



Licensing

Sub-Committee

12th August 2013

MINUTES

Sub-Committee Members Present:

Councillor Phil Mould (Chair) and Councillor Alan Mason and Michael Chalk

Officers:

K Barnett (Litigation Solicitor, Legal Services)
D Etheridge (Senior Licensing Practitioner)
I Westmore (Democratic Services Officer)

Applicant's Side:

Mr M Parchment, Applicant
Clinton, Business Associate of the Applicant

Also in Attendance:

Mr P Bott, West Mercia Police, Objector

1. CHAIR'S WELCOME

The Chair opened the Hearing and introduced the Members of the Sub-Committee and Officers present. The Chair briefly explained to all parties the procedure to be followed during the Hearing.

2. APOLOGIES

There were no apologies for absence. It was noted that Councillor Michael Braley was the designated Reserve member.

3. DECLARATIONS

There were no declarations of interest.

4. TEMPORARY EVENT NOTICE - OBJECTION FROM WEST MERCIA POLICE

The Sub-Committee was asked to consider an application for a Temporary Event Notice in respect of Club Rush, 76 Ipsley Street, Redditch B98 7AJ. The application was subject to a hearing in the light of an objection notice being served by West Mercia Police in accordance with the Licensing Act 2003. The basis of the objection

from the Police related primarily to crime and disorder but touched on the other three licensing objectives to a lesser extent.

The Senior Licensing Practitioner introduced the report, noting that the applicant had submitted the Temporary Event Notice more than ten days in advance of the event rendering it a standard Notice. The Objection Notice from the Police had been received on 1st August and this was followed subsequently by a witness statement from the Police. The Senior Licensing Practitioner explained that the designation of regulated entertainment on the form incorporated all forms of such regulated entertainment although the specific form to be provided at the proposed Temporary Event was detailed in the application.

Clinton, a business associate of the applicant, presented the case in support of Mr Parchment's application. He explained that their venue was the only place in Redditch to provide alternative music and, as a result, drew its custom from further afield than other establishments in the town. On this occasion several coaches were travelling from Manchester to attend the event and, in order to fit in the scheduled events, it was proposed to carry on until 6.00am.

It was contended that the premises suffered less from violence than others in the town and generally had a friendly atmosphere, in part the result of the customer base being made up of older people than was generally the case at local night-clubs. Whilst there had been a number of incidents it was suggested that these predominantly took place outside of the premises and generally involved known trouble-makers. The premises had been under the control of the present management for a relatively short period and the staff were still in the process of identifying those who might cause trouble and should be barred from future entry. The Sub-Committee was told that the club did not benefit from a police presence in the early hours of the morning and the management would welcome such a presence. The applicant and his business associate then went on to provide accounts of a number of the incidents detailed by the Police in order to demonstrate that the club was taking reasonable measures to prevent problems occurring.

Mr Paul Bott of West Mercia Police commenced by explaining that, although he had recently ceased to be a Police Licensing Officer, he retained the delegated authority to exercise powers and duties in respect of licensing matters on behalf of the Chief Constable until September of this year. Mr Bott related the incidents which had come to the attention of the Police in recent times within and in the vicinity of Club Rush and which were detailed in his witness statement. These included incidents of being drunk and disorderly, drunkenness in and around the premises, serving alcohol to persons who were under-age and assault. It was stated that the

Police believed that allowing the Temporary Event to go ahead would run counter to the four Licensing principles. In response to a question regarding the possibility of a review of the premises as had been highlighted by Inspector Joseph, Mr Bott confirmed that he was not aware that any further action had been taken in this regard following the interview between Mr Parchment and Inspector Joseph.

All parties then had the opportunity to sum up their cases with Mr Bott summing up on behalf of the Police and Clinton summing up on behalf of the applicant, Mr Parchment.

Having had regard to:

- the Licensing Objectives;
- guidance issued under section 182 of the Licensing Act 2003;
- the Borough Council's Statement of Licensing Policy;
- the application made by the applicant; and
- the objection made by the Police and representations made by the applicant and their representative (both in writing prior to and in person at the hearing)

the Sub-Committee RESOLVED that

the application for a Temporary Event Notice in respect of Club Rush, 76 Ipsley Street, Redditch, B98 7AJ be GRANTED subject to compliance with the existing premises licence conditions, insofar as they were not inconsistent with the application.

Whilst the Sub-Committee had taken into account the concerns expressed by West Mercia Police with regard to the four licensing objectives they felt that there was sufficient evidence to suggest that the applicant was able and prepared to deal with these concerns and that he would use his best endeavours to ensure that this event was properly run and controlled. The Sub-Committee was mindful that a Review of the licence would be possible should further incidents be reported.

The following legal advice had been given:

- **that the Licensing Objectives must be the paramount consideration;**

- **that the Sub-Committee may only have regard to the representations which promote the four licensing objectives; and**
- **that the Sub-Committee must consider only those matters directly relevant to the premises.**

The Chair concluded by reminding the applicant of the requirement under the existing Premises Licensing Conditions that there would be no entrance or re-admittance into the premises after 01.30 hours on Sunday, 25th August, that there should be minimum of three door-staff together with any additional staff required to comply with the ratio stated in the existing premises licence, that nobody under the age of 18 years was to be on the premises after 19.00 hours on Saturday, 24th August 2013 and that it was a condition of the existing Licence that the applicant was to have a good working relationship with West Mercia Police and it was recommended that the applicant speaks to the Police in respect of his request for a police presence after 03.00 hours on Sunday, 25th August 2013.

The Meeting commenced at 4.30 pm
and closed at 5.52 pm