

Licensing Sub- Committee

Wednesday, 7 November 2018

MINUTES

Present:

Councillors Julian Grubb, Pattie Hill and Jennifer Wheeler

Also Present:

PC Andrew Freeman and Inspector Mark Chappell from West Mercia Police, Mr Graham Allcott the Licence Holder of the Easemore Club and Mr Jake Flanagan from Portcullis Associates representing the Licence Holder

Officers:

Clare Flanagan and David Etheridge

Democratic Services Officer:

Sarah Sellers

16. ELECTION OF CHAIR

Councillor Jennifer Wheeler was elected to be the Chair for the meeting.

17. CHAIR'S WELCOME

The Chair opened the meeting and introduced the Members of the Sub-Committee and Officers present. The other parties present identified themselves follows:-

- Mr David Etheridge Senior Practitioner (Licensing)
Worcestershire Regulatory Services
- PC Andrew Freeman and Inspector Mark Chappell from
West Mercia Police
- Mr Graham Allcott the Licence Holder of the Easemore Club
- Mr Jake Flanagan from Portcullis Associates representing
the Licence Holder

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Chair

The Chair welcomed all those present to the meeting. With regard to the procedure to be followed, the Chair announced that as the application was for a Review the order the parties would speak in would be different to usual. The order would be that the Licensing Officer speak first, then the Applicant, West Mercia Police, and then the Licence Holder. The same order would be followed in summing up.

18. APOLOGIES

There were no apologies for absence.

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. REVIEW OF PREMISES LICENCE FOR EASEMORE ROAD SOCIAL CLUB

The Sub-Committee were asked to consider an application for the licence of the Easemore Club, 25 Easemore Road, Redditch, Worcestershire, B98 8ER to be reviewed. The application had been made by Police Constable Andrew Freeman acting on behalf of West Mercia Police.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) introduced the report.

The application related to three of the Licensing objectives, namely the prevention of crime and disorder, public safety and the prevention of public nuisance. Members were referred to the application at Appendix 1 of the main agenda pack.

The current premises licence was held by Mr Graham Allcott who was also named as the designated premises supervisor. Members were referred to a copy of the current premises licence at Appendix 2.

The application had been advertised and served on the Responsible Authorities. It was noted that no representations had been made by any of the Responsible Authorities. Five persons had submitted representations and copies of these were set out at Appendix 3 of the report. The representations supported the application made by the police and raised concerns regarding Mr Allcott and activities at the Easemore Club (the club).

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Members were reminded that in deciding the application they should have regard to the licensing objectives, the section 182 guidance, and the Council's own Statement of Licensing Policy. The Members should also have regard to the representations made and evidence presented at the hearing.

The steps the Sub-Committee could choose to take in determining the application were set out at paragraph 5.4 of the report and would include:-

- to modify the conditions of the licence by altering, omitting or adding a new condition;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

At the invitation of the Chair PC Andrew Freeman of West Mercia Police addressed the Committee in support of the application for the Review of the club.

PC Freeman referred Members to his statement which set out details of all calls the police had received about the club and the incidents the police had had to attend for the period from January 2018 to August 2018. PC Freeman went through the statement and summarised the incidents in chronological order.

In January 2018 the police had been contacted by Graham Allcott and staff reporting problems of drunk persons on the premises and one fight.

Over the next three months there were six incidents including anti-social behaviour, fights, assaults, a customer threatening staff and a toddler that had gone missing from its family who were at the club.

There was a large spike in incidents in May with calls received from members of the public, staff at the club, Graham Allcott and ambulance crews. The incidents recorded included anti social behaviour, fights, reports of drug taking and general nuisance behaviour.

In response to the increase in the number of reports to the police, on 06 June PC Freeman and Sergeant Jane Gilkes met with Graham Allcott. There was a discussion regarding problems with the behaviour of customers at the club and Mr Allcott said that he had employed licensed door staff on Friday and Saturday nights.

