

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
WEDNESDAY 1 DECEMBER, 2009 AT 10.00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors

Bennett, K. (Chairman)

Allen, F.W.C.

Grice, Mrs. D.

Licence Holder:

Mr. D. Singh (Designated Premises Supervisor)

Responsible Authority Representation:

Sgt. J. Dorrington (Chase Division Licensing Unit, Staffordshire Police)

PC A. Frost (Chase Division Licensing Unit, Staffordshire Police)

PC Blewitt (Chase Division Licensing Unit, Staffordshire Police)

Sgt. Annett (Staffordshire Police Partnerships)

Michael Griffiths (Police Legal Representative)

John Ness (Environmental Health Officer (Environmental Protection) Cannock Chase District Council)

John Thompson (Environmental Health Officer (Private Sector Housing) Cannock Chase District Council)

Neil Griffiths (Staffordshire Fire & Rescue Services)

Representing the Licensing Authority:

Mr. S. O'Meara (Licensing Unit, Environmental Health, Cannock Chase Council)

Steve Shilvock (Head of Environmental Health, Cannock Chase District Council)

Natalie Barrow (Environmental Health, Cannock Chase District Council-observing)

Solicitor advising Committee:

Mr. P. Holmes

Interim Head of Legal and Democratic Services

Secretary to the Committee:

Mrs. W. Rowe

Senior Committee Officer

Interested Parties:

Mr. G. Bishop (Local Resident)
Mrs. A. Bishop (Local Resident)

Witnesses for the Licence Holder:

Mrs. S. Hunter (Customer of the Moon Under the Water)
Mr. Romais (Customer of the Moon Under the Water)
Mr. D. Bradley (Manager of the Moon Under the Water)

1. Appointment of Chairman

RESOLVED:

That Councillor K. Bennett be appointed Chairman for the Hearing.

2. Apologies and Reconstitution of Membership

Apologies for absence were received from Councillor Mrs. P. Williams.

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. P. Williams had submitted her apologies and therefore her place had been substituted by Councillor Mrs. D. Grice for the Hearing today.

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

There were no Declarations of Interests declared.

4. Licensing Act 2003 – Application for a Review of a Premises Licence – Moon Under the Water

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.77 of the Official Minutes of the Council).

The Interim Head of Legal and Democratic Services advised the Sub Committee that with the consent of the Licence Holder and agreement of the Sub Committee the procedure for the hearing should be taken in a slightly different order to make it more applicable to a review of a Premises Licence. The Sub Committee agreed and he then outlined the revised procedure.

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 in respect of this matter. He outlined the relevant issues for consideration by Members. He advised that Staffordshire Police had made an application to the Licensing Authority for a review of the Moon Under the Water's Premises Licence on the basis that the way the premises were currently being managed had resulted in an offence under the Licensing Act 2003 being committed. He outlined that the application for review of the Premises Licence had been made on the basis that the Licensing Objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm had been compromised and that the Premises Licence conditions had been breached.

He confirmed that the premises currently had the benefit of a licence granted on 17 November 2005 under the Licensing Act 2003 and currently permitted:

1. Sale by Retail of Alcohol on and off the premises
2. Live Music
3. Recorded Music
4. Performances of Dance
5. Anything of a Similar Description to Live Music, Recorded Music and Performances of Dance
6. Provision of Facilities for Making Music
7. Provision of Facilities for Dancing
8. Anything of a Similar Description of Provision of Facilities for Making Music and Dancing

He confirmed the current licensing hours for the Sale by Retail of Alcohol, the Provision of Regulated Entertainment and Provision of Late Night Refreshment (as detailed within the report).

He advised that other Responsible Authority representation had been submitted supporting the application for review. These included Staffordshire Fire and Rescue, Cannock Chase District Council's Environmental Health and Staffordshire County Council's Trading Standards along with 8 valid representations from Interested Parties. He then referred the Committee to the "matters to note" which were contained on Enclosure 4.7 and 4.8 of the report.

He advised that Members were being asked to determine what action was required in order to ensure that the Licensing Objectives were met at the premises, having due regard to the requirements of the legislation, the four Licensing Objectives, the Council's Licensing Policy and Guidance issued under S182 of the Licensing Act 2003 by the Secretary of State.

