

CANNOCK CHASE COUNCIL**LICENSING SUB-COMMITTEE****8 MAY 2014****REPORT OF HEAD OF ENVIRONMENTAL HEALTH****LICENSING ACT 2003****APPLICATION FOR A REVIEW OF A PREMISES LICENCE****CLUB LOUNGE, 3 CHURCH STREET, CANNOCK, STAFFS, WS11 1DE.**1. **Reason for Hearing**

- 1.1 Staffordshire Police have made application to the licensing authority for a review of the Club Lounge Premises Licence on the basis that an offence has been committed under the Licensing Act 2003; that the licence holder has failed in his obligations to promote the licensing objectives and need to do more in relation to the promotion of the licensing objectives in the areas 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. A confidential annex containing witness statements and documents giving personal details is given as Annex 2 to this report.

2.

Name and Address of Premises.	Club Lounge, 3 Church Street, Cannock, Staffs, WS11 1DE
Applicant for Review of Premises Licence	PC David Evans, Staffordshire Police, Southern Licensing Unit, Burton Police Station, Horninglow Street, Burton-on-Trent, Staffs, DE14 1PA
Date of Application for Review	13 March 2014
Name and Address of the Premises Licence Holders	Mr Mark Jason Harrison. Mr Harrison's details can be found on the Premises Licence given within Annex 2 of this report

Designated Premises Supervisor (DPS)	Mr Mark Jason Harrison.
Other Responsible Authority representation.	The Licensing Unit has not received representation from any other Responsible Authority
Valid Representations from Other Persons	The Licensing Unit has not received any representation from any Other Persons
Matters of note	<p>On Friday 29 November 2013, Club Lounge was subject to a compliance testing operation where two underage persons were sent into the premises in order that they could attempt to purchase alcohol. The two underage volunteers were subsequently sold alcoholic drinks.</p> <p>A brief synopsis of the events of 29 November 2013 and the subsequent investigation/events are given on page 6, 7 & 8 of the Application for Review. These pages are reproduced as enclosure 4.10, 4.11 & 4.12 to this report.</p> <p>In view of the underage sale, Staffordshire Police ask that 17 conditions are added to the existing conditions in order to tighten the licence conditions and ensure that the licensing objectives are upheld.</p> <p>A full list of the conditions mentioned above is given on pages 8, 9 & 10 of the application for review. These are reproduced as enclosures 4.12, 4.13 & 4.14 to this report.</p>

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. 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.
- 5.2 Should the Premises Licence be revoked, then the annual fee of £180 due in February each year would not be payable to the Council.

6.

<p>Annexes Attached</p> <p>Annex 1</p> <p>Annex 2</p> <p>Annex 3</p>	<p>The Application for Review of the Premises Licence</p> <p>Confidential documents and witness statements contained within the Application for Review of the Premises Licence.</p> <p>Map of the premises location.</p>
<p>7. Determination Required</p>	<p>Members are asked to determine what action may be required in order to ensure that the licensing objectives are met at Club Lounge, 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 • Public Safety • the Prevention of Public Nuisance • the Protection of Children from Harm



Licensing Department
Cannock Chase Council
PO Box 28
Beechcroft Road
Cannock
Staffordshire
WS11 1BG

Contact: PC 4025 Dave Evans
Direct Line: 01785 234772
Fax: 01785 233772
Our ref:
Your ref:
Date: 10th March 2014

CANNOCK CHASE COUNCIL
ENVIRONMENTAL HEALTH
AND PUBLIC PROTECTION
13 MAR 2014
LICENSING
PASSED TO

Dear Sir/Madam

**Application for a Review of Premise Licence: Club Lounge, 3 Church Street,
Cannock, Staffordshire WS11 1DE**

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

There are 45 separate recorded incidents at the premise since January 2013 to date. An incident spreadsheet is held within the review document but due to the volume each individual incident is not included. Should anyone require further disclosure of these they are welcome to view them under supervised conditions.

If there are any queries in relation to this matter please feel free to give me a call.

