

ADJOURNED LICENSING SUB-COMMITTEE

Wednesday, 13 May, 2009 at 10.30 a.m.

Conference Room at the Council House, Walsall

Present

Councillor Rochelle (Chairman)
Councillor P. Hughes
Councillor Tweddle

Licensing Hearing

**Application for a Premises Licence under Section 17 of the Licensing Act, 2003
– Altern8, 66 Bradford Street, Walsall, WS1 1PN**

The report of the Head of Public Protection was submitted:-

(see annexed)

The following persons were present:-

For the applicant:-

Mr. Samra - Applicant
Mr. Underwood – Applicants Solicitor

For the objectors:-

PC Brian Doyle – West Midlands Police
Kate Richards – West Midlands Police

Also present were:-

Mr. P. Green – Legal Services, Walsall MBC
Mr. S. Knapper – Principle Licensing Officer
Ms. H. Powell – Licensing Officer
Mr. S. Brooke – Clerk to the Sub-Committee

Mr. Knapper outlined the report. In doing so he indicated that the applicant had now removed the request to show films from his application and also referred to the fact that the objections from Environmental health detailed in Appendix 4 had now been mediated. He circulated a document detailing conditions agreed with Environmental Health Noise Control Section.

There were no questions to Mr. Knapper.

The relevant authorities were then invited to address the Sub-Committee.

Kate Richards, West Midlands Police, made the point that, although some amendments had been made by the applicant, the police were still objecting to the application. She went on to say that a Cumulative Impact Policy (CIP) was in force covering the area in which the premises were located. Paragraph 13.29 of the CIP stated that this would normally warrant refusal of any application which breached the policy. She expressed the view that the operating schedule for the premises did not recognise the existence of the CIP, in fact, it did not address it at all. It was incumbent on the applicant to show that the operating schedule would not have an impact on the Licensing Objectives. Ms. Richards expressed the view that any new premises in the area would be a strain on police resources. The level of funding for the police did not take into account the opening of a new night club. She went on to say that statistics had been provided relating to Bradford Place. There had been a total of 241 incidents. The statistics did not take into account the area covered by the CIP or the nearby takeaway shop. 26 of the incidents were linked to the Coliseum where Mr. Samra (the applicant) was currently the DPS. Ms. Richards indicated that the applicant had made comparisons with other areas but these were not accurate comparators and were not relative. The statistics were based on a 7 day week whereas the premises in Walsall would only be operating on a 3 day basis. Early intervention tactics were employed by police in Walsall who were trying to play down alcohol related problems in the town centre. She went on to say that the conditions proposed by the applicant were standard, which the police considered to be insufficient and inadequate. Customers might choose not to use the services provided at the premises and disseminate into the town centre. She expressed the view that the queuing system was not appropriate and that the premises should have door supervisors as a matter of course. It was noted that the showing of films had been withdrawn from the application but the operating schedule was very light on the type of cabaret to be used at the club. Ms. Richards pointed out that, unless the police was aware of the types of entertainment, it would be impossible to assess the likely impact. She went on to say that it would not be possible for Mr. Samra to act as DPS for both Altern8 and the Coliseum and that the police would require a variation application regarding the DPS before the club became operational. She expressed the view that the review process would not stand up and that the CIP would be rendered useless if it was used in this way. Looking at the cumulative impact of such premises, she felt that premises of this size and scale would have a negative impact on crime and disorder in Walsall Town Centre.

Ms. Richards then responded to questions. Mr. Underwood asked if any consideration had been given to a review of any of the premises in the Bradford Place area, and whether the police had any concerns about Mr. Samra. P.C. Doyle replied 'no' to both questions. In answer to a questions from Councillor Hughes, P.C. Doyle indicated that the capacity of the club was 800.

Mr. Underwood was then invited to address the Sub-Committee. In doing so he referred to representations that had been received. The concerns of both the Fire and Environmental Health Services had been addressed but the Police representations remained outstanding. The police were saying that there was a CIP and that it was likely that any new premises would exacerbate the problems, but there was no evidence in the Police case that this would happen. The evidence only shows that if there was a problem, it was being policed. He went on to say that the premises would be run properly and could not be blamed for any problems occurring

at the present time and there was no possible way of changing this. He added that there was a presumption that the application would be refused because there was a CIP in force. The premises would operate on a 24 hour basis with some alcohol and some live acts. There would be good door policies with excellent internal provision and the proposal was that it would be entertainment premises and not a standup drinking place. There would be facilities for radio links. It was not exactly clear what entertainment would be available although comedians and singers had been mentioned. It was not a place where people were allowed to drink to excess. They would be responsible, well run premises. Insomnia had been granted a licence and so had the Green Dragon. Both were in the area covered by the CIP. In referring to the representations, some were out of date due to the agreement with Environmental Health and Mr. Underwood asked the Sub-Committee to take this into consideration.

By way of clarification, Ms. Richards explained that the application by Insomnia was not for a change of hours, it was to allow a structural change of the premises to construct a smoking area.

Mr. Underwood then responded to questions and indicated that shuttle buses would be provided free of charge. The areas covered had not yet been agreed but there would be consultation with the Police on the issue. A fleet of taxis would also be provided at discounted prices, subsidised by the club. He went on to say that entertainment would comprise live singers, comedians and dances. Taxis would be an instant service, so there should be no waiting around. The final capacity of the club was to be agreed with the Fire Service although it was likely to be in the region of 350. The bedrooms on the plan were for staff quarters and the smoking area complied with the legislation. Railings would be provided to the balcony. With regard to other premises with the CIP area, Mr. Underwood explained that some premises were still licensed but were not currently operating. There were no parking facilities at the premises.

Both parties were invited to make a final statement.

Ms. Richards referred to the CIP and expressed the view that the applicant had not demonstrated that there would be no impact on the CIP. She indicated that they were large scale premises and there would be some impact on crime and disorder in the area.

Mr. Underwood stated that there was no evidence to suggest that there would be any impact. He suggested that the information supplied was sufficient.

Both parties withdrew from the meeting at 11.15 a.m. following which the Sub-Committee carefully considered all the written evidence submitted and all representations made at the hearing and it was:-

Resolved

- (a) The Sub-Committee having considered the written application made by Mr Samra and having listened to the various representations, both for and against the application, is firmly of the view that the West Midlands Police had provided sufficient evidence and raised sufficient concerns to warrant a refusal of a premises licence to Mr Samra.

- (b) The Sub-Committee is satisfied, that with regard to the cumulative impact policy that exists within the prescribed area referred to as Beat 10, the Altern 8 Club would contribute negatively to the many difficulties already experienced within that area, placing further strain on the resources of the police
- (c) The Sub-Committee feel that the issues and concerns raised by the police have not been rebutted by the applicant. Moreover there are no conditions that could be imposed upon the grant of licence to circumvent the issues identified.
- (d) In the circumstances the application is refused.

All parties were readmitted to the meeting at 11.46 a.m. and advised of the decision.

The objectors and the applicants were advised of their right of appeal. The appeal lies with the Magistrates Court and must be commenced by Notice of Appeal within the period of 21 days beginning with the day of which they are notified by the Licensing Authority of the decision appealed against.

Termination of meeting

The meeting terminated at 11.50 a.m.

Chairman

Date