He asked the Committee to note that Staffordshire Police had requested that the Premises Licence be revoked as they were of the opinion that imposing conditions upon the existing licence would not reduce the incidents of public order offences, violence, anti-social behaviour, criminal damage and under age issues associated with the premises. The number, type and frequency of the incidents raised considerable doubt on the Premises Licence holder and Designated Premises Supervisor to manage the premises and effectively promote the Licensing Objectives.

The representatives from Staffordshire Police were invited to put the case in respect of the

matter. The Police Legal Representative advised that a number of Police Officers were present at the hearing to put forward the concerns in relation to the application.

He referred the Committee to Enclosure 4.30 of the report which was PC Frost's witness statement in respect of the review of the Premises Licence. He asked PC Frost to confirm that Mr. Singh took over as the Premises Licence Holder and Designated Premises Supervisor on 8 December 2008. PC Frost confirmed that this was correct. In response to a further question PC Frost confirmed that the Police had been required to attend the premises on numerous occasions, 24 incidents were recorded on the statement, however, this figure had now risen to 33 since the statement had been compiled. Additionally, he confirmed that the Police have had cause to carry out licensing visits at the premises on 27 separate occasions in less than one year.

The Police Legal Representative asked PC Frost to confirm how these figures compared to other licensed premises in the area. PC Frost indicated that these figures were above any other licensed premises in the area. He confirmed that the premises were located on a housing estate and that town centre premises usually attracted more visits.

The Police Legal Representative referred to page 2 of PC Frost's statement which indicated that Chase Division Licensing operated a Top 10 Premises which lists the worst 10 premises in the District. He asked PC Frost to confirm where the Moon Under the Water was placed on this list. PC Frost stated that at the time of the statement the premises was ranked 5th on the list but it was now ranked 4th. He confirmed that the higher ranked premises were all located within town centres. Therefore the Moon Under the Water stood aside from other similar premises and required a good deal of Police resources.

PC Frost confirmed that Mr. Singh was the Designated Premises Supervisor and that the day to day operations were his responsibility. The Police Legal Representative asked the Officer to confirm on how many of the 27 occasions Mr. Singh was present. He stated that he was present on one occasion. He reported that Mr. Singh had little to do with the premises as he put other people in charge and had no idea of the requirements of the Licensing Act. On the one occasion Mr. Singh had been present it had been at the request of the Police.

PC Frost was asked to confirm if he was aware whether Mr. Singh was the Designated Premises Supervisor for any other premises. He confirmed that Mr. Singh was the Designated Premises Supervisor for the Hop Pole Public House in Wolverhampton which was not in close proximity to the Moon Under the Water. He advised that he had spoken to Claire Woodfield, a former Manager at the premises, who had confirmed that Mr. Singh rarely came to visit the premises. Although Ms. Woodfield and Mr. Singh had fallen out the Police Legal Representative asked PC Frost to confirm whether this information reflected other information regarding Mr. Singh's attendance at the premises. PC Frost confirmed that this was the case.

PC Frost was asked whether Mr. Singh had experience in the licensing trade. He stated that Mr. Singh said he had experience and that he had been involved in the trade since 2000. The Police Legal Representative stated that Mr. Singh held a Personal Licence in respect of two premises, the Moon Under the Water and the Hop Pole, so it could be assumed that he was well versed in licensing law. PC Frost confirmed this statement.

The Police Legal Representative referred to Enclosure 4.28 of the report which was the tape recorded interview with Mr. Singh and to Enclosure 4.26 which was the letter sent to Mr. Singh

following the interview. The incidents, which ranged in seriousness, were outlined within these documents and highlighted the concerns of the Police. PC Frost stated that these incidents showed that the management of the premises was poor. Mr. Singh was unaware of the incidents apart from the test purchase operation as he had been informed of this by the Police.

The Police Legal Representative referred to two incidents of underage drinking at the premises, one on 9 January and the other on 23 January 2009 and asked whether these had prompted the test purchase operation. PC Frost confirmed that this, and their visit on 20 February 2009 where an Officer had witnessed underage drinking, had led to the test purchase operation. The Police Legal Representative referred to Enclosure 4.33, PC Frost's witness statement, in which it stated that when asked to see the incident log and refusals register Mr. Sangra, the then Manager of the premises, had shown him a notebook containing a shopping list.

