



report.

Mr. O'Meara then advised that representations had been received from Staffordshire Police as a Responsible Authority. Staffordshire Police were objecting in respect of all four of the licensing objectives, namely the prevention of crime and disorder, the promotion of public safety, the prevention of public nuisance and the protection of children from harm.

He stated that Members were being asked to determine whether the application for a variation of the premises licence in respect of Kelly's Bar should be granted, with or without conditions, having regard to the Council's Licensing Policy.

The representatives of the Responsible Authority were afforded the opportunity to ask questions of clarification of the officer from the Licensing Authority. There being none, the Applicant and his solicitor were then afforded the opportunity to ask questions of clarification of the officer of the Licensing Authority. The Applicant's solicitor sought clarification that the Applicant had requested Sunday opening at 11.00 a.m. and not 12 noon as indicated within the report. The Officer representing the Licensing Authority confirmed that this was correct.

Members of the Sub-Committee were afforded the opportunity to ask questions of clarification of the officer representing the Licensing Authority. There being none the Applicant and his solicitor were then afforded the opportunity to present the case in respect of the matter.

The Applicant's solicitor stated that the premises currently enjoyed hours until 11.00 p.m. on a Saturday and 10.30 p.m. on a Sunday. The Applicant was seeking an extension of hours for the sale of alcohol and live and recorded music and entertainment Monday to Saturday 11.00 a.m. to 01.00 a.m. and on a Sunday 12 noon to 12 midnight, plus an extension to the hours of Late Night Refreshment to 01.00 a.m. There would be an additional 30 minutes drinking up time until the premises closed.

He outlined the steps intended to be taken to promote the four licensing objectives as detailed on Enclosure 4.23(d) of the report.

He stated that the premises attracted more mature and well behaved customers with an average age of mid to late 30's. There was no intention to change the clientele as a result of the proposed variation. The Designated Premises Supervisor had 20 years experience in the trade. He advised that two temporary events had been held during the May Bank Holidays and there had been no complaints.

The premises served food 7 days per week which generated 25% of the profit. Should the licence be granted it was intended to have live music twice monthly on a Friday and a disco/karaoke twice monthly on a Saturday.

He indicated that there had been no representations from Environmental Health in relation to the proposed variation. He outlined that there were residential properties in the surrounding area and noted that there had been no representations from residents. He commented that the premises were not located in a city centre and the requested hours were reasonably restrained.

With regard to the conditions proposed by Staffordshire Police (as detailed on Enclosure 4.26 of the report) he indicated that the Applicant was willing to accept nos 1, 5 and 8. With regard to the condition 2 he considered this was unnecessary as should any problems arise there were numerous powers under the Licensing Act to enable a review of the Licence. Additionally, the Police had powers to take action should problems occur. With regard to

conditions 3 and 4 it was considered that door supervisors were not needed as the hours were not extensive and the premises were not located in a city centre. There were issues surrounding condition 6 in view of the expense to the Applicant.

The representatives of the Responsible Authority were then afforded the opportunity to ask questions of clarification of the Applicant. There being none, Members of the Sub-Committee were afforded the opportunity to ask questions of clarification of the Applicant. A Member stated that although there was no intention that the clientele would change as a result of the variation this could not be controlled should the premises be sold. The Applicant's solicitor advised that there were no plans to change the clientele of the premises but he could not comment on what may happen in the future. He accepted that the clientele may diversify should the premises be sold but said that this was purely speculation.

The Member commented that should the Police have concerns as a result of any change of clientele they would have the powers to take action. The Applicant's solicitor confirmed that this was the case and added that all other Responsible Authorities would have the right to seek a review. .

A Member asked how the clientele was controlled and the Applicant's solicitor advised that the Designated Premises Supervisor was a local lady who knew the area and customers well.

The Responsible Authority representatives were then afforded the opportunity to present their case.

PC Michelle Burgher explained that consideration had been given to the likely effect the variation would have on the licensing objectives. The Applicant had detailed the steps on how these would be dealt with but it was considered that additional conditions were required. The Police had outlined their concern stating that the licensing objectives were undermined by the proposed variation. The Crime Reduction Officer had visited the premises and a reassessment had taken place to ascertain whether conditions could be added to deal with the concerns. These conditions were outlined on Enclosure 4.26 of the report. She confirmed that the Applicant had accepted conditions 1, 5 and 8. However, in respect of the remaining conditions she explained that condition 2 was considered important as problems generally arose at 12 midnight as people from other premises may be attempting to gain access. Condition 3 was considered necessary when regulated entertainment was taking place (i.e. discos) as premises that employed door supervisors saw a reduction in incidents of crime. With regard to condition 4 it was stated that this was to enable door supervisors to be easily recognisable. She stated that Condition 5 was beneficial to the licensee as there was a radio link with fellow licensees to alert of any potential disorder elsewhere in the area. With regard to condition 6 she made reference to a banning policy which enabled nuisance customers to be banned for a period of time. Condition 7 was suggested necessary as it was considered that being a member of CBCI was a major tool in preventing crime and disorder.

PC Burgher stated that the Designated Premises Supervisor had indicated that the proposed conditions were acceptable but no formal agreement had been reached. She concluded by saying that she considered the application should be refused but subject to her recommended conditions to promote the licensing objectives.

Members suggested that the Committee should adjourn for 15 minutes to enable Staffordshire Police (as Responsible Authority), the Applicant and his solicitor to discuss the proposed conditions with a view to clarying which matters were still in dispute.

The Committee then adjourned for 15 minutes. On the meeting reconvening, the Applicant's

solicitor advised that the following agreement had been reached with Staffordshire Police in relation to condition 1-8:-

1. Signage to be erected advising patrons to leave premises quietly – Agreed.
2. Patrons shall be prohibited access to the premise from midnight – Withdrawn by Staffordshire Police.
3. A minimum of two Security Industry Authority registered door supervisors shall be employed when regulated entertainment in the form of discos take place – 1 Door Supervisor was agreed.
4. Door supervisors shall wear a uniform and high visibility armband (which display their Security Industry Authority Badge) when performing duties both inside and outside the premise – Agreed.
5. To be a Rugeley Pub Watch member and regularly attend the Pub Watch meetings – Agreed with an amendment that the Designated Premises Supervisor would be the Member.
6. To have a StoreWatch radio as part of the PubWatch Scheme and use it in accordance with the scheme protocol – Agreed.
7. To be a member of the Chase Business Crime Initiative (C.B.C.I.) – Withdrawn by Staffordshire Police.
8. Adopt a Challenge 21 Policy. If a customer appears to be under 21 years of age and they cannot substantiate their age with a Photocard Driving Licence, Passport or PASS accredited proof of age scheme they shall be refused the sale/supply of intoxicating liquor. Challenge 21 posters shall be displayed within the premise to enforce the policy – Agreed.

The Officer representing the Licensing Authority confirmed that he was content with the basis of the agreement.

The Council's Solicitor advised that in light of the parties reaching an agreement in relation to the conditions proposed by Staffordshire Police, there was no longer any issue for the Committee to consider.

RESOLVED:

That the meeting be dispensed with following the parties having reached an agreement with regards to the objections raised.

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CHAIRMAN