

## **LICENSING SUB-COMMITTEE**

**Friday, 5<sup>th</sup> October, 2012 at 10.30 a.m.**

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

### **Present**

Councillor Rochelle (Chairman)  
Councillor Cook  
Councillor Sarohi

### **In attendance**

Steven Knapper - Principal Licensing Officer, Walsall MBC  
Hazel Powell - Senior Licensing Officer, Walsall MBC  
Paul Green - Legal Services, Walsall MBC

### **For the applicants**

Clare Eames - Solicitor  
Lindsey Wakeman - Designated Premises Supervisor, Yates's  
Andy Willis - Area Manager, Yates's  
Julie Lodge - Operational Director, Yates's  
Mark Hayward - Security Officer

### **For West Midlands Police**

Kate Perry - Solicitor to West Midlands Police  
Sergeant Jamie Checkland - West Midlands Police  
Chief Inspector O'hara - West Midlands Police

### **Observers**

Surat Desor  
Emma Kerrigan

### **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.

### **Apologies**

There were no apologies submitted for non-attendance.

### **Licensing Hearing**

Application for a Premises Licence Variation under Section 34 of the Licensing Act, 2003 - Yates's, 23-29 Leicester Street, Walsall WS1 1PT.

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 to explain the application.

The Principal Licensing Officer (Mr Knapper) enlarged upon the report and informed the meeting that the application to vary the premises licence in respect of Yates's 23-29 Leicester Street, Walsall could be granted as requested, granted with additional/modified conditions or the application could be rejected. He continued that the application had been received on 20<sup>th</sup> July, 2012 and sought to extend the standard hours for all current licensable activities until 0200 hours from Thursday into Friday morning only and until 0230 hours for late night refreshment, films and closing time.

The West Midlands Police had submitted a written representation on 2<sup>nd</sup> August, 2012 objecting to the Licence Variation. Additional information from West Midlands Police was circulated to those present at the meeting:-

(see annexed)

This additional information related to the Cumulative Impact Policy which had been introduced by the Local Authority on 8<sup>th</sup> September, 2008 and covered the area known historically as Beat 10 (appendix 5 refers). The premises lay within the Beat 10 area.

The West Midlands Police representative had no questions for Mr Knapper.

The Solicitor for the applicants (Miss Eames) sought clarification on the non-standard timings being increased by one hour when British summer time begins and the effect of the company proposals on the cumulative impact policy.

The West Midlands Police Solicitor (Miss Perry) referred to the Police objection to the application, (appendix 4 refers) and reported that the Chief Constable of Police had objected to the extension of the licence. She drew attention to paragraph 13.2.9 of the report and reminded the Licensing Sub-Committee that the presumption was that the application should be refused as a result of the Police objection unless the applicant's operating schedule could overrule it. She continued that the Policing of Walsall's night time economy had an impact on Police resources which in turn had an impact on crime and disorder generally.

Miss Perry continued that the operating schedule provided by the applicants did not refute the negative impact on the Cumulative Impact Policy and the premises being open until 2.00 am on Friday morning would stretch Police resources. She added that the Police already provided additional resources in the town centre at weekends and to extend this to Thursday evening/Friday morning would mean that resources for other areas of the borough would be depleted. If Yates's were allowed to open late on Thursday evening into Friday morning then there would be more people in the Town Centre leading to greater potential for criminal behaviour and disorder. As several venues were open until 4.00 am and also needed policing Police resources were stretched even more.

Miss Perry also referred to the roles of Street Pastors and Special Constables, volunteers who worked in the Town Centre on Friday nights and at weekends. If Yates's opened until 2.00 am on Friday morning it would increase their workload too. She referred to Operation Be Safe which required a major Police presence in the Town Centre. With the cutbacks leading to a reduction in resources Operation Be Safe would be affected as well.

Miss Perry then referred to the crime figures which had been produced comparing statistics for August 2012 with those for August 2011 on Thursday, Friday and Saturday in the Town Centre. She reported that Yates's had carried out a number of temporary events during August 2012 in support of this application. The figures showed an increase in the number of categories of crime compared with August 2011 and whilst these increases could not be contributed to Yates's specifically the use of Temporary Event Notices must have had an impact on the number of revellers present in the Town Centre.

Referring to the operating schedule produced by Yates's, Miss Perry stated that it did not demonstrate how crime and disorder would be dealt with. It was for the applicants to show that the increased opening hours would have no negative impact on the cumulative Impact Policy. This had not been done. The conditions offered were standard only and focused on the premises rather than the wider impact. No additional late night transport had been offered; no door entrance systems were offered and the disposal policy presently in force did not take into account the additional hours proposed. There was no explanation of how end of night activity would be managed and the brochure and pictures of the interior of the premises added nothing to the submission. As the premises were not a high end Restaurant, but a Bar with a "Quids In" promotion which was designed to encourage customers to drink more, the extension of drinking time could only lead to an increase in alcohol related incidents.