The Police Legal Representative referred to Sgt. Dorrington's witness statement as detailed on Enclosure 4.32 of the report. He asked the Officer to outline what he had witnessed at the premises on the evening of 20 February 2009. Sgt. Dorrington explained that he and PC Sheasby had visited the premises at 22.40 pm and had entered the large function room at the rear of the premises. They had witnessed two females, who did not appear to be 18 years of age; each had a bottle of carling lager directly on the table in front of them. Both females verified that they were 17 years of age; both were under the influence of alcohol. Both stated that the drinks belonged to someone else but they could not name them or point them out. Another male who was known to be 16 years of age was witnessed drinking lager. PC Sheasby's witness statement was detailed on Enclosure 4.34 of the report and this confirmed the evidence given by Sgt. Dorrington and that one youth had admitted purchasing the drink at the premises.

He then referred to the witness statement of Staffordshire County Council's Community Safety Officer (Trading Standards) as detailed on Enclosure 4.35. This confirmed the test purchase operation at the premises on 6 March 2009 whereby two 15 year olds were asked to attempt to buy alcohol at the premises. The girls were told to give their correct age if asked and to identify the officers if challenged. The girls had purchased 2 WKD blue bottles of alcohol without challenge. Mr. Singh was then interviewed by the Police and the Legal Representative referred the Committee to Enclosure 4.28. In this interview Mr. Singh stated Mr. Sangra had employed Mr. Eccleston as a barman and it was he who had sold the alcohol to the 15 year old female. The Police Officer confirmed that Mr. Singh had been asked to explain what Challenge 21 meant and he did not know. The Officer stated that Mr. Singh had confirmed that the premises operated a No ID, No Sale policy.

The Legal Representative asked the Officer to confirm what action was taken following this incident. The Police Officer stated that the barman, Mr. Eccleston had been issued with a fixed penalty fine. Mr. Singh had been interviewed and a letter had been forwarded to him requesting he draw up an action plan to address the concerns of the Police. The letter was detailed on Enclosure 4.25 of the report and included advice on what the action plan should include. The Officer confirmed that normally a response would be expected however, Mr. Singh did not respond to this letter. He confirmed that he telephoned Mr. Singh to chase a response and was informed by Mr. Singh that he was doing what the Police wanted.

The Legal Representative asked the Officer to confirm if there had been any further problems since the letter had been sent. It was confirmed that further problems had been experienced

and reference was made to Sgt. Dorrington's witness statement (Enclosure 4.39 of the report).

Sgt Dorrington confirmed he had attended the Moon Under the Water on 18 September 2009 and was concerned that upon arrival he could hear very loud music coming from the premises and could see that the event was extremely well attended. There was a crowd of around 10-15 persons at the side of the premises and drinking was taking place outside. He proceeded to make his way into the premises via the side entrance where a further 20-30 people were located also drinking alcohol. He attempted to discuss his concerns with the Door Supervisor but they couldn't hear each other over the music. His colleague PC Yates identified to him a 17 year old that was under the influence of alcohol. Both Door Supervisors stated that the youth had not entered through the side door and that he may have come through the front door which was unsupervised.

The Police Legal Representative asked Sgt. Dorrington to estimate the number of persons attending the event and to confirm whether there was concern over the number of persons being allowed access. Sgt. Dorrington confirmed that approximately 150 persons had attended and there was concern that the Door Supervisors had not counted how many customers had attended the event and did not have a Fire Risk Assessment. He advised that customers had informed him that the event had been advertised on the social networking website "Facebook".

The Police Legal Representative referred to PC Frost's witness statement regarding this incident (Enclosure 4.37 of the report). He asked him to confirm who was in charge on the evening and whether he held a Personal Licence to sell alcohol. PC Frost stated that Michael Pearson was in charge and he did not have a Personal Licence to sell alcohol. He confirmed that the Police left after asking for the music to be turned down and indicated that there was concern regarding the manner in which the premises were being supervised.

The Police Legal Representative asked PC Frost to explain why the Police were seeking to the revocation of the Premises Licence. PC Frost stated that despite attempts to address the concerns with Mr. Singh he had continued to ignore his responsibilities as the Designated Premises Supervisor.

Mr. Singh was then offered the opportunity of asking questions of the submissions made by the Police Legal Representative. He indicated he had no questions to ask. The Council's Interim Head of Legal and Democratic Services stated that as Mr. Singh was not represented he would ask questions on his behalf. He asked PC Frost to explain the role he undertook. He explained that he was the Police Licensing Officer who dealt with all aspects of licensing and had held the position for one year.

