

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE

HELD ON MONDAY 28 APRIL, 2014 AT 2.00 P.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors:

Todd, D. (Chairman)
Anslow, C.
Bottomer, B.

Licence Holder: Ms. C. Hewitt

Representing the Licence Holder: Mr. M. Pearce, TLTC Ltd

Responsible Authority: J.Mellor – Police Licensing Officer
Sgt. Tracy Carsley

Representing the Licensing Authority: Mr. D. Prosser-Davies
(Food & Safety Manager, Cannock Chase
Council)

Legal Advisor to the Committee: Mr. S. Turner (Principal Solicitor)

Secretary to the Committee: Mrs. D. Cook (Senior Committee Officer)

1. Appointment of Chairman

Councillors B. Bottomer and C. Anslow nominated Councillor Mrs. D. Todd. as Chairman.

RESOLVED:

That Councillor Mrs. D. Todd be appointed as Chairman for the meeting.

2. Apologies and Reconstitution of Membership

There were no apologies received.

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

No declarations of interests were received.

4. Licensing Act, 2003 – Application to transfer a Premises Licence = Victoria Club, Norton East Road, Norton Canes, WS11 9RT

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.128). It was noted that some of the report contained exempt information. The Committee was informed that if it was necessary for

this information to be referred to, the Chairman would formally move that the meeting be held in exempt session.

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.

The Licence Holder, Police Representatives and Members were afforded the opportunity of asking questions of the Officer of the Licensing Authority. No questions were asked.

The Police Representatives presented their case.

The Members adjourned the meeting to review legislation.

The Licence Holder was afforded the opportunity of asking questions of the Police Representatives. No questions were raised.

The Members of the Sub-Committee then asked questions of the Police.

The Licence Holder's Representative presented their case.

The Police Representatives were afforded the opportunity of asking questions of the Licence Holder. No Questions were asked.

The Members of the Sub Committee then asked questions of the Licence Holder and their Representative.

The Officer of the Licensing Authority, the Licence Holder and the Police Representatives were given the opportunity to sum up their cases.

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

RESOLVED:

After considering the evidence and representations from Staffordshire Police and the Applicant ("the Parties");

And considering the matters set out in the report, and the additional documents referred to at the hearing by the Parties;

And considering the statutory guidance issued under section 182 of the Licensing Act 2003 ("the Guidance"), and the Councils Licensing Policy;

1. That the application is granted and the transfer shall take effect on 13 March 2014.
2. The Members of the Sub-Committee issued a warning to the Licence Holder in respect that they would expect the CCTV to be installed very soon, and would expect the Licence Holder to work with the Police to improve measures to prevent drug use.

Reasons for the Decision

- i. The Committee considered the notice given by the Police under section 42(6) of the Act;
- ii. The Committee considered the Guidance.
- iii. The Committee took into account paragraph 8.94 of the Guidance and noted that the guidance suggests that “such objections are expected to be rare and arise because the police have evidence that the business or individuals linked to such person are involved in crime or disorder”
- iv. Having considered the evidence the Committee was not satisfied that the applicant or anyone linked to her is currently involved in crime;
- v. On this basis the Committee did not consider there were “exceptional circumstances” in this case that would undermine the crime prevention objective in the event of the application being granted.
- vi. The Committee did not consider it appropriate to reject the application for the purposes of promoting the crime prevention objective;

(The meeting closed at 15:30).

CHAIRMAN

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE

HELD ON TUESDAY 6 MAY, 2014 AT 10.00 A.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors:

Allen, F. (Chairman)
Fisher, P.
Grice, D.

Licence Holder: Mr. Umit Maman

Representing the Licence Holder: SH & CO Solicitors

Responsible Authority: PC D. Evans -
J.Mellor – Police Licensing Officer

Representing the Licensing Authority: Mr. D. Prosser-Davies
(Food & Safety Manager, Cannock Chase
Council)

Legal Advisor to the Committee: Mr. S. Turner (Principal Solicitor)

Secretary to the Committee: Mrs. D. Cook (Senior Committee Officer)

1. Appointment of Chairman

Councillors P. Fisher and D. Grice nominated Councillor F. Allen as Chairman.

RESOLVED:

That Councillor F. Allen be appointed as Chairman for the meeting.

2. Apologies and Reconstitution of Membership

Apologies were received from Councillor Mrs. Z. Stretton and was substituted by Councillor Mrs. D. Grice.

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

No declarations of interests were received.

4. Licensing Act, 2003 – Application to transfer a Premises Licence = Victoria Club, Norton East Road, Norton Canes, WS11 9RT

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.128). It was noted that some of the report contained

exempt information. The Committee was informed that if it was necessary for this information to be referred to, the Chairman would formally move that the meeting be held in exempt session.

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.

The Licence Holder, Police Representatives and Members were afforded the opportunity of asking questions of the Officer of the Licensing Authority. No questions were asked.

The Police Representatives presented their case.

The Licence Holder then asked questions of the Police Representatives.

The Members of the Sub-Committee were afforded the opportunity of asking the Police Representatives questions. No questions were asked.

The Licence Holder's Representative presented their case.

The Police Representatives and the Members of the Sub-Committee then asked questions of the Licence Holder and their Representative.

The Members adjourned the meeting to review whether the further evidence of a police taped interview should be listened to.

The Members asked further questions of the Licence Holder and their Representative.

The Officer of the Licensing Authority, the Licence Holder and the Police Representatives were given the opportunity to sum up their cases.