Yours sincerely

CANNOCK CHASE COUNCIL
ENVIRONMENTAL HEALTH
13 MAR 2014
PASSED TO *SE*

CANNOCK CHASE COUNCIL
13 MAR 2014
POST ROOM

PC 4025 Evans
Southern Licensing Unit
Burton Police Station
Horninglow Street
Burton on Trent
DE14 1PA
01785 234772

cc , all other responsible authorities and Premise licence holder.



CANNOCK CHASE DISTRICT COUNCIL

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 **Police Constable 4025 D.Evans**

(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

CANNOCK CHASE COUNCIL
ENVIRONMENTAL HEALTH
AND PUBLIC PROTECTION

13 MAR 2014

LICENSING

PASSED TO

Post town Cannock

Post code (if known) WS14 2AG

Name of premises licence holder or club holding club premises certificate (if
known) Mark Jason Harrison

Number of premises licence or club premises certificate (if known)
CCDC/PREM

Part 2 - Applicant details

13 MAR 2014

PASSED TO

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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

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

Surname

First names

Please tick yes

I am 18 years old or over

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 PC David Evans c/o Southern Licensing Department Staffordshire Police Burton Police Station Horninglow Road Burton on Trent DE14 1PA
Telephone number (if any) 01785 234772
E-mail address (optional) david.evans@staffordshire.pnn.police.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

This premise has been subject of a compliance testing operation on Friday 29th November 2013 involving multi agency authorities where two girls aged 15 and 17 years of age were sent into a premise to see if they could purchase alcohol.

On the night in question the volunteers entered the premise and alcoholic drinks were sold by a member of staff to the volunteers. The member of staff at no point asked either volunteer for any form of identification or asked the children their age. They were not challenged by any of the door supervisors on entry.

The member of staff, the Seller was formally interviewed by the police due to this sale being a criminal offence under section 146 of the Licensing Act 2003 which relates to the sale of alcohol to a person (child) under 18 years of age.

11.27 of the Licensing Act 2003 makes particular reference to the sale of alcohol to minors and the fact that it should be treated particularly seriously.

The Premise Licence Holder for the Club Lounge is Mark Jason Harrison and he has a premise licence issued by this Council numbered CCDC/PREM/06/279.

Staffordshire Police believe the Premise Licence Holder has failed in his obligations to promote the licensing objectives.

In light of this matter he needs to do more in relation to the promotion of the licensing objectives in the area of the Prevention of Crime and Disorder and the Protection of Children from Harm and therefore Staffordshire Police believe a review of the premise licence is necessary under these circumstances.

Please provide as much information as possible to support the application
(please read guidance note 2)

Supporting documentation is provided in appendices to this application as follows which the Police will seek to use as part of their evidence in relation to this review application:-

Appendix 1: Premise Licence.
Appendix 2: Officer Statement's
Appendix 3: Record of interview of seller
Appendix 4: Letter of advice from CCDC
Appendix 5: Incident list and graphs.

The details of the underage sale at the venue are that on Friday 29th November 2013 Staffordshire Police Licensing Unit carried out a compliance testing operation in relation to the underage sale of alcohol in the Cannock area.

This involved the use of 2 volunteers aged 15 and 17 years of age, Danielle and Robyn. The volunteers were chosen because in the police's view they had a typical appearance of children of their age and in the interests of fairness to the premise employees were not selected because they looked falsely older than their actual years of age. They were selected because they clearly looked under the age of 18 years.

On Friday 29th November 2013 at 23.25 hours in company with plain clothes Police Officers from Staffordshire Police and also a Trading Standards officer both girls entered the Club lounge in order that they could carry out a compliance test for the illegal sale of alcohol to children. Both girls were unchallenged by the door supervisors at the entrance as to any age verification or proof of age documents. The girls entered and approached the bar area. At the bar Robyn asked the seller for two bottles of VS Red which are vodka based alcoholic drinks. Robyn was not asked for any proof of age identification nor asked her age prior to the sale taking place. Robyn was served with the alcoholic drink by the seller which was then seized by Special Constable NEAL. During this time, Danielle was stood at the bar next to Robyn and at no point in time was Danielle questioned in relation to her age or asked for age identification.