PC Frost was asked to confirm the statement he made that he would expect the Designated Premises Supervisor to be at the premises daily. PC Frost stated that he had indicated that the Designated Premises Supervisor was responsible for the day to day running of the business.

The Interim Head of Legal and Democratic Services asked PC Frost whether he was aware of other Designated Premises Supervisors who were responsible for more than one premises. He confirmed that a Designated Premises Supervisor could be responsible for more than one premises but it wouldn't be expected for the premises to be located 10 to 15 miles away from each other. He stated that a Designated Premises Supervisor should be readily available and

visit the premises on a daily basis.

The Interim Head of Legal and Democratic Services asked whether it was possible for Mr. Singh to have been present at the premises on occasions when the Police did not undertake a visit and PC Frost accepted that could have been the case.

He made reference to the incident on 18 September 2009 and asked the Police to indicate whether consideration had been given to closing the premises on this occasion. Sgt. Dorrington stated that the noise level had been excessive but there had been no serious crime or fighting at the event. It was considered that the event had enabled evidence to be obtained and a request had been made for the music to be turned down.

The representative of Staffordshire Fire and Rescue Services, as a Responsible Authority, was then offered the opportunity to put forward their case. The representative referred the Committee to his statement at Enclosure 4.53 of the report. He stated that Fire Services had attended the premises as part of a Themed Inspection on 23 March 2009. Advice and paperwork were provided to Mr. Sangha who was managing the premises at the time to enable a Fire Risk Assessment to be completed. At the request of PC Frost, Fire Services visited the premises on 22 May 2009 to provide advice to the new leaseholder, Miss Claire Woodfield. He outlined the advice provided to Miss Woodfield regarding the calculation of occupancy figures, the use and testing of emergency lighting and how to control noise from the disco in order to raise the fire alarm. He provided Miss Woodfield with a pro-forma to assist her to complete a Fire Risk Assessment.

On 6 August 2009 the Environmental Health Officer (Private Sector Housing) advised Fire Services of his concerns regarding the accommodation above the licensed premises and a visit of the premises was therefore undertaken. As Miss Woodfield was not available a member of the bar staff showed him the first floor accommodation area. There were three separate residential occupiers who were not living together as a family and shared the living room, bathroom and kitchen facilities. The dwelling area did not have any smoke detection or fire alarm linked to the ground floor licensed premises. He therefore arranged for three domestic smoke detectors to be fitted in the premises as a short term interim measure. One of the tenants had mobility difficulties and he therefore provided advice on a fire escape plan in the event of a fire.

He then advised that he telephoned Miss Woodfield to arrange a meeting for 13 August 2009. Miss Woodfield did not attend the meeting on 13 August. However, it was established that a Fire Risk Assessment had not yet been completed and sufficient information was gathered to complete a Fire Safety Audit. This determined that the appropriate level of action would be to issue an Enforcement Notice. The meeting was re-arranged for 17 August. Miss Woodfield arrived late for the meeting and the Enforcement Notice was served on her which detailed that a fire warning system was required to be installed within 3 months. On 21 August Miss Woodfield telephoned to advise that she was leaving the premises. She was asked to provide written confirmation of this but this has not yet been received.

He further explained that on 9 September another visit to the premises took place where the Environment Health Officer (Private Sector Housing) issued an Emergency Prohibition Order prohibiting the use of the first floor living accommodation. The new leaseholder was asked to call to obtain advice on Risk Assessment. To date no call has been received. On 19 October he visited the premises to check whether the works identified in the Enforcement Notice had

been completed. He spoke to Darren Bradley who confirmed that no work had been undertaken and a Fire Risk Assessment had not been completed. Following the visit, Mr. Singh telephoned the station asking for assistance to bring the living accommodation to a standard to satisfy the Fire Service. Mr. Singh had commented that he had previously worked with West Midlands Fire & Rescue Service over issues at his premises at the Hop Pole, Wolverhampton and had a good working relationship with the Fire Service. However, on checking with the Fire Safety department at Wolverhampton it was discovered that an Enforcement Notice had been served on Mr. Singh regarding the Hop Pole Public House.

The Fire Officer stated that, following discussions with his line Manager, the appropriate level of action was re-assessed and the Enforcement Notice was removed. A Notification of Deficiencies was issued on the basis that the Environmental Health Officer's Emergency Prohibition Order had removed the sleeping risk from the first floor of the premises. This was hand delivered to the premises and it contained a list of issues requiring attention.

