

Please ask for: Mr. M. Berry

Your Ref:

Extension No: 4589

My Ref:

E-Mail: mattberry@cannockchasedc.gov.uk

19 April, 2016

Dear Councillor,

LICENSING SUB-COMMITTEE
11.00 A.M., WEDNESDAY 27 APRIL, 2016
DATTELN ROOM, CIVIC CENTRE, CANNOCK

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,



T. McGovern
Managing Director

To: Councillors

Grice, Mrs. D.
Johnson, T.B.
Todd, Mrs. D.M.

Lea, C.I. (Reserve)

A G E N D A

PART 1

1. Appointment of Chairman

2. Apologies and Reconstitution of Membership

The Council will 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 will be substituted by another Member taken from the membership of the full Licensing and Public Protection Committee. In the event of this substitution taking place, all parties will be informed of the change of membership at the beginning of the hearing.

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

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

4. Licensing Act 2003 – Application for a Review of a Premises Licence – Bar Sport, 85 High Green, Cannock, WS11 1BN

Report of the Head of Environmental Health (Enclosure 4.1 – 4.13).

CANNOCK CHASE COUNCIL**LICENSING SUB-COMMITTEE****27 APRIL 2016****REPORT OF HEAD OF ENVIRONMENTAL HEALTH****LICENSING ACT 2003****APPLICATION FOR A REVIEW OF A PREMISES LICENCE****BAR SPORT, 85 HIGH GREEN, CANNOCK, STAFFS, WS11 1BN**1. **Reason for Hearing**

Staffordshire Police have made application to the licensing authority for a review of the Bar Sport Premises Licence on the basis that there have been breaches of the premises licence and serious incidents at the venue. In particular the Police state that the review relates to the licensing objectives of Prevention of Crime and Disorder and the Protection of Children from Harm. A copy of the Application for Review of the Premises Licence is given as Annex 1 to this report.

2.

Name and Address of Premises.	Bar Sport, 85 High Green, Cannock, Staffs, WS11 1BN.
Applicant for Review of Premises Licence	Sgt Tracey Carsley, Staffordshire Police, Southern Licensing Unit, Burton Police Station, Horninglow Street, Burton-on-Trent, Staffs, DE14 1PA
Date of Application for Review	9 March 2016
Name and Address of the Premises Licence Holders	Bar Sport Property Limited 1 st Floor , 2 Woodberry Grove, North Finchley, London, N12 0DR

Designated Premises Supervisor (DPS)	Iain John Scott.
Other Responsible Authority representation.	No representations have been received from any other Responsible Authority
Valid Representations from Other Persons	No other representations have been received
Matters of note	<p>Staffordshire Police state in their application for review of the Bar Sport Premises Licence that since February 2015, there have been 15 incidents relating to the premises, 8 of which are violent.</p> <p>A synopsis of some of these events is given on page 5 of the application for review. This page is reproduced as Enclosure 5.10 to this report.</p> <p>In view of these incidents, Staffordshire Police ask that two new conditions are imposed upon the existing Premises Licence. These new conditions are intended to ensure that the licensing objectives are upheld.</p> <p>The two proposed conditions are given at the bottom of page 5 and the top of page 6 of the application for review. They are reproduced below and can also be found at enclosures 5.10 to 5.11 of this report.</p> <ol style="list-style-type: none"> 1) From 22.00hrs each Friday and Saturday night that the venue are open and trading, in the downstairs bar and VIP lounge upstairs, all drinks to be served in plastic/polycarbonate receptacles, all bottled products must be decanted and the bottle must be retained by the member of staff. Any glassware already in possession of patrons to be removed /decanted by 22.30hrs 2) All functions/events held in the Premier Suite to be individually risk assessed to necessitate the need for plastic/polycarbonate receptacles. All risk assessments to be made available, at the time of the visit, to any responsible authority. <p>Staffordshire Police also "...request that the committee support us in the removal of the DPS and imposing the two conditions requested".</p>