It should be noted that the volunteers aged 15 and 17 years were able to buy alcohol at 23.25 hours in a town centre premise unchallenged by Security Industry registered staff and the staff employed inside the premise.

On the 12th February 2014 the seller was formally interviewed by the police as this sale is a criminal offence under section 146 of the Licensing Act 2003 which relates to the sale of alcohol to a person (child) under 18 years of age and was given a fixed penalty notice for the offence amounting to a fine of £90. She told the interviewing officer that she had only just started working at the premise and although she had received licensing training in her previous employment she had received no training since she had taken up her position at the Club Lounge. She had received no training in relation to underage sales

and nor had it been explained to her as to what to do in relation to this matter. She was asked if she had ever made an entry in a refusals register and she said she had never seen one. She stated that she assumed the volunteers were over 18 as they had already got passed 5 door supervisors prior to approaching the bar area un challenged. She fully admitted the offence during her interview.

This sale of alcohol to a child is a criminal offence and is one that the Licensing Act 2003 makes specific reference to at 2.26 and again at 11.27.

Now the sellers interview identified numerous breaches of the Premise licence in relation to training and sales as follows ;

- Implementing strategy for, and staff training on dealing with incidents of disorder.
- Ongoing training of staff to recognise drunkenness and refuse service to customers who have consumed excessive alcohol and training to handle potential troublemakers and diffuse difficult situations.
- Encouraging vigilance among staff to supervise customers in all parts to the premises.
- Ensuring the staff are vigilant in all areas of the premises and if undesirable activity is discovered Managers take appropriate action
- Training staff in drugs awareness issues
- Ensure that staff are aware of the issues relating to the spiking of drinks
- Ongoing staff training to include basic first Aid and emergency procedures.

These are all breaches under Section 136 of the Licensing Act 2003 and are therefore criminal offences.

This compliance test identified significant issues around the premise and the failure to comply with the premise licence but more worryingly on the 21st September 2013 the premise was visited by the senior licensing officer for Cannock Chase District Council Mr Sean O'Meara.

During this visit Mr O'Meara identified the fact that there was no refusals register and no readily accessible training records or those available were badly kept. Mr O'Meara wrote to the Premise licence holder Mr HARRISON and clearly advised him of this and the problems associated with this .He also made it very clear that "failure to comply with the conditions is an offence".

Clearly there were further breaches of the premise licence on this date and I refer to Mr O'Meara's letter dated the 6th December 2013 whereby he had asked to see written records at the premise in relation to a number of matters and stated, "I must advise you that upon the said request, some or all of the documents were not readily accessible or badly kept and as a result you may be in breach of your premise licence".

It is also noted that the letter of advice from Mr O'Meara suggested the Premise licence holder consider his advice carefully and that he should read the conditions on his premise licence as failure to comply with his licence may

result in formal action being taken.

It would appear that from when the visit took place on the 21st September 2013 and the day the failed compliance criminal offence took place on 29th November 2013 no improvement in the way the premise was being run took place.

It should also be noted that between January 2013 and February 2014 this year there have been a total of 45 reported incidents to the Police at the premise which also include 9 arrests making the premise the worst performing On line premise in the Cannock Chase District Councils area. These matters range from numerous reported assaults , criminal damage , drunkenness , racist comments to notable drugs readings. A spread sheet of incidents supports this.

The second worst performing premise for Police incidents in the Cannock Chase District Councils area has 24 recorded incidents in the same period of time. This is for the 12 month period of 2013

There are in fact only four other On licensed premises in the South of the county of Staffordshire with a worse record than the Club Lounge. These statistics are again for the 12 months of 2013.

At this time the Club Lounge is giving Staffordshire Police cause for concern in relation to the way the business is being run and how the four Licensing objectives are being upheld. The sale of alcohol to the child volunteers whilst a serious offence under the licensing Act 2003 is effectively the "tip of the iceberg".

The Premise Licence holder must do more to improve this premise and uphold the four licensing objectives.