Mr. Singh was then given the opportunity to ask questions of the Officer from Staffordshire Fire & Rescue Services. He commented that those living in the accommodation had been living there rent free. The Fire Officer stated that he believed rent was being paid and considered there was a risk to life to those in living accommodation as there would be no way of knowing a fire had broke out in the licensed premises. Mr. Singh commented that there was an exit for people living upstairs. The Fire Officer stated that as there were no fire alarms or door seals smoke from the licensed premises would travel up the stairs and those people in the living accommodation would be unaware a fire had broken out. The Fire Officer then outlined the Articles of the Fire Safety Order that were not being complied with.

Mr. Singh asked whether this Fire Risk Assessment was carried out in every private house as he considered the living accommodation was at the side of the licensed premises and not on top of it. The Fire Officer advised that access to the living accommodation was via the licensed premises and there was also a side entrance. The Environment Health Officer (Private Sector Housing) commented that this type of property was classed as a multiple occupation property and specific regulations were imposed under the Housing Act. The conditions at the living accommodation at the premises were such that it was not fit for residential accommodation.

The Fire Officer confirmed that the Fire Alarm system was inadequate for the type of premises and advised on the type of system that should be installed.

Members of the Committee were offered the opportunity to ask questions of the submissions made. A Member asked whether PC Frost had attended all of the 33 reported incidents at the premises. PC Frost commented that he was a Licensing Officer and Sgt. Dorrington had attended a number of the incidents along with other front line Officers. Sgt. Dorrington was asked to give his impression of the customers and management of the premises. He indicated that customers were arrogant, young drinkers who were against the Police. Managers were employed who had no Personal Licences to sell alcohol and the Designated Premises Supervisor was rarely at the premises.

A Member asked the Fire Officer to outline his concerns following the occupiers vacating the living accommodation. The Fire Officer stated that he did not consider that all customers would escape in the event of a fire should there be an event taking place in the rear function room. He considered that Managers would be unable to raise the alarm and turn the music off

quick enough should a fire break out.

A Member asked the Fire Officer to explain the escape route from the rear function room. The Fire Officer explained that there were two sets of double doors from the function room and a calculation was applied on door widths in the event of a fire. In view of this calculation, one set of doors was taken out of use and one set was used as an entrance. He further explained that as the building was constructed from brick and tile there would be no spread risk to neighbouring properties should there be a fire.

The Environmental Health Officer (Environmental Protection), as a Responsible Authority, was then given the opportunity of submitting his case. He advised the Sub Committee that following complaints from local residents Environmental Health Officers had visited the premises on 23 October and witnessed dance music at 23.23 pm. This was in breach of the conditions of the Premises Licence as music was only permitted until 23.00 pm. The premises were also visited on 22 October when Mr. Bradley was provided advice regarding the permitted hours for regulated entertainment and it was clarified that this was to cease at 11.00pm.

Mr. Bradley was interviewed by Environmental Health Officers regarding the use of the premises for a private party on 20 November. He was again reminded of the conditions of the Premises Licence. The premises were visited on the evening of 20 November at 9.20pm when loud music could be heard coming from the premises. Residents living 150 metres away had complained that music could be heard. Several visits were made during the evening and it was noted that substantial loud music could be heard coming from the premises. Youths were located outside the premises adding to the noise being emitted. This was having an effect on the neighbouring properties and was in contravention of the Licensing Objective for the Prevention of Public Nuisance.

It was considered that the event on 20 November had been a statutory nuisance under the Environmental Protection Act and a Noise Abatement Notice was served on Mr. Singh and Mr. Bradley. Mr. Bradley telephoned the office to discuss the Notice. However, he decided that he would wait until the outcome of the Licensing Sub Committee's decision.

Mr. Singh was given the opportunity of asking questions of the submissions made. He indicated that he had no questions to ask. Members were then offered the opportunity of asking questions. A Member asked whether Officers had received an acknowledgement of the Notice. It was confirmed that Mr. Bradley had telephoned the office but there had been no written acknowledgement. A Member asked whether a regulating device was fitted to the premises to regulate the noise levels. It was explained that the structure of the premises offered no acoustic protection and the window frames were boarded over. He did not believe a regulating device was fitted.