Sergeant Checkland (West Midlands Police) referred to the plan submitted by Poppleston Allen in their submission which showed 6 premises in addition to Yates's in the immediate vicinity. He indicated that the Police had identified another 11 premises opening until after midnight in the Cumulative Impact Policy area. He added that after every weekend the Police examined the "Be Safe" hours and put together a report from the figures.

Sergeant Checkland reported that although Thursday evening was classed as student night there were usually few students in the town centre on Thursdays. Other clubs had lowered their prices to compete with Yates's promotion and as a result figures for violent crime in the Town Centre had increased during August 2012. He added that there was no evidence to suggest that Yates's was run in correctly but drinks at £1.00 per pint invited a certain type of clientele into the Town Centre. Chief Inspector O'hara (West Midlands Police) reported that officers for Operation Be Safe were drawn from neighbourhood resources and the scheme cost £146,000 to run. He reminded the meeting that the West Midlands Police force would be required to save £146,000,000 over the next 4 years which would mean the loss of over 1,000 front line officers and 2,500 support staff. Operation Be Safe would be affected by the reduction in resources. He added that although Yates's was a well run establishment the kind of clientele attracted by the "Quids In" promotion would have an impact on the Town Centre.

Mr Knapper stated that he had no questions for the Police.

Councillor Sarohi asked what effect increased Policing in the Town Centre would have on surrounding areas of the borough. Chief Inspector O'hara replied that between 10.00 pm and 6.00 am on any given night he had 26 officers to cover the Borough. Normally 10 were allocated to the Town Centre. If more had to be diverted to the Town Centre to deal with an alcohol related incident then there would be fewer Police Officers to deal with calls from surrounding areas of the borough.

Referring to the crime statistics provided by the Police, Ms Eames asked if theft of property such as mobile phones would be included in the figures. Sergeant Checkland confirmed that they would. She also referred to the fact that the Police could have objected to the Temporary Event Notices held in August 2012 if there had been appropriate grounds. Sergeant Checkland agreed.

Ms Eames asked whether the Police had any concerns over the management of Yates's. Sergeant Checkland replied "No".

Councillor Cook referred to the Police log of Town Centre incidents and asked if a record was kept of where people who had been arrested had been drinking. Sergeant Checkland replied that this information was not recorded.

Councillor Cook asked if the Police recorded drink related crimes in the surrounding areas. Sergeant Checkland replied that Police statistics related to the Beat 10 area only.

Ms Eames asked if the Police statistics covered on street crime only. Sergeant Checkland replied that the Police's crime statistics included crime in premises also.

Ms Eames was invited to present the case for Yates's and reported that the operating schedule would become a condition of licence. The main bone of contention was the extension of time from Thursday evening into Friday morning as the Police appeared to be happy with the rest of the proposed changes. She indicated that the premises had recently been refurbished at a cost of £250,000. The turnover was £1.7 million per annum and the company did not submit variation applications lightly. Lindsey Wakeman had been the Designated Premises Supervisor for 4 years so there was consistent management of the premises. Twenty five staff were employed there and food accounted for 25% of the turnover. Customers ranged from students to the elderly.

Ms Eames stated that on Thursday evenings the majority of the customers were students. The "Quids In" drinks promotion had been running for 4 years without any concerns. The £1 drinks were aimed at the less popular brands consisting of Corky's and sour shots and Carlsberg lager. She refuted the fact that the drinks promotion encouraged the wrong of clientele. She added that Yates's had run such promotions to remain competitive and was responsible over its drinks promotion.

With regard to the Thursday night/Friday morning extension of hours, Ms Eames stated that it had been trialled for some time. If Yates's closed at midnight then the pub was still very busy and the clients rather than returning home, wanted to continue enjoying their evening and moved onto one of the venues that stayed opened until 2, 3 or 4 am.

She added that if Yates's was allowed to remain open until 2.30 am on Friday morning it would be able to retain its customers rather than decanting them onto the streets. She added that if the Licensing Sub-Committee was mindful to grant the licence variation then Yates's would offer a condition that no new admissions would be allowed after midnight on Thursday.

With regard to the Temporary Events Notices in August, 2012, Ms Eames reported that the Designated Supervisor (Lindsey Wakeman) had kept a log book and there had been no incidents of crime and disorder relating to Yates's on Thursday evenings. This tended to show that the additional hours applied for would not add to the Cumulative Impact Policy.

With reference to the promotion of the licensing objectives, Ms Eames stated that as this was a converted licence no conditions had been volunteered in the original application (appendix 1 refers). The revised proposals contained in appendix 2 showed that Yates's had put in place CCTV, door staff and appropriate policies for dispersal amongst others. The company had policies in place to deal with drugs, under age drinking etc. She added that the company also employed Floor Waiters who collected glasses and kept an eye open for any trouble so that it could be nipped in the bud. Pub Watch was supported and Yates's had a good working relationship with West Midlands Police.