Therefore we ask that the existing licence for the Club Lounge be improved and updated in order that the licensing objectives are achieved and ask that the following conditions be upgraded and included on the premise licence.

1. When the DPS is not physically present on the premises and the venue is open to the public there must be present a personal licence holder who is not under the age of 21 years who has been authorised by the DPS to cover their functions under the Licensing Act. Any such person should have seen read and be fully aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the venue.
2. A record should be kept detailing, the name, address, personal licence number and issuing authority of personal licence relative to the person left in charge of the venue and the times and dates when the authority to cover the functions of the DPS exists.
3. These should be individual entries covering short periods of time only and should not exceed more than a three week period.
4. The personal licence holder should also sign a register on each occasion that he has physically seen inspected and is fully aware of all

the conditions attached to the premise licence. The DPS should also sign to acknowledge that they agree to the personal licence holder being in charge of the premise for any times specified. The records of these matters should be kept fully updated at all times and be held within the venue to allow the immediate inspection by a police or a responsible authority

5. All persons involved in the sale of alcohol who are not the holders of a Personal Licence to sell alcohol will receive initial training and regular 3 monthly refresher training by the Designated Premises Supervisor with regards to the law and in relation to the sale of alcohol. Such training will be recorded and up to date training records of all such persons will be maintained at the premises and produced and made available for inspection upon request by a responsible authority. This register will also be signed monthly by the Designated Premise Supervisor
6. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request when licensable activity is taking place.
7. A competent trained person in the use of and operation of the CCTV will at the premise or able to attend the premise as soon as is a practicable time that licensable activities take place and be able to fully operate the CCTV system to be able to down load in a recognised format any information requested by the Police.
8. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).
9. A CCTV register will be kept and evidenced that the system is working and all in order daily and signed by the designated premise supervisor.
10. An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded. The register will be produced and made available for inspection upon request by a responsible authority. This register will be signed weekly by the designated premise supervisor.
11. A refusals record must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. The record must contain details of the staff member refusing the sale. This record will be signed weekly by the designated premise supervisor.
12. The Premise shall upon request of the Police or responsible Authority display any promotional material regarding drug awareness. A zero tolerance policy will be adopted by the licensee and any incidents concerning drugs reported to the police immediately.
13. At each till there will be placed a date of birth check card which will be kept updated at all times with the current date of birth which a person must be born before to be aged 18 or over.
14. At the entrance to the premise and at the till area there will be an Ultra Violet light positioned to allow the door staff and bar staff to check the validity of identity documents. The lights will be operational at all times when the premise is open to the public.
15. Clear signage will be in place asking customers to leave the premises quietly respecting the privacy of local residents and the