Interested parties were then given the opportunity of making their submissions in respect of the matter. A local resident, Mr. Bishop, stated that he lived opposite the premises and on Friday and Saturday evenings music from the pub could be heard in his lounge. He stated that there was a lot of fighting taking place outside the premises; cigarette ends were thrown on the streets by customers and some customers had been seen urinating outside the front door. He stated that he had a DVD and photographs to provide evidence of this.

At this point in the proceedings the Committee viewed the DVD provided by Mr. Bishop which

showed the events taking place at the premises on 3 and 4 July 2009. Photographs were circulated and it was confirmed that some of these were taken on 20 June 2009.

Following this Mr. Bishop then outlined an incident that occurred after a late night event whereby petrol had been thrown over this vehicle. This had led to a fire engine being despatched at 3.30 am to check the safety of the car. He indicated that Mr. Bradley had commented that once customers were outside the pub they were not his problem.

Members were offered the opportunity of asking questions. There being none Mr. Singh was given the opportunity to present his case.

He considered that PC Frost was adamant that he wanted to revoke the Premises Licence. He stated that he had tried unsuccessfully to get hold of PC Frost yesterday to discuss the transfer of the Premises Licence. He commented that Miss Claire Woodfield had not been the best Manager as she had not had enough experience.

He considered that there would be consequences should the premises close as the property would be boarded up and this could lead to worse problems. He felt that Mr. Bradley was very confident in running the premises and he should be given a chance. In the two months he had been Manager the Police and neighbours had noticed some improvement.

The representatives from the Responsible Authorities were given the opportunity to ask questions of the submissions made by Mr. Singh.

The Police Legal Representative stated that Mr. Singh had been given the opportunity to challenge the Police submissions and he had asked no questions and had therefore unchallenged the evidence submitted by the Police. The Interim Head of Legal and Democratic Services commented that he had asked some questions on behalf of Mr. Singh.

The Police Legal Representative asked Mr. Singh why he had telephoned PC Frost regarding the transfer of the Premises Licence. Mr. Singh responded by saying that he wished to establish whether there would be any objections to the transfer. Mr. Singh confirmed that he was the current Premises Licence Holder and had been at the premises every day in the day time. The Legal Representative suggested that it must have been bad luck that he had not been present on the 27 occasions that the Police had visited the premises. He stated that Mr. Singh spent most of his time at the premises in Wolverhampton. Mr. Singh confirmed he held a Personal Licence and was the Designated Premises Supervisor in respect of the Hop Pole in Wolverhampton and that he lived above the premises. The Legal Representative stated that the two premises were some distance apart and that he considered that Mr. Singh was an appalling Designated Premises Supervisor in respect of the Moon Under the Water. He commented on the number of Managers Mr. Singh had employed since being responsible for the premises and questioned whether these Managers had held appropriate Licences. Mr. Singh stated that Mr. Sangha was a relative who had just been helping out. Miss Woodfield had applied for the appropriate licences but as she was not fulfilling her responsibilities he had let her go. He stated that Mr. Bradley was now employed as Manager and wanted to be the Designated Premises Supervisor. He confirmed that an application for transfer had been submitted yesterday.

The Police Legal Representative commented that the premises were badly run and that this was Mr. Singh's fault. Since Mr. Singh had been the Designated Premises Supervisor the

Police Legal Representative submitted that evidence had been heard that Mr. Singh had allowed sales of alcohol to minors and to people under the influence of alcohol, allowed unlicensed Door Supervisors, failed to display the Premises Licence and allowed sales of alcohol outside of the permitted licensing hours. Mr. Singh denied these and suggested that the Premises Licence may have fallen on the floor.

He asked Mr. Singh to indicate whether he considered 27 Police visits was particularly high given the premises was a small out of town pub. Mr. Singh stated that the Police were adamant to revoke his licence. He stated that Miss Woodfield had let him down and that Mr. Bradley was prepared to take over the running of the pub.

Mr. Singh was asked whether he had allowed noise nuisance and anti social behaviour to occur at the premises. He considered he had not. It was pointed out that a statutory noise nuisance had recently been established and a Notice Abatement Notice had been served. The Police Legal Representative commented that evidence had been heard of noise being too loud and asked if Mr. Singh accepted this. He commented that he didn't recall this.