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In June there were a further 10 incidents. On 25 June 2018 there was a further meeting with Mr Allcott at the club, this time with David Etheridge, licensing officer at WRS. A letter of the same date was handed to Mr Allcott setting out the concerns of the police and Members were referred to the letter dated 25th June 2018 at page 27 of the main agenda pack.

PC Freeman stated that during the second meeting Graham Allcott said he had let things slip and that he needed to get on top of things.

There were further incidents where the police were called out to the club in July and August and specific examples of calls included reports of fights, assaults, use of drugs and rowdy anti-social behaviour in the club, outside at the front and at the rear in the car park.

In relation to one incident of assault it transpired that the person arrested by the police had at the time of the incident been working for Graham Allcott as an unlicensed doorman. When he was informed by the police of this, Mr Allcott stated that the doorman would have to be dismissed. Police were concerned at the time as the incident of using an unlicensed barman went against assurances that Mr Allcott had given when the police had met with him that properly qualified door staff would be engaged.

Members were referred to further details regarding the unlicensed doorman in the statement of PC Moore.

The statement of PC Freeman also included diary sheets that had been completed by a member of the public living locally to the club. PC Freeman added that in addition to references there to Mr Allcott drinking with customers, he had also visited the club and found Mr Allcott drinking with patrons.

Compared to other licensed premises in Redditch town centre there was a disproportionate number of calls to the police regarding the club and Members were referred to the statistics included in the statement.

Between 23rd August and 3rd November police records showed that there had only been one call to the police regarding the club which related to a drunken person. PC Freeman suggested that there might be a number of reasons for this reduction including the end of the good weather or that improvements had been made in light of the review application.

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Whilst the police recognised that the club was entitled to operate as a commercial enterprise, this should not be at the expense of the neighbours and until recently the incidents at the club had been having a severe impact on local residents. The residents were reporting that they could not enjoy their gardens, that there was a smell of cannabis, that they had had to listen to foul language, and that at times they felt intimidated passing in front of the premises when patrons were drinking on the patio area and going into their own homes.

In conclusion, the police had tried to work with Graham Allcott but this had not resulted in any improvements until after August. Of significance for the police was that some residents had been reluctant to come forward because they were afraid of repercussions. The club had been allowed to be directionless and this had had a significant impact locally, even though many of the issues could have been resolved through proper management.

In response to questions from Members PC Freeman stated that the monitoring had started from January 2018 because this was the point at which there had been a rise in the number of incidents. It also provided for the issues at the club to be considered over a long period.

On behalf of Mr Allcott, Mr Flanagan made preliminary comments regarding the fact that not all the names of those giving information had been included in the papers, in particular the member of the public who had completed diary sheets for the police.

In questioning the police about procedures for residents to complete diary sheets, the police confirmed that it was part of normal process for sheets to be completed. This approach would be applied in relation to any premises where problems were being experienced by local residents.

Mr Flanagan referred to the 15 incidents at the Royal Enfield (page 20) and asked the police whether residents at that location had been asked to complete diary sheets. The police responded that the Royal Enfield was a different type of premises to the club as it was in a town centre location and part of a chain. There had been a spike in incidents due to the world cup.

Mr Flanagan asked the police why no further evidence had been provided for example from CCTV footage, police badge cameras, ambulance reports, noise monitoring equipment etc.

The police responded that they had tried to show in the statement the nature of the incidents that had occurred. Mr Allcott had been

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supplied with a copy of the information regarding the incidents. For the police to have been through all the individual files would have been impractical due to the time it would have taken.

In response to questions to the police from Mr Flanagan regarding names that were not included in the agenda papers, it was established that additional information from the police logs had been given to Mr Allcott that had not been included in the police statement. The police statement itself had been anonymised. Although Mr Flanagan wanted to raise an issue regarding a name from the logs, that information was not before the Members. The legal advisor reminded Members that the focus of the hearing was the management of the premises and advised that there would be nothing added to the proceedings by pursuing the issue of the name which was not in the Members papers.

At the invitation of the Chair Mr Jake Flanagan addressed the Sub-Committee on behalf of the Licence Holder, Graham Allcott.