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

RESOLVED:

That after hearing the evidence submitted by the Staffordshire Police and the Licence Holder and having considered the matters set out in the report attached to the agenda

1. The premises licence is revoked.

Reasons for the Decision

- i. The Committee found that the management of the premises had allowed at least 24 breaches of the premises licence conditions since September 2013.
- ii. The Committee noted that the breaches included repeated failures to employ door supervisors, and failure to take steps to comply with

- requirements for CCTV provision, as required by the premises licence;
- iii. The Committee found that the management were unwilling to listen to advice from Police and the Council's Licensing Unit and had failed to take reasonable steps to ensure compliance with the conditions of the premises licence;
 - iv. The Committee considered that the premises were badly managed with a management that has little regard for complying with the Licensing Act 2003;
 - v. The Committee noted and accepted Police evidence that:-
 - That there are a number of significant breaches of the Licensing Act 2003
 - The Police had "significant concerns about Mr. Maman's commitment to work within the remit of his premises licence; and
 - The premises were considered "the worst performing licensed premises in the Council's area";
 - vi. Given the failures of management to engage with the Police or the Council, the evidence of bad management, and the failure of the licence holder to comply with the conditions of the premises licence, the Committee considered it appropriate and proportionate to revoke the licence;
 - vii. Given the above findings the Committee decided it would be appropriate and proportionate to revoke the premises licence in the interests of promoting the objectives relating to crime prevention and public safety.
 - viii. The Committee considered that the benefits of ensuring compliance with the licensing laws and the resulting promotion of public safety and the crime prevention objective are factors that outweigh the interests of the licence holder in this case, given the licence holder's irresponsible attitude towards compliance with the premises licence conditions.

Right of Appeal

Should you disagree with the Committee's decision, you have a right of appeal to the Magistrates Court. Any such appeal must be lodged with the Court within 21 days from the date you were notified by the Licensing Authority of this decision.

(The meeting closed at 11:30 am).

CHAIRMAN

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE

HELD ON THURSDAY 8 MAY, 2014 AT 10.00 A.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors:

Allen, F. (Chairman)
Fisher, P.
Grice, D.

Licence Holder: Mark Harrison

Representing the Licence Holder: Michael Pearce (Michael Pearce TLTC Ltd)

Responsible Authority: PC D. Evans -
J.Mellor – Police Licensing Officer

Representing the Licensing Authority: Mr. D. Prosser-Davies
(Food & Safety Manager, Cannock Chase
Council)

Legal Advisor to the Committee: Mr. S. Turner (Principal Solicitor)

Secretary to the Committee: Mrs. W. Rowe (Senior Committee Officer)

Also present observing the proceedings: John Stead (Public observer)
Gavin Houston (Public observer)
Mr. S. O'Meara (Senior Licensing Officer,
Cannock Chase Council)

1. Appointment of Chairman

Councillors P. Fisher and D. Grice nominated Councillor F. Allen as Chairman.

RESOLVED:

That Councillor F. Allen be appointed as Chairman for the meeting.

2. Apologies and Reconstitution of Membership

There were no apologies for absence.

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

No declarations of interests were received.

4. Licensing Act, 2003 – Application for review of Premises Licence at Club

Lounge, 3 Church Street, Cannock

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.52. Some of the report contained exempt information and, if it was necessary for this information to be referred to the Chairman would formally move that the meeting be held in exempt session.

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.

The Licence Holder's Representative, Police Representatives (the Applicants) and Members were afforded the opportunity of asking questions of the Officer of the Licensing Authority. No questions were asked.

The Police Representatives presented their case. The Committee was advised that the Licence Holder's Representative had indicated that they were in agreement to the proposed 17 additional conditions being added to the Premises Licence.

The Licence Holder's Representative was then offered the opportunity to ask questions of the Police Representatives. No questions were asked.

The Members of the Sub-Committee then asked the Police Representatives questions.

The Licence Holder's Representative presented their case.

The Police Representatives and the Members of the Sub-Committee were then offered the opportunity to ask questions of the Licence Holder and their Representative. No questions were asked.

The Officer of the Licensing Authority, the Police Representatives and the Licence Holder's Representative were given the opportunity to sum up their cases.

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

RESOLVED:

That, after hearing the evidence submitted and the representations made by the representative for the Licence Holder and by Staffordshire Police ("the Parties") and having considered the matters set out in the report of the Head of Environmental Health attached to the agenda

1. The additional conditions set out in Appendix 1 to this decision are to be added to the premises licence.

Reasons for the Decision

- i) The Parties have agreed that the conditions in Appendix 1 should be

added to the premises licence ;

- ii) The Committee considers it appropriate and proportionate to impose the additional conditions in Appendix 1 in order to promote the licensing objectives relating to the prevention of crime and disorder and the protection of children from harm ;
 - iii) The Committee considers that the Conditions in Appendix 1 should help to prevent illegal sales of alcohol to children ;
2. The Chairman warned the management of the premises to ensure compliance with the conditions on the premises licence because the Police would almost certainly bring a further review if there were further illegal sales of alcohol to children.

Right of Appeal

Should you disagree with the Committee's decision, you have a right of appeal to the Magistrates Court. Any such appeal must be lodged with the Court within 21 days from the date you were notified by the Licensing Authority of this decision.

(The meeting closed at 10. 40 am).

CHAIRMAN

APPENDIX 1

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.

APPENDIX 1 (Cont'd)

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.