Mr. Singh was asked why he failed to respond to the Police letter dated 21 May 2009. He commented that he had not received this letter. The Police Legal Representative submitted that for the entire time Mr. Singh had been the Designated Premises Supervisor he had ignored the authorities and even though the Police had requested a review of the Premises Licence further incidents had occurred. He made reference to the DVD and to one of the individual's who had been seen urinating outside the premises who was a former Designated Premises Supervisor at the premises. Mr. Singh confirmed the name of the individual.

The Police Legal Representative stated that holding a Premises Licence was a privilege and that high standards were expected of licence holders. If standards were not adhered to then a review of the licence could be requested. He asked Mr. Singh to confirm whether he accepted that he was responsible for the lapse of the premises. Mr. Singh partly accepted this.

The representative of Staffordshire Fire and Rescue Services commented that Mr. Singh had indicated he had daily contact at the premises. However on the 8 occasions they had visited Mr. Singh had not been present. He asked whether Mr. Singh was aware of the paperwork given to Mr. Sangha following a visit on 23 March. Mr. Singh confirmed he was aware of this. He asked whether Mr. Singh had completed the Fire Risk Assessment and Mr. Singh confirmed he had not. He asked whether Mr. Singh was aware of the pro-forma given to Miss Woodfield on 23 May. Mr. Singh stated he was not aware of this. He then asked whether Mr. Singh was aware of the Fire Risk Assessment given to Mr. Bradley. Mr. Singh stated that this was partly completed.

The Environmental Health Officer (Environmental Protection) asked Mr. Singh if he had received the Noise Abatement Notice which had been served on 23 November. Mr. Singh confirmed he had received this. Mr. Singh was asked whether he understood the terms of the licence regarding regulated entertainment. He confirmed he did. He was asked whether he was aware that "Facebook" had been used to advertise the event on 20 November and he confirmed he was not aware of this. The Officer then asked Mr. Singh to explain why loud music could be heard coming from the premises on two occasions at a time that was not permitted under his licence. Mr. Singh commented that his licence conditions had recently been changed.

The Senior Licensing Officer confirmed that the Licence was issued on 17 November 2005 and that there had been no amendments to the Licence since then, other than minor amendments to the Designated Premises Supervisor and to transfer.

The Interested Parties were then given the opportunity to ask questions of Mr. Singh. Mr Bishop stated that in the 12 months that Mr. Singh had been at the premises Mr. Bishop had seen him on only 3 or 4 occasions. He commented that the premises had a hole in the roof and a bucket had been placed there to fill the hole. Mr. Singh stated that this was the first time he had seen Mr. Bishop. The Interim Head of Legal & Democratic Services reminded Mr. Bishop that this was his opportunity to ask questions rather than make statements, Mr. Bishop had no further questions.

Other persons present were offered the opportunity of making comments. Mr. Romais, a customer of the premises, stated that since Mr. Bradley had taken over the situation had improved, there was very little trouble now and there had not been a fight in 3 months. Mr. Bradley employed suitable Door Supervisor's and asked customers to leave via the side entrance so as not to disturb residents.

Mr. Bradley stated that since he had taken over he had worked with the Police and Environmental Health. He considered that he should be given a chance to improve the premises. Decent people were customers of the premises and the younger generation were moving away. He considered that the pub had been a disgrace in the past and was hopeful of improving it.

Mrs. Hunter stated that she had recently started to visit the premises in the last 3 months and considered there was an older clientele. There was not much trouble and regular checks were undertaken outside the premises. She considered Mr. Bradley could help to improve the pub.

The representatives from the Responsible Authorities were offered the opportunity to ask questions of the Interested Parties. The Police Legal Representative asked why complaints had been received regarding the premises since Mr. Bradley had taken over. Mr. Bradley commented that there were a lot of people in the area who wanted the premises to close. It was possible that one person could have made ten complaints. Reference was made to a large fight that occurred on 28 August. Mr. Bradley stated that he was not in charge at this time and he had never had any reason to call the Police to an incident. The representative referred to Door Supervisors allowing a minor to access to the premises. Mr. Bradley stated that these Supervisors no longer worked at the premises and he informed the Police of every event taking place. He confirmed that the premises had been badly run in the past but considered he had the relevant experience to improve the problems associated with the pub and turn it around.

The Police Legal Representative stated that this was a long term issue and considered the pub could not be turned around.

