

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING SUB-COMMITTEE**  
**MONDAY, 13 FEBRUARY 2006 AT 10.00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Davies, D.N. (Chairman)

Ansell, Mrs. P.A.      Grice, Mrs. D.

Applicant:                      Mr. F.A. Smith, Ringside Refreshments

Objector:                      Staffordshire Police

Licensing Authority:        Mrs. K. Sulway

Solicitor Advising Committee: Miss C. Beddow

Senior Committee Officer:    Miss J. Tunnicliffe

**22. Appointment of Chairman**

Councillor D.N. Davies was appointed Chairman of the meeting.

**23. Apologies and Reconstitution of Membership**

The Chairman reported that all Members of the Sub-Committee were present and that it was not necessary for a Member to be substituted by another Member taken from the Membership of the full Licensing/Public Protection Committee.

**24. Application for Premises Licence at Site on Car Park at Maymies Club, Hemlock Way, Cannock**

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.37 of the Official Minutes of the Council).

The Chairman introduced himself and asked other Members and Officers to do so. The applicant and the objector and his representatives also introduced themselves.

The officer of the Licensing Authority presented the report in the presence of the applicant and the objector.

The officer of the Licensing Authority explained that an application for a Premises Licence was made by the applicant on 19 December 2005 and the appropriate fee paid of £100. The proposed licensable activity was the provision of late night refreshment from 23:00 hours to 03:00 hours Monday to Sunday. There was no current planning consent for the activity and planning permission would be required. She explained that Maymies currently held a Premises Licence for the opening hours Monday to Thursday 20:00 hours to 02:00 hours the following day, Friday and Saturday 20:00 hours to 03:30 hours the following day and Sunday 20:00 hours to 02:00 hours the following day. She explained that this would require consideration by the Sub-Committee. She referred to the Police objection, which objected on the grounds of three of the licensing objectives, the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance. She explained that should the application be refused, or granted with conditions then both the applicant and objector would have the right to appeal to the Magistrates' Court against the decision.

The objector to the application was afforded the opportunity to ask questions of the officer from the Licensing Authority.

The objector to the application raised concern regarding the Planning permission and stated that the hours being applied for by the applicant were in conflict with the existing planning permission. The Officer of the Licensing Authority explained that planning permission would be required.

The applicant was afforded the opportunity to ask questions of the officer of the Licensing Authority.

The applicant referred to enclosure 4.2 (Summary of Main Effect) of the report and explained that in applying for late night refreshments from 23:00 to 03:00, he stated that within the time he had accounted for any eventualities which may occur and would not agree to a reduction in the hours he had applied for. He was aware that the hours applied for would exceed those of Maymies times. He also commented on the Human Rights Act and felt that he was being discriminated against because of the nature of his business.

Members of the Sub-Committee were afforded the opportunity to ask questions of the officer representing the Licensing Authority.

Members asked questions regarding the operating schedule attached to the application. In particular, they were keen to make sure that what the Sub-Committee decided would be reflected in the licence should it be granted. Members also queried the licensing objectives in relation to the application, and in particular the selling of alcohol.

The applicant was afforded the opportunity to present his case in respect of the matter in the presence of the officer of the Licensing Authority and any objectors.

The applicant referred Members of the Sub-Committee to an information pack which he had prepared as part of his case. Copies were circulated to Members of the Sub-Committee and the objector. The applicant explained that he had worked in the mobile catering business since 1959, which employed other members of his family. The business traded in Cannock as well as other areas. He stated that many years ago there was a public perception that mobile catering was a 'cowboy' business and felt that his business should be taken seriously. The applicant referred to page 1 and 2 of the information he submitted and explained that

this demonstrated the seriousness of the business in which he was running. He commented that he would never fly-pitch and would always obtain the permission required in order to trade. He then referred to page 3 of the information, which was a copy of a rental agreement between the managing agent and the applicant stating that the applicant had traded on the business park for a number of years. The applicant explained that he had tried to address the concerns that the Police had raised and felt that his business may be shut down. He referred to the information submitted and stated that he had researched similar businesses in the vicinity who had applied for a Licence, but could not find one. He referred to enclosure 4.25 of the report and the evidence to support the Police objection and stated that there were no entries for December 2005; he further referred to enclosure 4.33 which showed the statistics for crime and disorder in the vicinity of Maymies car park and alleged that there was a 33 per cent reduction in reported incidents due to the mobile catering van not being on the site in December and January.

The applicant confirmed that he had requested further information on statistics for the previous year from the Police prior to the hearing. The applicant referred to enclosure 4.35 and an email forwarded to the Police from the former Manager of Maymies on 3 December 2005 that stated that the nature of the applicant's business attracted problems when people were leaving Maymies. The applicant referred to page 5 of the information and enclosure 4.25 of the report which provided an analysis of the sample provided by Staffordshire Police for crime related incidents between September - November 2005. He then referred to page 6 of the information which provided analysis of information relating to crime and disorder in the vicinity of Maymies car park between December 2002 – January 2006. The applicant explained that each of the periods for the four years between December and January showed a reduction in incidents compared to the other years. He commented that between December 2005 and January 2006, his business was not trading from the site.

He then referred to page 7 and 8 of the information, which provided more in-depth analysis of the statistics. He explained that the charts showed no significance to his business trading and commented that Maymies closed their premises early January 2006; therefore his business had not traded for three weekends. The applicant felt that it was not reasonable for the objector to draw conclusions it had from the information provided. The applicant referred to page 13 of the information, which was a letter from The Planning Inspectorate relating to planning permission and pointed out that his appeal was successful and he had obtained planning consent. The applicant then referred to page 17 of the information, a letter from a neighbouring Police Authority, which stated that the applicant's business "could not be accountable for the behaviour of drunken customers" but asked that the applicant's business comply with the licensing conditions.