Other matters of note	<p>On 13 April 2016, the Council's Licensing Unit received an application to vary the Premises Licence from the Agent acting on behalf of Bar Sport Property Limited</p> <p>The minor variation application requested that 2 licence conditions , which have been agreed with Staffordshire Police, are added to the Premises Licence. These two conditions are very similar to the two conditions which Staffordshire Police asked the Licensing Sub Committee to impose upon the premises licence at the review hearing.</p> <p>This Minor Variation of the Premises Licence is currently being considered by the Council's Licensing Unit.</p> <p>On 18 April 2016, the Council's Licensing Unit received a letter by email from the agent for the Licence Holder which advised that they had been in successful negotiations with Staffordshire Police and that as a result there was no longer a need for the review to take place.</p> <p>On the 19 April 2016, Staffordshire Police emailed the Licensing Unit to confirm their agreement with the agent of the Licence Holder and confirmed that they wished to withdraw their application for review of the premises licence.</p> <p>Although negotiations between Staffordshire Police and the Licence Holder have been successful, there is still a requirement within the Licensing Act for the Licensing Sub Committee to hold a Hearing.</p>
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3. Human Rights Act 1998 Implications

- 3.1 Article 6 of the Act provides that where a person's civil rights and obligations are being determined, s/he is entitled to a "fair trial". The Council complies with Article 6 in that it gives the person the opportunity to state their case, will make a decision within a reasonable period of time and will give reasons for its decision.
- 3.2 The Article also provides for the issue to be determined by an independent tribunal. The right of appeal to the Court against the Council's decision fulfils this.

4. Legal Implications

- 4.1 The Licensing Sub Committee is permitted under section 52(4) of the Licensing Act 2003 ('the Act') having had regard to the representations, to take such steps as it considers appropriate for the promotion of the licensing objectives namely;

- a) to modify the conditions of the licence**
- b) to exclude a licensable activity from the scope of the premises**

- c) to remove the Designated Premises Supervisor
 d) to suspend the licence for a period not exceeding 3 months
 e) to revoke the licence.

- 4.2 The Licensing Sub-Committee can also resolve to take no action, issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.
- 4.3 Any remedial action taken should be directed at the cause of the concerns which the representations identify. The remedial action should always be directed at these causes and should be no more than an appropriate and proportionate response.
- 4.4 The applicant, the licence holder and other persons who made relevant representations in relation to the application have a right of appeal to the Magistrates' Court should they disagree with the Licensing Sub Committee's decision. The appeal must be made within 21 days of the Committee's decision being notified (in writing) to the appellant.

5. Financial Implications

- 5.1 No fees are payable upon application for a review of a premises licence. However, both the applicant and licence holder have the right of appeal to the Magistrates' Court against the decision.
- 5.2 The Court is however, less likely to award costs against the Council if it is satisfied that the Council had acted honestly, reasonably and properly and on grounds which appeared to be sound.
- 5.3 Should the Premises Licence be revoked, then the annual fee of £640 due in December each year would not be payable to the Council.

6.

Annexes Attached Annex 1	The Application for Review of the Premises Licence.
7. Determination Required	<p>Members are asked to determine what action may be required in order to ensure that the licensing objectives are met at Bar Sport, having regard to the legislation, the 4 Licensing Objectives, the Council's Licensing Policy & Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.</p> <p>The 4 licensing objectives are:</p> <ul style="list-style-type: none"> • The Prevention of Crime & Disorder • Ensuring Public Safety • The Prevention of Public Nuisance • The Protection of Children from Harm

Licensing



Staffordshire POLICE

CANNOCK CHASE COUNCIL
ENVIRONMENTAL HEALTH
- 9 MAR 2016
PASSED TO [unclear]

09 MAR 2016

RECEIVED [unclear]

Sgt 588 Carsley
Southern Licensing Dept
Burton Police Station
Horninglow Street
Burton on Trent
Staffs
DE14 1PA

7th March 2016

Dear Sir/Madam,

Re: Bar Sport - 85, High Green, Cannock, Staffs, WS11 1BJ

Please find attached a review document and supporting evidence in relation to the Police application for a review under Section 51 of the Licensing Act 2003 for the aforementioned premise.

Yours faithfully

Sgt 588 Carsley
Tel: 01785 234722

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Sgt 588 Carsley

(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 85 High Green	
Post town Cannock	Post code (if known) WS11 1BJ

Name of premises licence holder or club holding club premises certificate (if known) Bar Sport Property Limited
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Number of premises licence or club premises certificate (if known) CCDC/PREM/05/192
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Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sgt 588 Tracey Carsley Southern Licensing Department Burton Police Station Horninglow Street Burton Staffordshire
Telephone number (if any) 01785 234722
E-mail address (optional) tracey.carsley@staffordshire.pnn.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

Staffordshire Police are requesting the review of this premise licence due to breaches of the premises licence and serious incidents at the venue.

