

Licensing Sub-Committee

3rd December 2014

MINUTES

Present:

Councillor Alan Mason (Chair), Councillor Pattie Hill (Vice-Chair) and Councillor Gay Hopkins

Reserve Member (observing) Councillor John Witherspoon

Officers:

Kevin Barnett (Litigation Solicitor, Legal Services)

Dave Etheridge (Senior Licensing Practitioner, Worcestershire Regulatory Services)

Mrs P Ross (Democratic Services Officer)

Applicant's Side:

Mr M Parchment, Applicant

Mr Clinton Bryn, Business Associate of the Applicant

Also in Attendance:

Inspector Rebecca Love, Objector

Sergeant J Gilkes (observing)

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 John Witherspoon was the designated Reserve Member.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

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Chair

4. TEMPORARY EVENT NOTICE - OBJECTION FROM WEST MERCIA POLICE

The Sub-Committee was asked to consider an application for a Temporary Event Notice (TEN) in respect of 76 Ipsley Street, Redditch, B98 7AJ. The application having been submitted by Mr Michael Parchment in order to permit licensable activities to take place at the premises from 22:00 hours on Saturday 6th December 2014 to 06:00 hours on Sunday 7th December 2014.

The Council's Litigation Solicitor informed the Sub-Committee that the Police and Environmental Health could raise objections to a TEN application, however, other parties could not raise objections. The Police were the main source of advice or information in respect of any objections to a TEN application.

The application was subject to a Hearing in light of an objection notice being served by West Mercia Police in accordance with the Licensing Act 2003.

The basis of their objection related to:-

- Prevention of Crime
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Sub-Committee of the date and the hours applied for as detailed on the TEN application. The Senior Licensing Practitioner drew Members' attention to page 35 of the report, which detailed the Objection Notice submitted by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch, West Mercia Police.

Mr Clinton Bryn, Mr Parchment's Business Associate presented the case in support of Mr Parchment's application. Mr Bryn explained that the premises was a community run club where local artists and musicians performed. It was a small company that also held music lessons for children. Their music events were the biggest events in Redditch Town Centre, offering reggae music and hot food. They currently traded on a Thursday, Friday and Saturday from midnight until 3:00 a.m. They were struggling to make ends meet and to fit in the entertainment and hot food consumption in the current three hours of opening, hence the TEN application. In his opinion it was the best run club in the town; the police did not attend the club. There were no fights or any issues, so he could not understand why

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the police had objected. The club had had TEN's previously granted with no issues or concerns.

Mr Bryn then questioned why the police were objecting on the grounds of protecting children from harm, as no children were on the premises between midnight and 3:00 a.m. He was also concerned that the police were objecting on the grounds of the prevention of public nuisance. Initially there had been instances with a small number of people hanging around outside the club after it had closed but no issues had been left unresolved. A new taxi rank was now in place and was used by a local taxi company. The new taxi rank had opened as a result of business generated by the club.

Mr Bryn continued and informed Members that this was a local club, not a rave, with local bands and artists, with the average age of their customers being between 50 and 60 years. The local community supported the club. In his opinion there was not another club in the area like theirs. The club had been open for thirty six years. There had never been a problem, the police had visited the premises and had walked through the premises, but he was not aware of any issues or concerns at the club that took up additional police resources.

At the invitation of the Chairman, Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police provided information with regard to her objection notice. Inspector Love highlighted that, as detailed in her objection notice, the club had recently been under police scrutiny as there had been, over the last six months, incidents involving violence and crime directly related to the premises.

Inspector Love informed Members of the history in relation to the premises. In June 2013 Mr Parchment had met with Inspector Joseph after specific incidents in the club involving a young person aged sixteen and the club's CCTV system not fully working.

Inspector Love continued and highlighted that since her arrival, both CID and local intelligence had had a proactive approach with uniformed police officers visiting the premises on a Friday and Saturday evening. Officers had witnessed customers still in the club being served alcohol and food well after their 3:00 a.m. closure time. Following on from these visits Inspector Love met with Mr Parchment on 22nd October 2014 to raise and discuss the concerns and issues as detailed below. Mr Parchment was given twenty eight days to address the concerns and issues raised:

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- Staff serving alcohol and food to customers in the club after 3:00 am.
- A robbery and serious assault in the club.
- CCTV system not fully working.
- Pub Watch banned individual being present in the club.
- A diary being used as an incident book.