The objector to the application was afforded the opportunity to ask questions of the applicant.

The objector sought clarification from the applicant that people coming out of Maymies at closing time would use the business and asked how many people would use the business. The applicant confirmed that people would use the business and a rush would occur at the end of the night. He also explained that Maymies was not very successful over the past three years and takings were less than what they used to be.

The objector asked the applicant to clarify how many people would use the business by referring to enclosure 4.29 of the report. The applicant referred to enclosure 4.30 of the report and explained that queuing would take place along the car parking spaces next to where the

business was operating.

The objector asked if the applicant accepted that the presence of his business on the site would cause a blockage and lack of free movement for cars and taxis. The applicant referred to the letter from The Planning Inspectorate and commented that he did not think it would.

The objector referred to enclosure 4.31, paragraph 3 of the report, which referred to a Police report regarding the staffing of the business, problems with serving high volumes of customers, and drink fuelled violence. He also commented on 'boy-racers' approaching the business and asked the applicant to provide his comments. The applicant advised that it was not his business that sold alcohol but Maymies and explained that he had not observed 'boy-racers'.

The objector asked the applicant to confirm that an officer of the Police had previously been in contact prior to the hearing to arrange a meeting and possibly come to sort some of compromise. The applicant did not agree with this and explained that there would be no point in trying to come to a compromise, as the Police did not want him to trade on the site.

The objector referred to the form that was submitted by the applicant and commented that the schedule was not adequate in relation to the four licensing objectives. The applicant was of the opinion that he could only comply with two of the licensing objectives.

Members of the Sub-Committee were afforded the opportunity to ask questions of clarification of the applicant.

Councilor Mrs. P. A. Ansell asked the applicant why he felt that there was nothing he could do to achieve the further two licensing objectives and asked where his advice was taken from when completing the application. The applicant referred to page 17 of the information, which was the letter from a neighbouring Police Authority stating that the applicant could not be accountable for the behaviour of drunken customers and stated that he had taken advice from the neighbouring Police Authority.

The objector of the application was afforded the opportunity to put his case in respect of the matter in the presence of the officer representing the Licensing Authority and the applicant.

The objector referred to enclosure 4.24 of the report and explained that there was a problem with the dispersal of people from Maymies at closing time. He stated that the car park was not of adequate size, especially during busy periods and referred to the four licensing objectives. He explained that the business would contribute to congestion when customers were queuing to purchase food and would also obstruct vehicles on the site. Again he referred to the two licensing objectives of crime and disorder and public safety. He stated that the e-mail at enclosure 4.35 of the report provided evidence of the problems on the site. The objector then referred to enclosure 4.25 of the report and explained that a 'snapshot' of incidents relating to the site supported the objection.

He stated that there was a reduction in crime in the two months that the business was not trading on the site and explained that most incidents took place on the site at the end of the night. He reported that the car park was not well lit and questioned whether or not the CCTV worked. The objector's witness explained that the premises had the best up to date security but did not know who owned the CCTV that operated outside of the premises.

The objector suggested the applicant consider varying the hours requested by closing at an earlier time before the dispersal of people.

The applicant was afforded the opportunity to ask questions of the objector and witnesses.

The applicant sought clarification as to other businesses that had received objections and come to a Licensing Committee. The objector's witness stated that the applications that had been received were resolved without being brought forward to a Committee.

The applicant pointed out that the application by Maymies for the extension of opening hours had not received any objections. The objector's witness stated that the Police had not objected due to the excellent operating plan produced for the nightclub.

The Sub-Committee adjourned the hearing for 5 minutes in order to consider whether or not the hearing should be deferred to a later date to allow negotiations between the applicant and the objector and pending information from the Officer of the Licensing Authority concerning planning permission.

On the meeting being reconvened, the Officer of the Licensing Authority advised that the Sub-Committee was misinformed and confirmed that the letter received by the Applicant from The Planning Inspectorate was correct.

Members of the Sub-Committee were afforded the opportunity to ask questions of clarification of the objector and witnesses.

Members referred to the CCTV at the premises and although they were aware that no one knew whom the owner of the CCTV was, it was felt that it should be investigated.

The officer of the Licensing Authority was afforded the opportunity to sum up the case.

The officer of the Licensing Authority reported an amendment to the report in that planning permission was approved in 1994 and explained that the conditions would remain the same.

The applicant was afforded the opportunity to sum up his case.

The applicant explained that the objection related to the three licensing objectives of Crime and Disorder, Promotion of Public Safety and Prevention of Public Nuisance and the evidence to support this was provided in the form of statistics and planning issues. He explained that he did not believe that any meaningful conclusions could be drawn from the statistics provided by the objector and that the sample used was far too small. He explained that this was demonstrated by the use of bar charts for other time periods. The applicant then provided the Sub-Committee and objector with a summary of his case.

The objector was afforded the opportunity to sum up his case.

The objector explained that it was the Sub-Committee's decision on whether to grant the licence or not as the willingness of the applicant and the scope was limited and certain measures were out of his control.

Members of the Sub-Committee deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee.

The Sub-Committee, having deliberated in private and having considered the application together with the representations made:-

RESOLVED:

That the application for a Premises Licence be approved, subject to the following condition:-

That the provision of late night refreshments be permitted until 2.30 a.m. on every Friday and Saturday night only.

Reason for the Decision

The Sub-Committee considered that its decision, and in particular the condition attached to the licence was necessary in order to meet the licensing objective of Prevention of Public Nuisance.

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CHAIRMAN