Solicitor advised that after learning that there had been a change of use, a number of meetings had been held with the relevant parties and this was confirmed.

Members of the Sub-Committee were then afforded the opportunity to ask questions of clarification of the Officer of the Licensing Authority. Members asked if the intention for the premises to be used as a night club had been disclosed on the application and why the problems had not been able to have been overcome beforehand. It was explained that these matters would be clarified later in the proceedings.

The Applicant's Solicitor explained that the objection to the licence being granted related mainly to getting people ejected from the premises if the need arose using the rear fire escape and front entrance. The Police had been emailed on 25 March 2010 when the change of use had come to light to endeavour to resolve matters. However the Police had already written to object to the application.

The Senior Licensing Officer advised that the concerns related to the licensing objectives, particularly public safety and no compromise could be reached. The Applicant's Solicitor informed the Sub-Committee that solutions had been volunteered.

The Solicitor for the Police advised that the original application was for a pool/snooker club which had been the premises former use and consultation had been carried out on this basis. The public and other Responsible Authorities had chosen not to make representations. Following the 28 day consultation period the characteristics of the application changed to being a night club on Friday and Saturday nights. He therefore considered that the consultation process had not been effective and it would be unlawful to make a determination on the application. He advised that people lived close to the premises and they, together with other Responsible Authorities, had not been given the opportunity to make representations on the premises being run as a night club on Friday and Saturday nights. He considered that those responsible for health and safety would have had concerns with respect to the fire exit being used to eject people. The box ticked for dancing prompted a Police Officer to seek reassurance that it was for the occasional private function. The Committee was informed that the Solicitor for the Police was of the opinion that the application for a licence should be resubmitted to allow a further consultation process to be undertaken.

The Applicant's Solicitor advised that he acted on behalf of the landlord and when the application was submitted in February 2010 they did not have a tenant. The application included the sale of alcohol and late night refreshments, live and recorded music and the box was ticked for dancing throughout the premises. This was advertised in the Express and Star to inform those living locally of the intentions. Therefore by moving the pool/snooker tables to allow for dancing would not have been illegal. P.C. A. Frost telephoned on 18 February 2010 to express his concerns with respect to underage drinking and noise levels when people were leaving the premises. P.C. A. Frost emailed the Applicant's Solicitor on 19 February to request certain conditions, i.e.:-

- CCTV
- Incident log
- No irresponsible drinks promotion
- No sale of alcohol to anyone appearing to be drunk
- All staff to be trained
- A behave or be banned policy
- Notices put up on exit doors to remind customers not to be noisy when leaving the premises

A copy of the email was circulated to Members of the Sub-Committee and the Police's Solicitor. The Applicant's Solicitor advised that the conditions would be met. The Police were aware that they intended to have live and recorded music and by moving the pool/snooker tables it was now being regarded as a night club. He considered that the application was not fundamentally different, but word was getting around that it was now going to be a night club on Friday and Saturday nights.

The Applicant's Solicitor informed the Sub-Committee that he had convened a meeting with the Senior Licensing Officer, Police, the tenants and the Site Manager to discuss the concerns. He did not consider the Police writing to the Council to object to the licence to be logical as if late night/early morning live sports events were shown on a big screen they would still have to get people out of the premises and they had not raised any objections to that. He therefore asked that the application be dealt with at the hearing today.

The Solicitor for the Police advised that P.C. A. Frost had been assured that there would be the occasional hiring out of a function room for private events which would include dancing. This was different from a night club being run on Friday and Saturday nights. He advised that the showing of live sports events happened occasionally and from past experience Police found that crime and disorder problems at sports events were less likely to occur than at night clubs.

The Chairman informed the Sub-Committee that he and the other Members would deliberate in private for a short while to ascertain whether they wanted to proceed with the hearing as he was concerned that the procedure was not being followed.

The meeting was adjourned at 11.10 am and reconvened at 11.20 am.