On 26th November 2014, Inspector Love met again with Mr Parchment and Mr Bryn as further incidents had been reported and the police still had concerns about the activity at the club, with the police recording six offences and twelve incidents at the club. The CCTV system was checked during the period 22nd October 2014 to 26th November 2014 and it was found that the CCTV system was recording for seven days only. The police also had concerns regarding the door staff at the club. Inspector Love felt that the club lacked organisation in the running of the premises and that, as detailed in her objection notice, the recent concerns and issues at the club would result in an increase in crime and disorder and risk to public safety should the TEN be granted.

In reply Mr Parchment explained that a new CCTV system had been purchased and there had been some issues with the system being set to record for one month and being set at motion mode. Following on from this Mr Parchment had spoken to Inspector Love to explain that he was not going to mess with the CCTV system once set until Inspector Love had returned to check the CCTV system, he was not aware that it was recording for seven days only.

Inspector Love responded to Members' questions and informed Members that the club had four SIA registered door staff. One door staff member who was not SIA registered had since been arrested after a previous TEN event at the club. In her opinion the door staff at other licensed premises managed incidents well.

Inspector Love responded to the Council's Litigation Solicitor and provided the Sub-Committee with a verbal update detailing the specific recent incidents at the club from October 2014 to 30th November 2014. A total of ten incidents had been recorded by the police. Inspector Love could not comment as to whether the incidents at the club were of a similar level to that recorded at other licensed premises in the town centre as she had no data to make that comparison. But analysis had shown that there was a greater demand made on police time attending incidents at the club.

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All parties then had the opportunity to sum up their cases with Inspector Love summing up for the police and Mr Bryn summing up on behalf of the applicant, Mr Parchment.

Mr Bryn expressed his concerns with regard to the police objecting to the TEN application on the grounds of protecting children from harm. Mr Bryn reiterated that there were no children on the premises between midnight and 3:00 a.m. The Council's Litigation Solicitor pointed out that the police had served an objection notice under all four licensing objectives, not just the protection of children from harm. He advised that the Sub-Committee would only have regard to the impact on the relevant licensing objectives in respect of which evidence had been presented and any decision would make clear which of those objectives the Sub-Committee had taken into account.

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 report presented by the Senior Licensing Practitioner, Worcestershire Regulatory Services;
- the application and oral representations made at the Hearing by the applicant and the applicant's business associate;
- the relevant written representation and oral representations made at the Hearing by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police.

the Sub-Committee RESOLVED that

A counter-notice be served in respect of the application for a Temporary Event Notice from 22:00 on Saturday 6th December 2014 to 06:00 on Sunday 7th December 2014 at 76 Ipsley Street, Redditch, B98 7AJ

The Sub-Committee has taken into account the comments made by Mr Parchment and his representative regarding the veracity of the information presented by West Mercia Police. They do not, however, consider that any evidence has been provided by Mr Parchment which would persuade them that it is not appropriate to accept the representations made by West Mercia Police, principally in relation to the crime and disorder objective, that to allow the requested Temporary Event Notice to stand would have an adverse impact upon the licensing

objectives.

The following legal advice was 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.

5. TEMPORARY EVENT NOTICE - OBJECTION FROM WEST MERCIA POLICE

The Sub-Committee was asked to consider an application for a Temporary Event Notice (TEN) in respect of 76 Ipsley Street, Redditch, B98 7AJ. The application having been submitted by Mr Michael Parchment in order to permit licensable activities to take place at the premises from 22:00 hours on Saturday 13th December 2014 to 06:00 hours on Sunday 14th December 2014.

The application was subject to a Hearing in light of an objection notice being served by West Mercia Police in accordance in accordance with the Licensing Act 2003.

The basis of their objection related to:-

- Prevention of Crime
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Sub-Committee of the date and the hours applied for as detailed on the TEN application. The Senior Licensing Practitioner drew Members' attention to page 35 of the report, which detailed the Objection Notice submitted by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch, West Mercia Police.

