

LICENSING SUB-COMMITTEE

Monday 2nd February, 2015 at 10.30 a.m.

In a Conference Room, Council House, Walsall

Present

Councillor Sears (Chairman)
Councillor Anson
Councillor Sarohi

In attendance

Mr Steven Knapper – Principal Licensing Officer – Walsall MBC
Miss Hazel Powell – Senior Licensing Officer – Walsall MBC
Mr Paul Green – Legal Services – Walsall MBC
PC Gardiner – West Midlands Police
Inspector Mandy McFee – West Midlands Police
Kate Perry – Solicitor for West Midlands Police
Andrew Wood – Woods Whur Solicitors
Mr Richard Leftwich – Rift & Co
Carl Anderson – Rift & Co

Appointment of Chairman

Resolved

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

Councillor Sears 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.

Apologies

There were no apologies for non-attendance.

Declarations of Interest

There were no declarations of interest.

Licence Hearing

Application for a premises licence variation under Section 34 of the Licensing Act, 2003 – Rift & Co, 4 Bridge Street, Walsall, WS1 1JQ

The report of the Interim Head of Communities and Public Protection was submitted:-

(see annexed)

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

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Sub-Committee and indicated that the application for a premises licence variation in respect of Rift & Co, 4 Bridge Street, Walsall, WS1 1JQ had been made under Section 34 of the Licensing Act, 2003. The application could be granted as requested, granted with additional/modified conditions or rejected. The current premises licence which included the layout of the premises was given in Appendix 1 to the report and the premises licence variation which had been received on 9th December, 2014 was given as Appendix 2.

Mr. Knapper drew the Sub-Committee's attention to Paragraph 3.3 of the report and indicated that a street map showing the location of the premises was given as Appendix 3 to the report. He confirmed that the application had been submitted to the statutory "authorities" and had been advertised by way of a blue site notice displayed at the premises and a Licensing Notice had been placed in a newspaper circulating in the area to comply with the requirements of the Licensing Act. On 23rd December, 2014 the Licensing Authority had received a written representation from West Midlands Police, a responsible authority under the terms of the Act (Appendix 4 refers).

Mr. Knapper also drew attention to Paragraph 4.2 of the report which explained the legal position and continued that on 8th September, 2008 the Council had introduced a cumulative impact policy for Walsall Town Centre and these premises lay within that area. (Appendix 5 refers). He added that in determining the application the Sub-Committee must have regard to the statutory guidelines; its statement of licensing policy and the statutory guidance issued under Section 182 of the Licensing Act, 2003.

Parties had no questions for Mr. Knapper.

Kate Perry (Solicitor for West Midlands Police) was invited to address the Sub-Committee and explained that the cumulative impact policy in place in Walsall Town Centre included Bridge Street and the premises of Rift & Co. She added that the policy had been reviewed and reaffirmed by the Council on 7th January, 2011. She referred to the Section 182 guidance and commented that this was not mentioned in the Act of 2003. She continued that the cumulative impact policy related to variation applications in the same way that it did to new applications. She drew the Sub-Committee's attention to the Chief Constable's comments on the application

(Appendix 4 refers) which stated that, in his opinion, the variation application would have a direct impact on the prevention of crime and disorder as Bridge Street was considered to be a hot spot in the Town Centre.

Kate Perry indicated that the applicants had not offered any additional steps they intended to take to promote the licensing objectives in the variation application and concern had been expressed that it would add additional strain on already stretched Police resources. She drew the Sub-Committee's attention to the statement from Chief Superintendent David Sturman and read out the second paragraph which explained the force's "Be Safe" policy for Walsall Town Centre and how it was resourced. Currently, Officers could be provided until 3.00 a.m. but if the application was granted then between 3.00 a.m. and 4.00 a.m. new Police resources would need to be found and they could only be obtained by removing Police Officers from their normal duties in other parts of the borough.

With reference to temporary event notices, Kate Perry indicated that these had been agreed in advance with the Police and, as they were usually limited to bank holidays, extra Police resources were available. Opening to 4.00 a.m. from Thursday to Sunday could not be policed within existing resources.

Kate Perry advised the meeting that on any given weekend there could be over 1000 people in Bridge Street in the early hours, looking for taxis and hot food. Add to this that many were intoxicated and it provided a recipe for chaos, crime and antisocial behaviour without adequate policing of the situation. Should Rift & Co be allowed to open till 4.00 a.m. then there could be even more people in the Town Centre adding to problems for the Police.

Kate Perry then drew the Sub-Committee's attention to the West Midlands Police Rift Bar disclosure bundle and to Public Place Violence (PPV) which showed that in the last six months there had been 44 offences in the Town Centre relating to the night time economy. 21 of these had been committed in the Bridge street area. She felt that if the variation application was granted then existing problems would be exasperated.