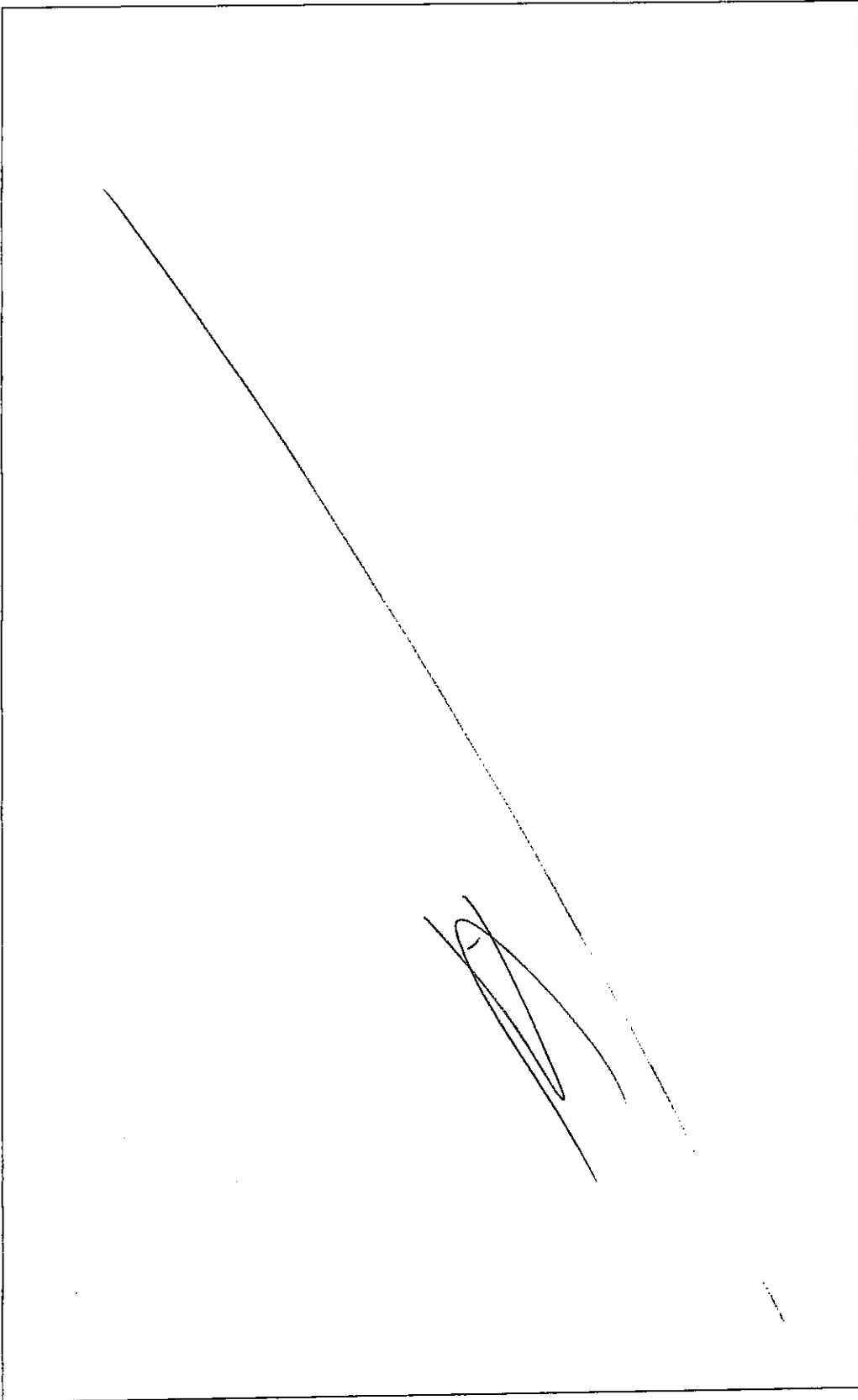
public.

16. The premise licence holder will ensure that an age verification policy (challenge 25) will apply to the premises whereby all staff or door supervisors will be trained to ask any customer attempting to purchase alcohol ,who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before buying alcohol, identification being a passport or photo card driving licence bearing a holographic mark , military identification or other valid form of identification bearing the customers photograph , date of birth and the proof of age standard scheme (or similarly accredited scheme) hologram.
17. Clear signage will be displayed at prominent positions inside the premise advertising the Challenge 25 policy.

We believe the tightening up of these conditions need to be attached to the Premise Licence in order to ensure that the licensing objectives are upheld.

Staffordshire Police also request that the Notice of Determination records that the Premise Licence Holder has been given clear warning that the Licensing Committee considers the sale of alcohol to children to be particularly serious and that any further sales of alcohol to children will result in a subsequent review of the Premise Licence by Staffordshire Police.

Should the conditions be attached fully and the warning given as outlined above then Staffordshire Police believe that the licensing objectives relative to prevention of crime and disorder and the protection of children from harm are likely to be met.



Please tick yes

Have you made an application for review relating to this 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 this premises please state what they were and when you made them

Please tick yes

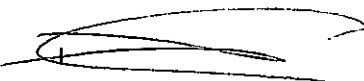
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 10th March 2014

Capacity Licensing Constable

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

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)

Please note that Cannock Chase District Council hold and use data in accordance with the Data Protection Act 1998. You should be aware that by signing this form you are agreeing that the information you have provided within it may be used and shared with other departments and agencies in order to assist in the prevention and detection of crime and to protect public funds.

Notes for Guidance

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