In the past 12 months there have been 15 incidents relating to the venue, 8 of them being violence related.

In April 2015, Staffordshire Police Licensing arranged a meeting with the venue due to concerns over incidents. The owner, Scott Murray, designated premise supervisor Jane Bent, manager Iain Scott and head of security Andrew Martin attended.

At that meeting Staffordshire Police requested that the venue submit a minor variation to amend the premises licence conditions, three months later this was done.

Following that meeting Jane Bent stepped down as DPS and Iain Scott took over from 22nd April 2015.

Since the time of the first meeting, incidents of violence, have increased and Staffordshire Police are now seeking removal of the designated premises supervisor and the imposition of two conditions that we feel will help to uphold the licensing objectives.

Please provide as much information as possible to support the application (please read guidance note 3)

Supporting documentation is provided in appendices to this application as follows:

- Appendix 1: Premise Licence
- Appendix 2: Incident list
- Appendix 3: Police serials/Statements
- Appendix 4: Minor variation

The premise has been granted a premises licence to allow for various licensable activities, including the sale of alcohol, in accordance with timings and conditions attached to the premises licence, see copy licence in appendix 1.

Since February 2015, there have been 15 incidents relating to the premise, 8 of which are violence. An incident list is attached at Appendix 2.

30th January 2016 at 0230hrs Police and ambulance called to the Premier suite to a report that a male has been glassed in the neck, victim was taken to hospital for treatment, he has had to have two blood transfusions and extensive stitching, and he will be left with permanent scarring. It has also been noted that the member of door staff who identified the offender has refused to give a statement due to him knowing his family and being a close friend.

13th January 2016 at 1035hrs, a visit was made by Sgt Carsley and CCTV was requested, however, Iain Scott was unable to do this as it appeared that footage hadn't been retained on the system. This constitutes a breach of the licence.

25th December 2015 at 0112hrs officers were asked to attend the venue to a report of a male on the ground. It transpires that a male has been glassed inside the premises and has a substantial injury to his face, a female, who was also in the premises has sustained a severed tendon to her finger and is currently undergoing further tests to find out whether or not she will use the use of her hand. A further male, who was with the group had come outside was assaulted by being punched, this caused him to fall and hit his head on the pavement rendering him unconscious. It was noted at the time that CCTV wasn't available. The CCTV not being available constitutes a breach of the premises licence.

13th September 2015 at 0022hrs the victim has been inside the venue with her partner and an altercation has taken place, the offender has hit the victim with either a glass or a bottle which has smashed over her nose causing a cut to the bridge of her nose and blood down her face. The witnesses and victim were all too drunk to give statements at the time.

Staffordshire Police are asking for the removal of the designated premises supervisor as clearly since the changeover of it is evidenced that the management of the venue is inadequate as violent incidents are at an unacceptable level.

We also ask that two additional conditions be put in place to uphold the objectives of the Licensing Act 2003, in particular, Prevention of Crime and Disorder. These are:

1 – From 2200hrs each Friday and Saturday night that the venue are open and trading, in the downstairs bar and the VIP Lounge bar upstairs, all drinks to be served in plastic/polycarbonate receptacle's, all bottled products must be decanted and the bottle must be retained by the member of staff. Any glassware already in possession of patrons to be removed/decanted by 2230hrs

2 – All functions/events held in the Premier Suite to be individually risk assessed to necessitate the

need for plastic/polycarbonate receptacles. All risk assessments to be made available, at the time of the visit, to any responsible authority.

Staffordshire Police request that the committee support us in the removal of the DPS and imposing the two conditions requested.

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

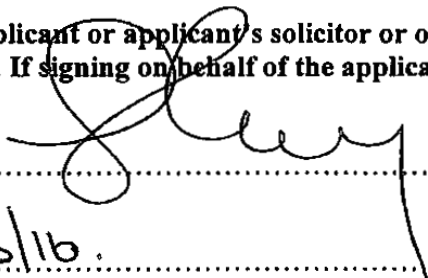
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

7/3/16.

Capacity

LICENSING SERGEANT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.