Finally, Kate Perry stated that public transport and public lavatories could not cope with the numbers of revellers who could not be dispersed quickly from the Town Centre leading to fouling of footways and thoroughfares. She stated that no door entry system to Rift & Co had been proposed in the operating schedule and there were no proposals for dealing with queuing outside the premises or how the end of night evacuation would be managed. She added that the premises were not a high end restaurant but a nightclub with heavy drinking so there was likely to be a greater risk of problems developing at closing time.

Inspector McFee (West Midlands Police) confirmed that the force had a designated staff of a Police Sergeant and seven Constables to operate "Be Safe" and confirmed that this unit did prevent crime and disorder in the Town Centre area. If the extra hour from 3.00 a.m. to 4.00 a.m. was granted for Rift & Co then additional Police resources would have to be drawn into the Town Centre leaving the rest of the borough open to increased criminal activity.

The applicants had no questions for Kate Perry.

Councillor Anson asked how long the Town Centre had been policed as part of the night time economy. Inspector McFee replied since 2009. She added that Councillors had been invited to take part in night time tours with the Police in order that they could see for themselves the problems arising.

Mr. Andrew Wood (Solicitor for Rift & Co) informed the meeting that the nightclub was applying for a licensing extension of one hour from Thursday to Sunday. He added that the nightclub's management were aware of the cumulative impact policy operating in Walsall Town Centre. He added that irrespective of what happened regarding today's application Rift & Co would continue to work with the Police regarding the night time economy. Mr. Wood reported that his evidence would show that Rift & Co's proposals would not have any impact on the cumulative impact policy because of the way the premises were being run and would be run in the future. He drew attention to the evidence logs submitted by West Midlands Police for Rift & Co and stated that they were relying on four incidents only. Of these four, two incidents had been investigated by the Police and, after viewing CCTV footage, no further action was being taken. He asked the Sub-Committee to decide whether this information was sufficient to refute the variation application.

Mr. Wood continued that the Rift & Co premises was a well run nightclub in a hot spot area and the additional hour proposed would not create additional difficulties for the Police. Referring to the nightclub's operating schedule, Mr. Wood drew the Sub-Committee's attention to pages 12 – 18 of the existing licence (Appendix 1 refers) he stated that there was little crime associated with the premises now and there would not be in the future. He added that door staff would not allow drunken clientele into the nightclub and if the extra hour was granted then people would stay on the premises rather than at present leaving at 3.00 a.m. to move to those premises with licences allowing them to remain open to 5.00 a.m. or 6.00 a.m. elsewhere in the Town Centre.

Mr. Wood reported that Rift & Co had held a number of temporary events where the premises had been open to 4.00 a.m. without problem and, in his opinion, the Police had not produced any evidence to show that the additional hour requested would cause them additional problems. He referred to the application made by Fever in Lichfield Street to remain open to 4.00 a.m. which had been granted in November, 2014 and to the fact that no problems had arisen there. He also drew attention to the fact that 15 incidents has occurred in Lichfield Street but only four had been reported relating to Rift & Co. He added that the intention was that people would stay in the nightclub all night and those people arriving at 3.00 a.m. to take advantage of the extra hour would not be admitted.

In conclusion, Mr. Wood stated that Rift & Co was well managed and the extra hour would not create an issue for the Police. It would cause no negative impact for the cumulative impact policy.

Kate Perry stated that the Police were not relying solely on the four incidents contained in the Police logs to support their case. She agreed that the premises were well managed but in spite of this fact the extra hour would have an additional

impact on the cumulative impact policy. With regard to the Lichfield Street application which had been approved in November, 2014 Kate Perry commented that it was too early to be able to ascertain yet whether it would have an impact on the CIP or not.

Members had no questions for Mr. Wood.

All parties were invited to sum up and Kate Perry reiterated the fact that Police resources would be unable to cope with the 4.00 a.m. closure time proposed for Rift & Co; that the crime statistics showed that Bridge Street was a crime and disorder hot spot and that the applicants had not shown that the operating schedule for the premises would not have an impact on the CIP.

Mr. Wood stated that the premises were well run and the operating schedule did work. Other premises in the Town Centre were already open to 5.00 a.m. or 6.00 a.m. without creating major problems for the Police; if the extra hour was granted then the clientele would remain in Rift & Co's premises rather than leaving to visit those premise in the town operating later and the extra hour's opening would not lead to an increase in crime and disorder.

Councillor Sears asked if all parties were satisfied that they had had ample opportunity to air their views fully. This was confirmed than all parties withdrew from the meeting at 11.17 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 premise variation made in respect of Rift and Co, 4 Bridge Street, Walsall, WS1 1JQ be rejected on the grounds that the cumulative impact policy which was drawn up to deal with the issue of crime and disorder and antisocial behavior in the town centre would be negated. The Sub-Committee felt that the applicants had not shown that the plans put forward would negate the requirements of the cumulative impact policy.

All parties were re-admitted to the meeting at 11.42 a.m. and informed of the Sub-Committee's decision. The parties were informed of their right of appeal to the Local Magistrates Court within 21 days of the receipt of the determination letter.

Termination of meeting

The meeting terminated at 11:45 a.m.

Chairman

Date