The Chairman advised that the Sub-Committee did not wish for the hearing to consider the licensing application to continue as it stood as they considered that the intention was to run the premises as a night club and that this was not apparent to those living locally.

The Applicant's Solicitor informed the Sub-Committee that he would like to consult with the tenants and Site Manager to seek their views on reverting back to the original application. The Solicitor for the Police agreed to this request, subject to conditions being included, the Sub-Committee also concurred with the request.

The Applicant's Solicitor advised the Sub-Committee that the tenants and Site Manager wanted the hearing to continue to consider the original application put forward and asked if the meeting could be adjourned to allow himself and the tenants to discuss with the Solicitor for the Police certain points for clarification purposes. He reported that they agreed that the conditions suggested by P. C. Frost could stand.

The meeting was adjourned at 11.25 p.m. and reconvened at 12.10 p.m.

The Sub-Committee was informed by the Applicant's Solicitor that as per the original application the sale of alcohol would be from 10.00 to 02.00, live and recorded music until 02.00 and provision of late night refreshment from 23.00 to 05.00. Copies of plans of the premises were shown to those present. The Applicant's Solicitor explained that the Police would allow a DJ and live entertainment in the function room for private parties. However, the tenants wanted a DJ and occasional live entertainment to be allowed in the lounge area which the Police were not in agreement with.

The Solicitor for the Police informed the Sub-Committee that he considered that this would revert the premises back to the characteristics of being a night club. He reported that the main concern was that a licence would be granted without proper consultation having been carried out.

The Chairman informed the parties present that he was in agreement with the Solicitor for the Police and advised the Applicant's Solicitor that the Sub-Committee considered that a new application should be submitted.

The Applicant's Solicitor asked for a short adjournment to consult with the tenants.

The meeting was adjourned at 12.15 p.m. and reconvened at 12.17 p.m.

The Sub-Committee was informed by the Applicant's Solicitor that rather than go through the expense of submitting a further application and the delay this would involve they would agree to the Police's conditions and asked if the meeting could be adjourned in order that he could meet with their Solicitor in order to get them drawn up.

The meeting was adjourned at 12.20 p.m. and reconvened at 12.30 p.m.

The Applicant's Solicitor advised the Committee that they had agreed to the conditions listed on enclosure 4.24 (Annex 4 of the Report), with two being excluded as they were now law, i.e.

- There will be no irresponsible drinks promotions; and
- No sale of alcohol will be made to anyone who appears to be drunk.

In addition the following conditions would be included:-

- That the premises licence holder would be a member of pub watch

- No recorded music delivered through speakers, it should be incidental music only
- No DJ or live entertainment other than in the function room and only when a private event was taking place
- No moving of snooker or pool tables, except for refurbishment purposes.

The Solicitor for the Police informed the Sub-Committee that they were content for it not to be confined to a members only club. A copy of the layout of the pool and snooker tables was provided and the tenants were advised that they would only be allowed to make minor movements to them and that the premises would be regularly policed and any indiscretions brought to their notice.

RESOLVED:

The Licensing Sub-Committee considered all the evidence and representations made and after careful deliberation decided that the Premises Licence be granted in respect of the Pool and Snooker Club, Brewery Street, Rugeley, Staffs. WS15 2DY.

Reasons for the Decision

The Committee considered all the evidence presented to it as it was relevant to the four Licensing Objectives. They also had regard to the Cannock Chase Licensing Policy and the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and decided under Section 52(4) (e) to grant the premises licence. Relevant representations made and evidence provided.

The Committee noted that no other representations had been made by or on behalf any other Responsible Authority or interested party.

The Committee, in considering its obligations under the Licensing Act 2003, had therefore determined that there were no reasons that justified the refusal of the application for a Premises Licence in respect of the Pool and Snooker Club, Brewery Street, Rugeley.

The application was therefore granted.

The Chairman thanked everyone for their attendance and closed the meeting at 12.40 pm

CHAIRMAN