Mr Flanagan stated that he felt that not all the information provided had been completely transparent. On behalf of Mr Allcott the record of forty incidents set out in the police statement and the letters from the residents did not necessarily represent a true picture of events at the club.

In analysing the incidents disclosed in the police statement Mr Flanagan stated that thirteen had been reported from one source and that a similar number had been reported by the club themselves. The club had been trying to take a firm stance with people who had been banned and barred by Pubwatch. This had led to a few incidents when banned customers had persistently tried to enter the club and had had to be turned away.

With regard to the representations from the public, these were limited in number and from persons in close vicinity to the club.

Mr Flanagan referred the Members to the photographs in the additional papers pack and took them through the pictures commenting as follows:-

- Picture 1 – the houses marked with the red arrow and blue arrow were the properties from which a significant percentage of the logs had originated.
- Picture 2 – this showed the proximity of the neighbouring property which was approximately 10 feet from the cellar room of the club.

- Picture 5 - this image showed the club marked with a yellow arrow and the access road to the rear car park.
- Picture 6 – this showed the car park. The fencing panels on the left marked the end of the gardens of the houses where complaints had been made; the club was hidden from view on the photograph behind the tree and the hedge.
- Picture 7 - this was an aerial photograph of the car park which showed the club marked with a yellow arrow and off road parking at the end of the cul-de-sac leading to the club car park marked by the red circle. The blue arrow showed the location of three flats which were not connected to the club. It had come to the attention of Mr Allcott that one of the residents of the flats was a heavy cannabis user; one of the other residents was an alcoholic.
- Picture 8 – this showed the entrance to the club marked with the yellow arrow and the entrance to the three flats.

The image on Page 8 was taken from the Police Crime Map. This showed a trend of incidents going up between April and July and coming back down in August. This was indicative of the usual trend in summer months and had been added to by the unusually hot weather in 2018 and the world cup. There was a parallel between the figures and the situation at the club and the image showed statistics for broadly the same period as the police statement.

The picture on page 10 showed the club as it had been before updating and investment was carried out by Graham Allcott to improve it. The club had a history of putting on social events and examples were set out on pages 11 to 13.

Mr Flanagan referred Members to the petition in support of Graham Allcott at part 6 of the bundle and the letter from the Where Next Association. The petition had been signed by 50 customers of the club who felt strongly that the club should be allowed to continue. It was pointed out by a Member that only 5 of those had addresses local to the premises.

The photographs on page 34 showed some examples of special events at the club including Remembrance Day and St Georges Day.

With regard to the position of the police, Mr Flanagan stated that the police were not seeking that the licence be revoked or suspended, or that the designated premises supervisor be removed. With regard to a reduction of hours, this was already in

place which members were invited to formalise. Likewise there was no issue with the use of a SIA licensed door man. Mr Allcott would have voluntarily formalised the situation with the police after the review application had been made and a hearing might have been avoided. However, that had not been possible due to the representations having been made by the local residents.

Regarding the representations from the public, many issues raised related to the rear of the club and car park area, such as the smell of cannabis. There had been a lot of issues in the summer months, but the club were now addressing these including barring some customers. Overall a large number of incidents had been attributable to a very small percentage of challenging customers. Other incidents had been caused by persons not directly connected to the club such as the tenants at the rear. A number of calls included in the police statement had actually been made by the club themselves and it was frustrating for Mr Allcott that these were then included in the overall figures for the number of incidents.

Regarding Mr Allcott himself, he was a Redditch man. He had been a private landlord for 30 years and was a responsible landlord who had many tenanted properties in the area.

In conclusion Mr Flanagan reminded Members that there had been no representations from the other responsible authorities. The situation was more complex than that suggested by the police statement and it was Mr Allcott's case that not all the incidents were attributable to the club.