In response to the Sub-Committee, Mr Parchment and Mr Bryn agreed they had said all they needed to say in support of their first

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TEN application and had nothing further to add or sum up with regard to their second TEN application.

In response to the Sub-Committee, Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police agreed she had provided all the relevant police information in respect of the first TEN application and had nothing further to add or sum up with regard to the second application submitted.

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 report presented by the Senior Licensing Practitioner, Worcestershire Regulatory Services;
- the application and oral representations made at the Hearing by the applicant and the applicant's business associate;
- the relevant written representation and oral representations made at the Hearing by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police.

the Sub-Committee RESOLVED that

A counter-notice be served in respect of the application for a Temporary Event Notice from 22:00 on Saturday 13th December 2014 to 06:00 on Sunday 14th December 2014 at 76 Ipsley Street, Redditch, B98 7AJ

The Sub-Committee has taken into account the comments made by Mr Parchment and his representative regarding the veracity of the information presented by West Mercia Police. They do not, however, consider that any evidence has been provided by Mr Parchment which would persuade them that it is not appropriate to accept the representations made by West Mercia Police, principally in relation to the crime and disorder objective, that to allow the requested Temporary Event Notice to stand would have an adverse impact upon the licensing objectives.

The following legal advice was given:

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

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- 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.

6. TEMPORARY EVENT NOTICE - OBJECTION FROM WEST MERCIA POLICE

The Sub-Committee was asked to consider an application for a Temporary Event Notice (TEN) in respect of 76 Ipsley Street, Redditch, B98 7AJ. The application having been submitted by Mr Michael Parchment in order to permit licensable activities to take place at the premises from 22:00 hours on Saturday 20th December 2014 to 06:00 hours on Sunday 21st December 2014.

The application was subject to a Hearing in light of an objection notice being served by West Mercia Police in accordance with the Licensing Act 2003.

The basis of their objection related to:-

- Prevention of Crime
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Sub-Committee of the date and the hours applied for as detailed on the TEN application. The Senior Licensing Practitioner drew Members' attention to page 35 of the report, which detailed the Objection Notice submitted by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch, West Mercia Police.

In response to the Sub-Committee, Mr Parchment and Mr Bryn agreed they had said all they needed to say in support of the previous TEN applications and had nothing further to add or sum up with regard to their third application.

In response to the Sub-Committee, Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police agreed she had provided all the relevant police information in respect of the previous TEN applications and had nothing further to add or sum up with regard to the third TEN application submitted.

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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 report presented by the Senior Licensing Practitioner, Worcestershire Regulatory Services;
- the application and oral representations made at the Hearing by the applicant and the applicant's business associate;
- the relevant written representation and oral representations made at the Hearing by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police.

the Sub-Committee RESOLVED that

A counter-notice be served in respect of the application for a Temporary Event Notice from 22:00 on Saturday 20th December 2014 to 06:00 on Sunday 21st December 2014 at 76 Ipsley Street, Redditch, B98 7AJ

The Sub-Committee has taken into account the comments made by Mr Parchment and his representative regarding the veracity of the information presented by West Mercia Police. They do not, however, consider that any evidence has been provided by Mr Parchment which would persuade them that it is not appropriate to accept the representations made by West Mercia Police, principally in relation to the crime and disorder objective, that to allow the requested Temporary Event Notice to stand would have an adverse impact upon the licensing objectives.

The following legal advice was 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.**

7. TEMPORARY EVENT NOTICE - OBJECTION FROM WEST MERCIA POLICE

The Sub-Committee was asked to consider an application for a Temporary Event Notice (TEN) in respect of 76 Ipsley Street, Redditch, B98 7AJ. The application having been submitted by Mr Michael Parchment in order to permit licensable activities to take place at the premises from 22:00 hours on Friday 26th December to 06:00 hours on Saturday 27th December 2014 and also from 22:00 hours on Saturday 27th December 2014 to 06:00 hours on Sunday 28th December 2014.

The application was subject to a Hearing in light of an objection notice being served by West Mercia Police in accordance with the Licensing Act 2003.