Regarding public safety, Ms Eames stated that Yates's provided a safe environment for its customers. Its clientele was good and well managed. Noise limits were maintained; Challenge 25 was in operation and procedures were in place to protect children from harm. The company had recently passed a test purchase regime operated by the Local Authority. She drew attention to the Regency Brochure which covered the Security Staff and the Head Doorman, Area Manager and Operations Manager were all on the premises on Thursday, Friday and Saturday evenings.

Clare Eames then introduced Mark Hayward, Security Manager, and asked about students. Mr Hayward replied that August was the peak time for incidents involving students as this was when new students were coming into the town and older students were leaving.

Mr Knapper had no questions for Ms Eames.

Kate Perry asked if the Thursday night drinks promotions were commercially viable. The Area Manager (Andy Willis) confirmed that they were. He added that they would not be continued if they made a loss.

Kate Perry asked if the "Quids In" promotion would be continued if the additional hours on Thursday evening/Friday morning were granted. Mr Willis replied that the promotions would continue because Yates's needed them to be competitive.

Kate Perry asked if it was hoped to attract additional customers with the new opening hours. Mr Will's replied that it was hoped to retain existing customers for longer rather than attracting new customers.

Councillor Cook asked if customers were advised when closing time was approaching. The Designated Premises Supervisor (Lindsey Wakeman) replied that the DJ informed customers that the Bar would close at 12 midnight from 11.30 pm onwards.

Councillor Cook asked what happened if there was a queue at the Bar. Lindsey Wakeman replied that they would be served until midnight then allowed 30 minutes for drinking up time.

Councillor Cook asked whether the Door Supervisors operated outside the premises. The Area Manager (Andy Willis) replied that they did.

Councillor Sarohi referred to the map of the Town Centre showing other premises operating until the early hours of the morning. He asked whether another premises was needed operating to 2.00 am. Miss Eames replied that Yates's offered a quality environment for discerning customers and reflected the fact that the company simply wanted to retain its existing clientele until 2.30 am rather than having to close the establishment at midnight on Thursdays.

Councillor Sarohi referred to the fact that the Cumulative Impact Policy had been introduced to help the Police who were hampered by resource problems. Ms Eames commented that as the proposed extra hours were for Thursday night/Friday morning only it would not increase crime and disorder in the Town Centre area and thus have a negative impact on the Cumulative Impact Policy.

All parties were invited to sum up and Kate Perry (West Midlands Police Solicitor) reminded the meeting of the presumption that the application should be refused as the Police had objected to it unless the applicants could show that it would not have an adverse effect on the Cumulative Impact Policy. She continued that the Police had real concerns over resourcing the Town Centre and another day of late opening would mean more drink fuel led incidents in the Town Centre area and added that, in her opinion, the operating schedule had not gone far enough to rebut the presumption. She asked the Licensing Sub-Committee to refuse the application.

Ms Eames stated that the Cumulative Impact Policy was for guidance only and was not set in stone. Each application should be considered on its own merits. Yates's was a well run establishment and would only open on Thursday with the same hours as Friday and Saturday. The company had applied for a number of temporary Events Notices and the Police had not objected to any of them. She felt that the company had done enough to rebut the presumption and the application should be granted with conditions.

All parties withdrew from the meeting at 11.47 am.

The Licensing Sub-Committee considered carefully all the written evidence submitted and the representations made at the hearing, following which it was

### **Resolved**

- 1) That the sub-committee has determined that the applicants have not established a case that rebuts the presumption of refusal that exists under the Cumulative Impact Policy and adopted by Walsall Council. Furthermore the sub-committee are of the view that the applicant has failed to demonstrate that granting a variation to extend the opening hours on a Thursday, would not have a negative impact on the licensing objectives.
- 2) That the Licensing Sub-Committee were mindful of the circumstances that warranted the imposition of a Cumulative Impact Policy in the first instance and felt that the additional hours would have a detrimental effect on the licensing objectives, specifically that of prevention of crime and disorder on a cumulative basis within the defined "Beat 10" area. The Licensing Sub-Committee maintained this view, despite the undisputed point made by the applicant's Solicitor, that there have been no recorded incidents of crime and disorder directly associated with the applicants' establishment.
- 3) That the application in relation to the extended hours on a Thursday is therefore rejected.
- 4) That the committee grants the variation in relation to all the non standard timings applied for. The voluntary conditions offered by the applicants are agreed save for additional door staff to be provided for the extended hours as this was felt to be surplus to requirements given the decision referred to above. The sub-committee having noted that the provision already exists for Bank Holidays, Christmas Eve, Boxing Day and New Years Day. In respect of alcohol sales the provision also already exists for the supply of alcohol from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.
- 5) That the committee grants the removal of all standard public entertainment licence conditions from the premises licence.

All parties were re-admitted at 12.20 pm and advised of the Licensing Sub-Committee's decision and informed of their right of appeal to the local Magistrates Court within 21 days of receipt of the decision letter.

**Termination of meeting**

The meeting terminated at 12.28 pm.

Chairman .....

Date .....