

## LICENSING SUB-COMMITTEE

9th July 2015

### MINUTES

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#### Present:

Councillors Roger Bennett (Chair), Natalie Brookes and Antonia Pulsford

#### Officers:

Kevin Barnett (Litigation Solicitor, Legal Services)  
Sayful Alom (Technical Officer, Licensing, Worcestershire Regulatory Services)

#### Committee Officers:

Mrs P. Ross (Democratic Services Officer)

#### Applicant's Side:

Mr U. Khan, Director, Traders Arms  
Mr A. Whitby, Bar Manager, Traders Arms

#### Also in attendance:

Inspector Darren Webster, Safer Neighbourhood Inspector – Redditch, West Mercia Police  
Mrs V. Harwood, resident  
Mr M. Dean, resident

#### 1. CHAIR'S WELCOME

The Chair opened the Hearing and introduced the Members of the Sub-Committee and Officers present. At the request of the Chair all other parties present gave a brief introduction.

#### 2. APOLOGIES

There were no apologies for absence.

#### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

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Chair

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## **4. APPLICATION FOR A PREMISES LICENCE - TRADERS ARMS LIMITED IN RESPECT OF TRADERS ARMS, 38 BROMSGROVE ROAD, REDDITCH, B97 4RJ**

The Sub-Committee was asked to consider an application for a new premises licence made by Traders Arms Limited in respect of Traders Arms, 38 Bromsgrove Road, Redditch, B97 4RJ. The application having been submitted by Mr Umar Riaz Khan, in order to permit licensable activities to take place as follows:-

- Indoor Sporting events, Live Music, Recorded Music, Sale of Alcohol Indoors, Monday to Sunday 10:00 hours to 00:00 hours.
- Late Night Refreshments (indoors), Monday to Sunday 23:00 hours to 00:00 hours.

The application was subject to a Hearing in light of a representation received from Inspector Darren Webster, Safer Neighbourhood Inspector, West Mercia Police and three relevant representations received from local residents. The representations related primarily to:-

- Late night drinking after licensing hours
- Public nuisance
- An increase in noise pollution in the area
- Crime and Disorder
- The protection of children from harm
- The proliferation of drugs in the area

The Technical Officer (Licensing), Worcestershire Regulatory Services (WRS) introduced the report and, in doing so, informed the Sub-Committee that, as detailed in the report, representations had been received from West Mercia Police and local residents.

At the invitation of the Chair, Mr Umar Khan the applicant spoke in support of his application and informed the Sub-Committee that he had been operating the premises since 1st April 2015. Mr Khan introduced Mr Adam Whitby, Bar Manager at The Traders Arms. Mr Khan offered his apologies to residents for the issues they had experienced and stated that, due to commitments with a second job, he was only present at the premises Sunday through to Wednesday. He was not personally aware of any nuisance or improper behaviour at the premises. He informed the Sub-Committee that the majority of customers were young, mostly around 22 years of age, and that he had tried to keep the noise down. The club had been used for specific functions, namely birthday and family functions.

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Mr Khan introduced Mr Whitby, who informed the Sub-Committee that he currently worked at the premises and had also worked at the premises when it was the Trades and Labour Club; so had worked at the premises for a total of nine years. He acknowledged that over the last few months behaviour at the premises had got out of hand, with late night music and noise from people leaving the premises. He had tried to control the issues in respect of loud music and people leaving the premises in a rowdy manner and wanted to offer his sincere apologies to the residents for not managing this more effectively.

Mr Khan highlighted to the Sub-Committee that the premises was not operated as a night club, as stated in one of the representations, and the premises closed at 11.00 p.m. Mr Khan apologised for a second time to residents and stated that people should not be leaving the premises late at night and asked the Sub-Committee to take into account that should the licence be granted; he would ensure that there were no further future issues for residents to be concerned about. Mr Khan confirmed that he had been responsible for the premises since April 2015 and that he had inherited the previous club premises licence.

The Chair asked Mr Khan if he had sought any legal advice with regard to the club premises licence being transferred to him from the previous occupier. In response to the Chair, it was explained that Mr Riaz Khan had spoken with an officer from WRS with regards to the previous club premises licence. The Technical Officer, WRS, confirmed that Mr Riaz Khan had spoken with an officer from WRS but this had been in respect of a new application being submitted and that under licensing law there was no means for a club premises licence to be transferred.

