

## **LICENSING SUB-COMMITTEE**

**Tuesday, 1<sup>st</sup> April, 2014 at 10.30 a.m.**

**In a Conference Room, Council House, Walsall**

### **Present**

Councillor Rochelle (Chairman)  
Councillor Anson  
Councillor Sarohi

### **In attendance**

Stephen Knapper – Principal Licensing Officer, Walsall MBC  
Emma Oliver – Legal Services, Walsall MBC  
P.C. Gardiner – West Midlands Police  
Mr. Uppal – Licence Holder  
Katie Butler – DPS for Workers Rest  
Matthew Lem – Supporting Miss. Butler  
Daniel White – Solicitor representing Mr. Uppal

### **Appointment of Chairman**

#### **Resolved**

That Councillor Rochelle be appointed Chairman of the Licensing Sub-Committee for this meeting only.

### **Councillor Rochelle in the Chair**

#### **Welcome**

The Chairman extended a welcome to all persons present at the Licensing Sub-Committee which had been established under the Licensing Act, 2003.

#### **Apology**

No apologies were submitted.

#### **Declarations of Interest**

There were no declarations of interest.

## **Licence Hearing**

### **Application for a Premises Licence Review under Section 51 of the Licensing Act, 2003 – Workers Rest, 16 Upper Lichfield Street, Willenhall, WV13 1PB**

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

Councillor Rochelle explained the purpose of the meeting and requested the Principal Licensing Officer (Mr. Knapper) to explain the review application.

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Sub-Committee and indicated that the review application had been made by the Chief Officer of the Police, West Midlands region. He drew attention to the background information and stated that the current premises licence was attached as Appendix 1 to the report. The licence holder was Empire Star Limited and Designated Premises Supervisor was Mr. David Causer from 20<sup>th</sup> September, 2013 to 26<sup>th</sup> March, 2014. Since 26<sup>th</sup> March, 2014 Katie Butler had taken over the role of Designated Premises Supervisor. A review application had been received on 5<sup>th</sup> February, 2014 (Appendix 3 refers) and had claimed that the prevention of crime and disorder; public safety and prevention of public nuisance licensing objectives were not being promoted. The Premises Licence Review Notice had been displayed for 28 days at the premises, on the Council's website and at the Council's offices. The period for written representations had expired on 5<sup>th</sup> March, 2014 and West Midlands Police had provided additional supporting documentation in respect of the review application on 4<sup>th</sup> March, 2014 (Appendix 4 refers) no other representations had been received from other responsible authorities or other persons. In conclusion, Mr. Knapper drew the meeting's attention to Paragraph 4.2 of the report and to the steps it could take in promoting the licensing objectives.

None of the parties present had any questions for Mr. Knapper on the report.

P.C. Gardiner (West Midlands Police) was invited to present his case and reported that the Workers Rest had been poorly operated for some time and licensing conditions had not been applied. He drew the Sub-Committee's attention to an instance which had occurred on 28<sup>th</sup> December, 2013 when people had been fighting in the street outside the premises using bottles and glasses as weapons or missiles. On 24<sup>th</sup> December, 2013 an intervention meeting had been held at Walsall Police Station with Mr. Uppal and David Causer (DPS) to consider the incidents which had taken place at the premises on 23<sup>rd</sup> December, 2013. Despite the intervention meeting little improvement had resulted.

P.C. Gardiner referred to the proposed revised conditions which had been drawn up with Daniel White, Counsel for Mr. Uppal, which included changes to the CCTV system; door staff and operating hours for the premises. Referring to the incident log between 6<sup>th</sup> July, 2013 and 28<sup>th</sup> December, 2013 P.C. Gardiner stated that they had created a considerable number of calls to the Police. During the incident which occurred on 28<sup>th</sup> December, 2013 it was discovered that the Designated Premises Supervisor was not present on the premises and at the height of the disturbance the

security staff had abandoned their posts. When asked to provide CCTV coverage of the incident, staff on duty had been unable to operate the CCTV equipment.

P.C. Gardiner then drew the Sub-Committee's attention to the witness statements made by officers present at the incident on 28<sup>th</sup> December, 2013.

Daniel White indicated that CCTV footage of the incident was offered to the Police within 24 hours but had not been collected.

Councillor Rochelle referred to the disturbance on 28<sup>th</sup> December, 2013 and to the fact that Mr. Causer, the Designated Premises Supervisor, was not present. He asked whether the Police would take action against him or the premises licence holder, Mr. Uppal. P.C. Gardiner replied that the Police would take action against the Designated Premises Supervisor. He added that the premises now had a new DPS, Katie Butler.