In response to questions from the Members Mr Flanagan and Mr Allcott confirmed that:-

- CCTV at the club had been installed 6 years ago and had been extended/ upgraded to include external cameras 6 months ago.
- The club was a member of Pubwatch
- Mr Allcott now believed that the references in the papers to the smell of cannabis related to the tenant living at the rear of the club who was a heavy cannabis user.
- The club had voluntarily imposed the suggested measures set out on page 29 including closing at 22.00 on Sundays and 23.00 on every other day.
- The club had also introduced a "two staff rule" to ensure that there was never a lone member of staff at the venue.
- Mr Allcott had had 25 years' experience of the licensed trade, the majority of which related to off licence sales through shops he owned; he had recently sold the last of the shops to allow him to concentrate on the club.

- Mr Allcott did sometimes have a drink with the customers at social events, although the layout of the club with the terrace at the front meant that there could be a perception of this being more frequent than was actually the case.
- The club were not currently employing a registered SIA doorman as there was no requirement in the licence for them to do so and since amending the opening hours it was not really needed.
- Staff at the club were given relevant training including regarding the cellar and health and safety; 3 members of staff were personal licence holders.
- The club complied with all relevant legal requirements and would always assist the police if they ever visited the premises, for example if they were looking for people.
- The club was not a “young” venue with most of the customers being older including family members and friends of Mr Allcott.
- Mr Allcott was now devoting more time to the club himself since the manageress had been dismissed.
- Mr Allcott was planning to bring in a private company to regulate use of the car park which would hopefully help to improve matters.
- Mr Allcott had not been aware that he could have received advice from Pubwatch regarding the employment of an SIA registered doorman; this was not an issue that he had had to deal with before.
- Mr Allcott had started to do some work to cut down some trees in the car park which he had thought would assist by improving visibility. When residents complained he had stopped the work immediately and the job had been left half completed.

Following questions by the police to Mr Flanagan and Mr Allcott the following points were noted:-

- Notwithstanding the suggestion that the smell of cannabis might be linked to the tenants, there were examples of drug taking at the club including staff reporting the taking of cocaine on 11th May 2018 and cannabis being taken at the club on 13th May 2018.
- That Mr Allcott had employed the non SIA registered doorman in good faith. He had asked him to provide documents to show that he was licenced but he had failed to do so. As soon as the police advised Mr Allcott of that the doorman was not licenced Mr Allcott dismissed him.

- That measures had been taken to deal with the effects of anti-social behaviour on local residents after problems had been reported to Mr Allcott by neighbours. This had included staff training and putting signs up to ask patrons leaving the premises to be courteous to neighbours. A fan that had been causing noise disturbance to neighbours had been re-positioned at the rear of the building.

In summing up the SPL reminded Members that any changes to the conditions of the licence would need to be clearly defined and enforceable. Members were referred to the existing conditions on pages 33 to 37 of the main agenda pack, and the issues they would need to consider in reaching their decision. In response to a question from the legal advisor it was confirmed that it would be helpful for a plan of the location of the CCTV cameras to be supplied by Mr Allcott and attached to the licence.

In summing up the police referred to the increase in reports of anti-social behaviour from January 2018 through to August 2018. The police had attempted to work with Mr Allcott and undertaken to visits to discuss matters with him but there had been no improvement. The police had therefore had to take the next step of making a Review application. The police were pleased that Mr Allcott now seemed to understand his responsibilities as a licence holder and a designated premises supervisor. They continued to be committed to working with him and ensuring that good standards at the club were implemented.

In summing up on behalf of Mr Allcott, Mr Flanagan stated it had never been suggested that the club did not take its responsibilities to neighbours and the community seriously. Mr Allcott was a responsible Licence Holder and designated premises supervisor and was willing to comply with measures being suggested. Whilst there had been five representations in objection, there were also 50 letters in support.

On closer examination, the evidence of the various incidents was not quite what it seemed and included a number of matters self-reported by the club. That said, Mr Allcott did want to have good relations with his neighbours and took his obligations under the Licensing Act very seriously.

The Chair thanked the parties involved for their contribution to the hearing. The Chair announced that the hearing would be closed for the Sub-Committee to consider all the information and make their decision in private. The Sub-Committee's decision would be notified to the parties within five working days.