At the invitation of the Chair, Inspector Darren Webster, Safer Neighbourhood Inspector – Redditch, West Mercia Police explained to the Sub-Committee the reasons for his representation. Inspector Webster informed the Sub-Committee that he had been unable to provide the full details of his representation due to an on-going seven month investigation with regard to the premises. The results of that investigation, together with information from the police database, sixty police intelligence logs, suspicious activity at the premises and information provided by residents, had all substantiated his concerns. As part of the investigation on Thursday 18th June 2015 uniformed police officers had attended the premises. Drugs were seized from the premises in rooms used by club members and in private rooms not accessible by club members. A number of people had been charged in relation to drugs offences including Mr Riaz Khan, the applicant's father, who

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the police took the view was directly involved in running the premises with Mr Umar Khan.

Subsequently, on Monday 29th June 2015, police officers, accompanied by a licensing officer, attended at the premises and spoke with Mr Whitby, Bar Manager, who informed officers that Mr Umar Khan and Mr Riaz Khan were responsible for paying his salary. Mr Whitby was advised that the premises was trading without a licence and advised that he should no longer be serving alcohol.

Mr Umar Khan was subsequently spoken to and confirmed that he was the licensee and had been since March 2015. Mr Khan had complained that the requirement to stop selling alcohol would drive his customers away and that he would therefore have to consider giving this away for free.

The police investigation had also highlighted that the Trades and Labour Club was dissolved in March 2014 and the premises had therefore been operating unlawfully for some time. It was believed that Mr Riaz Khan had been operating the premises after that date and, although Mr Umar Khan was the sole director of the Traders Arms Limited, the police had reason to believe that Mr Riaz Khan was still involved in the operation of the premises along with his son.

Inspector Webster then confirmed that the police had attended at the premises the previous night, Wednesday 8th July 2015 at around midnight and had found a small number of males inside the premises. There was evidence that those inside had been drinking and there was a cannabis joint on the bar. There were no conclusive evidence to suggest that there had been any 'sale' of alcohol and no evidence to show who the cannabis joint belonged to.

Inspector Webster reiterated that following the intensive police investigation, and as a result of that investigation, he would ask the Sub-Committee not to grant a licence as he was concerned that the granting of a licence would see an increase in anti-social behaviour and would have a direct impact on crime and disorder in the area and on the local community.

In response to Member's questions, Mr Whitby stated that he was not aware of any suspicious activity in the car park, which was used as a car wash during the day. People met in the car park but he was not concerned and did not see anything wrong with people

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meeting up as he was under the impression that it was just friends meeting up.

At the invitation of the Chair, Mrs V. Harwood, local resident addressed the Sub-Committee. Mrs Harwood informed the Sub-Committee that she had attended today to voice her concerns and that of local residents as the Traders Arms was in close proximity to residential properties. Since April 2015 it was disgraceful how the behaviour at the premises had impacted on residents, with late night drinking taking place until 4.00 a.m. offensive language and loud noise from people leaving the premises. Car horns were being used by people leaving the premises. Residents had witnessed the police attending the premises on several occasions. Elderly residents felt intimidated; and as stated in one of the representations, one local resident had had to move her young child to another bedroom due to the excessive loud noise at the premises late at night. Residents had not had cause for complaint or experienced any issues when the premises traded as the Trades and Labour Club. The problems had mainly occurred since April 2015.

At the invitation of the Chair, Mr M. Dean, a local resident, addressed the Sub-Committee. Mr Dean informed the Sub-Committee that he had attended today on behalf of another resident who had sent in a representation. Since April 2015 residents had experienced issues with noise nuisance at the premises and had witnessed police attendance at the premises. All residents were of the same opinion that the premises was not being managed properly and that late night drinking and people noisily leaving the premises late at night was a concern for residents.

In response to the resident's concerns, Mr Khan informed the Sub-Committee that other local residents had spoken with him and had said that they had no issues with the premises.

Mr Whitby also responded to the resident's concerns and said that he supported their position and accepted that the premises was a cause of considerable problems which he felt powerless to do anything about. He advised that he had come to the view the problems at the premises as 'normal', although accepting that they were a cause of great concern to local residents. He confirmed that, if he was a local resident, he would also object to the premises being granted a licence because of the on-going problems.