Daniel White referred to the emphasis being placed on the disturbance on 28<sup>th</sup> December, 2013. He stated that the premises had closed at 2.00 a.m. as normal and the disorder had not occurred until 3.01 a.m. so it may not have related to the Workers Rest. He confirmed that Mr. Causer had been removed and replaced as the Designated Premises Supervisor by Miss Butler and that there had been no problems at the premises since 28<sup>th</sup> December, 2013. He felt that Miss Butler was doing an excellent job as the new Designated Premises Supervisor.

Daniel White referred to the change in the licensing hours proposed for the Workers Rest, 10.00 a.m. to midnight rather than 2.00 a.m., and indicated that it was planned to change the premises profile from late night drinking to a food based establishment. It was proposed to apply for a variation to enable the premises to open from 8.00 a.m. to provide a breakfast facility for customers. He referred the meeting to the proposed revised conditions to be placed on the licence which had been agreed with West Midlands Police. This would envisage the premises opening from 8.00 a.m. to 11.30 p.m. on Sunday to Thursday and 8.00 a.m. to 30 minutes past midnight on Friday and Saturday. Licensing hours would be 10.00 a.m. to 11.00 p.m on Sunday to Thursday and 10.00 a.m. to midnight on Friday and Saturday. The additional 30 minutes being used as drinking up time.

Daniel White explained that CCTV would be in operation throughout the hours the premises were open; would be recorded and saved digitally for 31 days and the Designated Premises Supervisor would be able to operate the system and provide copies to responsible authorities within a reasonable time period. The number and location of cameras would be agreed with West Midlands Police. As the premises would be open from 8.00 a.m. to provide for the breakfast trade a licence variation would be sought. It was proposed to refurbish the kitchen area and this could be carried out whilst the variation application was completed (28 days).

Daniel White stated that the problem female referred to in the Police Review application had been permanently barred. Since July, 2013 the owners had spent over £80,000 refurbishing the premises and it was now a different establishment from the one the Police had targeted.

P.C. Gardiner had no questions for Mr. White.

The Principal Licensing Officer (Mr. Knapper) asked about the problems with door staff. Daniel White replied that a new company had now been employed.

Mr. Knapper referred to the change from a night club to a gastro pub and asked what the first floor room would be used for. Mr. Uppal indicated that the ground floor would be used for breakfasts and lunches and the first floor would be used as a function room mostly at weekends.

Daniel White stated that it was important for the business to generate income from the first floor room. He added that the local Morrison's had already begun to use it for business meetings and other functions.

Councillor Anson asked if the Workers Rest was a pub or a club. Daniel White replied that it was a pub.

All parties were invited to sum up and P.C. Gardiner stated that conditions on the original licence were "woolly" and he and Daniel White had done a lot of work to tighten them up. He confirmed that there had been no problems at the premises since 28<sup>th</sup> December, 2013 and that the new DPS was working well.

Daniel White stated that he had nothing further to add.

Councillor Rochelle asked if all parties were satisfied that they had had the opportunity to air their views fully. This was confirmed then all parties withdrew from the meeting at 11.15 a.m.

The Licensing Sub-Committee considered carefully all the evidence submitted and the representations made during the hearing and it was

## **Resolved**

That the Sub-Committee has decided to modify the conditions on the licence as follows:-

1. The licensing hours for the sale of alcohol are

Sunday – Thursday	10.00 – 23.00
Friday – Saturday	10.00 – 00.00

2. The opening hours are

Sunday – Thursday	10.00 – 23.30
Friday – Saturday	10.00 – 00.30

3. The licensing hours for music, live music performance and dance etc

Sunday – Thursday	10.00 – 22.30
Friday – Saturday	10.00 – 23.30

4. In respect of the conditions volunteered by the license holder to promote the licensing objectives:-
  - a) CCTV is to be in operation at the premises throughout all of the opening hours;
  - b) CCTV is to be recorded and saved in a digital format for a period of not less than 31 days;
  - c) The DPS must be able to operate and provide copies from the CCTV system within a reasonable period of time.
5. SIA registered door staff will be provided at the premises on Friday and Saturday evenings from 19.00 hours when the first floor area is being used by guests be that for private or public functions.
6. When there are in excess of 100, but less than 200 guests present within the premises then a single member of door staff must be provided. When there are in excess of 200, but less than 300 guests present then two door staff must be present. When there are in excess of 300 guests then three door staff must be present.

All parties were re-admitted to the meeting at 11.35 a.m. and advised of the Sub-Committee's decision and informed of their right of appeal to the local Magistrates Court within 21 days of the receipt of the decision letter.

### **Termination of meeting**

The meeting terminated at 11.40 a.m.

Chairman .....

Date .....