The basis of their objection related to:-

- Prevention of Crime
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Sub-Committee of the date and the hours applied for as detailed on the TEN application. The Senior Licensing Practitioner drew Members' attention to page 35 of the report, which detailed the Objection Notice submitted by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch, West Mercia Police.

In response to the Sub-Committee, Mr Parchment and Mr Bryn agreed they had said all they needed to say in support of their previous TEN applications and had nothing further to add or sum up with regard to their fourth TEN application.

In response to the Sub-Committee, Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police agreed she had provided all the relevant police information in respect of the previous TEN applications and had nothing further to add or sum up with regard to the fourth application submitted.

Having had regard to:

- the Licensing Objectives;
- guidance issued under section 182 of the Licensing Act 2003;

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- the Borough Council's Statement of Licensing Policy;
- the report presented by the Senior Licensing Practitioner, Worcestershire Regulatory Services;
- the application and oral representations made at the Hearing by the applicant and the applicant's business associate;
- the relevant written representation and oral representations made at the Hearing by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police.

the Sub-Committee RESOLVED that

A counter-notice be served in respect of the application for a Temporary Event Notice from 22:00 on Friday 26th December 2014 to 06:00 hours on Saturday 27th December 2014 and also from 22:00 on Saturday 27th December 2014 to 06:00 on Sunday 28th December 2014 at 76 Ipsley Street, Redditch, B98 7AJ

The Sub-Committee has taken into account the comments made by Mr Parchment and his representative regarding the veracity of the information presented by West Mercia Police. They do not, however, consider that any evidence has been provided by Mr Parchment which would persuade them that it is not appropriate to accept the representations made by West Mercia Police, principally in relation to the crime and disorder objective, that to allow the requested Temporary Event Notice to stand would have an adverse impact upon the licensing objectives.

The following legal advice was 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.**

8. TEMPORARY EVENT NOTICE - OBJECTION FROM WEST MERCIA POLICE

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The Sub-Committee was asked to consider an application for a Temporary Event Notice (TEN) in respect of 76 Ipsley Street, Redditch, B98 7AJ. The application having been submitted by Mr Michael Parchment in order to permit licensable activities to take place at the premises from 22:00 hours on Wednesday 31st December 2014 to 06:00 hours on Thursday 1st January 2015.

The application was subject to a Hearing in light of an objection notice being served by West Mercia Police in accordance with the Licensing Act 2003.

The basis of their objection related to:-

- Prevention of Crime
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Sub-Committee of the date and the hours applied for as detailed on the TEN application. The Senior Licensing Practitioner drew Members' attention to page 35 of the report, which detailed the Objection Notice submitted by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch, West Mercia Police.

In response to the Sub-Committee, Mr Parchment and Mr Clinton Bryn agreed they had said all they needed to say in support of the previous TEN applications and had nothing further to add or sum up with regard to their fifth TEN application.

In response to the Sub-Committee, Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police agreed she had provided all the relevant police information in respect of the previous TEN applications and had nothing further to add or sum up with regard to the fifth TEN application submitted.

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 report presented by the Senior Licensing Practitioner, Worcestershire Regulatory Services;
- the application and oral representations made at the Hearing by the applicant and the applicant's business associate;

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- the relevant written representation and oral representations made at the Hearing by Inspector Rebecca Love, Safer Neighbourhood Inspector, Redditch Police Station, West Mercia Police.

the Sub-Committee RESOLVED that

A counter-notice be served in respect of the application for a Temporary Event Notice from 22:00 on Wednesday 31st December 2014 to 06:00 on Thursday 1st January 2015 at 76 Ipsley Street, Redditch, B98 7AJ

The Sub-Committee has taken into account the comments made by Mr Parchment and his representative regarding the veracity of the information presented by West Mercia Police. They do not, however, consider that any evidence has been provided by Mr Parchment which would persuade them that it is not appropriate to accept the representations made by West Mercia Police, principally in relation to the crime and disorder objective, that to allow the requested Temporary Event Notice to stand would have an adverse impact upon the licensing objectives.

The following legal advice was 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 Meeting commenced at 2.30 pm
and closed at 4.10 pm