Members of the Committee were given the opportunity to ask questions of the Interested Parties. A Member asked Mr. Bradley whether he had been a Designated Premises Supervisor before. Mr. Bradley confirmed this was his first time.

Following this, the Officer representing the Licensing Authority was asked to sum up his case.

He stated that the Sub Committee had heard all the evidence from the representatives of the Responsible Authorities. He commented that during the proceedings reference had been made to the transfer of the Designated Premises Supervisor for the premises. He confirmed that to date no such request had been received, although an application for a Personal Licence had been accepted from Mr. Bradley. He explained that a Personal Licence was issued to someone trained to sell alcohol and a Designated Premises Supervisor was someone who was suitable to manage a licensed premises.

The Senior Licensing Officer confirmed that Mr. Singh was currently the Designated Premises Supervisor and the Licensed Premises Holder.

The Police Legal Representative was invited to sum up the case of the Police. He stated that under Section 52 of the Licensing Act 2003 the Sub Committee was permitted to take the following steps:

- to modify the conditions of the licence
- to exclude a licensable activity from the scope of the premises
- to remove the Designated Premises Supervisor
- to suspend the licence for a period not exceeding 3 months
- to revoke the licence and for this purpose the conditions are modified if any of them are altered, omitted or a new condition added

He referred the Sub Committee to Home Office guidance relating to the role of a Designated Premises Supervisor which stated that a DPS should be a specific individual who would be readily available and have the day to day responsibility for running the premises. He submitted that evidence had been seen that Mr. Singh had avoided his statutory duties. He stated that a Designated Premises Supervisor should only be responsible for two premises that were in close proximity to each other. He indicated that Mr. Singh had not been present at the premises and didn't care how it was run. He considered it to be a privilege to be the Designated Premises Supervisor. He reiterated the Licensing Objectives and highlighted how these had been breached by Mr. Singh. He outlined that there had been sales of alcohol to minors, sales of alcohol by those not licensed, sales of alcohol to persons under the influence of alcohol, sales outside of the permitted licensing hours, a failure to display the Premises Licence and evidence of noise nuisance and anti social behaviour. He highlighted the concerns regarding the lack of a Fire Risk Assessment and that Mr. Singh had failed to respond to the Police and Fire Service regarding their concerns.

He concluded by stating that he hoped the Sub Committee would reach the proper conclusion in relation to this matter and for the community.

Mr. Singh was then asked to sum up his case. He stated that Miss Claire Woodfield had let him down. He wished to surrender his licence and hand over to Mr. Bradley. He reiterated that closing the pub may have bigger implications and major problems may occur with squatters or gypsies. He stated that he hoped the Sub Committee made the right decision and considered that the pub could be turned around.

Following this, the Sub Committee deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Sub Committee. On returning from their deliberations the Interim Head of Legal & Democratic Services confirmed the legal and procedural advice that he had given the Sub Committee, namely that in addition to the evidence that they had heard which

was relevant to the four Licensing Objectives, they should consider the Council's Licensing Policy, the Secretary of State's guidance and that they should give reasons for any decision.

RESOLVED:

That, having considered all the submissions made and having regard to all the circumstances, the Premises Licence be revoked.

Reasons for the Decision

The Sub 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 to revoke the premises licence and the reasons for that are:

On the evidence presented to them it was clear that the four Licensing Objectives had not been met over the relevant period and specifically they accepted evidence that there had been sales of alcohol to children, sales of alcohol when there was no Licence holder on the premises, sales of alcohol to people who were clearly intoxicated, sales of alcohol outside the licensing hours, the presence of unlicensed door staff, failure to display a premises licence, damning evidence of significant risk to public safety through a failure to comply with fire regulations even when notified of these showing a complete disregard for public safety, a failure to respond at all to the request from the Police on 21 May 2009 to develop an action plan to respond to the Police concerns about breaches of the licence, serious and repeated incidents of anti social behaviour and noise nuisance both at and near to the licensed premises. Mr. Singh has shown no commitment to comply with the licensing objectives and has treated them with utter disregard. The failure of the Designated Premises Supervisor to attend at the premises on a regular basis and the unsuitability of the Managers who Mr. Singh has delegated responsibilities to including Mr. Bradley.

Final comments

The Sub Committee would like it placed on record that this is one of the worst case scenarios of a breach of the licensing regulations.

The Chairman thanked everyone for their attendance and closed the meeting at 1.55pm

CHAIRMAN