All parties then had the opportunity to sum up their cases.

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The Technical Officer (Licensing), WRS, referred to the four licensing objectives, the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

Inspector Webster reiterated that the granting of a licence would see an increase in anti-social behaviour and would have a direct impact on crime and disorder in the area and on the local community.

In summing up Mr Umar Khan asked the Sub-Committee to consider his application and to give him a chance to prove that he could manage the premises in accordance with a licence.

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 Technical Officer (Licensing), Worcestershire Regulatory Services;
- the application and oral representations made at the Hearing by the applicant and the applicant's Bar Manager;
- the relevant written representation and oral representations made at the Hearing by Inspector Darren Webster, Safer Neighbourhood Inspector – Redditch, West Mercia Police;
- the relevant written representations from local residents and oral representations made at the Hearing by Mrs V. Harwood and Mr M. Dean.

**the Sub-Committee RESOLVED that the application for a Premises Licence relating to Traders Arms be refused.**

The Sub-Committee has taken into account both the written application made by the applicant and the oral representations made on behalf of the applicant by their director, Mr Umar Khan, and Bar Manager, Mr Adam Whitby.

The Sub-Committee has also considered the written representation received from Inspector Darren Webster, Safer Neighbourhood Inspector – Redditch, West Mercia Police and local residents and the oral representation from West Mercia Police, Mrs. V. Harwood and Mr. M. Dean on behalf of local residents with regard to their concerns in respect of:

- Late night drinking after licensing hours
- Public nuisance
- An increase in noise pollution in the area

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- Crime and disorder
  - The protection of children from harm
  - The proliferation of drugs in the area

The reasons for the Sub-Committee's decision were as follows:-

- The Sub-Committee noted that Mr Khan had confirmed that he had been operating the premises since 1st April 2015 on the basis of a club licence he had 'inherited' from the previous occupiers of the premises. When the legality of operating the premises on this basis was raised with him he failed to demonstrate any knowledge of licensing law or that he had made sufficient and appropriate enquiries to ascertain if what he was doing was permitted in law. This gave the Sub-Committee grave cause for concern regarding his suitability to be operating the premises either in a personal capacity or through the vehicle of a limited company of which he was the sole director and 'controlling mind'.
- Further to this, Mr Khan's assertion that he was unaware of any problems at the premises, as he had another job and only worked there a couple of nights a week, indicated that he either did not have the requisite degree of control or knowledge about what was happening at the premises or, alternatively, he had chosen to ignore what was happening. Whichever was the case it was clear to the Sub-Committee that they could have little confidence that the premises would be operated responsibly by Mr Khan or his company.
- The Sub-Committee found it particularly concerning that the applicant's own Bar Manager, Mr Whitby, had openly admitted that he could not exercise any control over the patrons of the premises; was aware of the problems that were occurring but felt that these were 'normal'; and specifically advised the Sub-Committee that he agreed with everything that those objecting to the grant of the premises licence had to say and would, himself, raise such objections if he lived locally.
- The issues raised by West Mercia Police regarding drug use and dealing from the premises were of great concern. The volume of incidents and reports relating to the premises, as relayed by Inspector Webster, was such that it was clear that the premises were a major contributor to crime and disorder in the local area and that this particular objective of the licensing regime would be significantly undermined by granting the premises licence applied for.

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- The representations made by local residents backed up what West Mercia Police were saying and it was clear that the current operation of the premises by Mr Khan was causing significant concern and disruption to local residents, the nature of which far exceeded the levels which could be regarded as reasonably expected from an average licensed premises.
- It was clear, from all the evidence presented, that 'this operator' at 'these premises' was unlikely to comply with either the letter or spirit of the licensing regime and, as such, granting a licence would be likely to undermine some, if not all, of 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 representations which promote the four licensing objectives; and
- that the Sub-Committee must consider only those matters relevant to the premises and operator concerned.

In reaching its decision the Sub-Committee has had regard to the representations made; the provisions of the Licensing Act 2003, the Statutory Guidance issued under Section 182 of the Act and the Redditch Borough Council Statement of Licensing Policy.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision was received by the Applicant.

The Meeting commenced at 10.00 am  
and closed at 11.12 am