DECISION

Having had regard to:-

- The licensing objectives set out on the Licensing Act 2003;
- The Council's Statement of Licensing Policy;
- The guidance issued under section 182 of the Act;

And having considered:-

- The Report presented by the Senior Practitioner, Licensing, Worcestershire Regulatory Services;
- The written submissions and oral representations made at the Hearing by P. C. Andrew Freeman and Inspector Mark Chappell on behalf of West Mercia Police;
- The written submissions and oral representations made at the Hearing by Mr Jake Flanagan on behalf of Mr Allcott, the premises licence holder and Designated Premises Supervisor ["DPS"], and Mr Allcott's answers to Members' questions; and
- The written representations made by local residents.

The Sub-Committee decided that the premises licence be amended to reflect the following:

1. Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:

Sale of Alcohol:

Sunday: 11:00 – 14:00 and 16:00 – 22:00

Monday – Thursday: 11:00 – 14:00 and 17:00 – 23:00

Friday and Saturday: 10:00 – 14:00 and 16:00 – 23:00

2. The opening hours of the premises
Sunday: 11:00 – 14:00 and 16:00 – 22:00
Monday to Thursday: 11:00 – 14:00 and 17:00 – 23:00
Friday and Saturday: 10:00 – 14:00 and 16:00 – 23:00

3. The use of the outside patio area to be restricted to the following times: Daily: 11:00 – 14:00 and 17:00 to 19:00

The area to be cleared by staff who will ensure that no drinks are permitted outside the building after these end-times. Signage will be installed notifying customers of this condition.

4. Two members of staff will be present on the premises during opening times.

[Note: to include the DPS]

5. A plan of the precise location of CCTV cameras at the premises will be provided to the Licensing Authority and appended to the premises licence.

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

- The Sub-Committee was mindful of the need to reach a decision that was appropriate and proportionate.
- The Sub-Committee considered that the information presented orally at the Hearing demonstrated an understanding by Mr Allcott of the need to take steps to address the issues that had arisen at the premises and noted his wish to be a 'good neighbour' to local residents.
- The Sub-Committee had regard to the statutory guidance on "protecting of the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises" [Parag 1.5] and that "conditions should be targeted on deterrence and preventing crime and disorder"[Parag 2.3]
- The Sub-Committee considered conditions, which had been proposed by West Mercia Police, and were pleased to note that Mr Allcott had already implemented the reduced opening hours at the premises and had restricted the use of the outside patio area as set out in those proposals.
- The Sub-Committee further noted that Mr Allcott had extended the CCTV coverage at the premises. It was agreed at the Hearing the precise location of the cameras would be set out on a plan to be attached to the Premises Licence.
- The Sub-Committee was mindful of the fact that it was the responsibility of the premises licence holder to ensure that managers at the premises were competent and appropriately trained. The designated premises supervisor was the key person who would be responsible for the day to day management of the premises, including the prevention of disorder. Mr Allcott was both of these and Members considered that many of the issues complained of were the result of poor management at the premises. [s182 / Parag 2.5]

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The Sub-Committee noted Mr Allcott's assurance that in future there would be two persons on duty at the premises during opening hours and accordingly incorporated this requirement as a condition on the Premises Licence.

- The Sub-Committee noted that there had been no representations from any other Responsible Authorities.
- The Sub-Committee noted the commitment of all parties to support the premises licence holder in the successful running of the licensed premises and considered that the measures already taken appeared to have had a positive impact in meeting the licensing objectives; and
- A further review would be available should the premises fail to meet its obligations.

The following legal advice was given:

- That the Licensing Objectives must be the paramount consideration and the Sub-Committee may only have regard to the representations which promote the four licensing objectives.
- The Sub-Committee must consider only those matters directly relevant to the premises under consideration and only those matters that fall under the licensing committee's jurisdiction.
- S182 Guidance provisions as detailed above
- If having amended the premises licence, problems did reoccur then the licence could be brought back before a Sub-Committee on a further review.

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 is received].

Dated: 8 November 2018.

The Meeting commenced at 10.06 am
and closed at 12.00 pm