

# M I N U T E S

meeting: **LICENSING SUB-COMMITTEE**

date: **28 SEPTEMBER 2012**

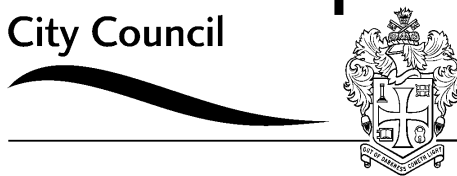
**PRESENT:-**

Councillors Claymore (Chair), Banger and Mrs Patten

**IN ATTENDANCE:-**

L Banbury	-	Democratic Support Officer, Delivery
S Hardwick	-	Senior Solicitor, Delivery
R Edge	-	Section Leader (Licensing), Education and Enterprise

**Wolverhampton**  
City Council



**PART 1 – OPEN ITEMS****Licensing Act 2003 – Application for Review of a Premises Licence – The Woodbine, Wood Lane, Bushbury, Wolverhampton (Appendix 30)**

85.

In AttendanceFor the Premises

Mr Brown	-	Admiral Taverns (Advocate)
Mr Barnes	-	Admiral Taverns (Area Manager)
S Rouse	-	Tenant
D Gajzler	-	Designated Premises Supervisor

Applicant for the Review

WPC Holt &amp;

PC S Williams	-	West Midlands Police
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In Support of the Review

N Aston-Baugh	-	West Midlands Fire Service
J Freeman-Evans	-	Environmental Health (Commercial)
E Moreton	-	Licensing Authority
Mr and Mrs Cole &		
Mr and Mrs Clarke	-	Other Persons (Local Residents)

The Chair outlined the procedure to be followed at the meeting. The Democratic Support Officer advised that Councillor Mrs Patten had a non-pecuniary interest in this review as a resident in the Ward in which the Premises was situated and in view of the fact that her husband, Councillor N Patten, had supported the local residents in their concerns raised in regard to the Premises Licence. This would not, however, prejudice her position on the Licensing Sub-Committee.

The Section Leader (Licensing) briefly outlined the report submitted to the meeting and circulated to all parties in advance.

At this juncture, WPC Holt outlined the grounds for the review application, which were detailed in Appendix 3 to the Licensing Officer's report. She provided additional detail in regard to the numerous complaints received both by the West Midlands Police and Environmental Health (Commercial) during 2011 and 2012. It was noted that the Police would be happy with the Premises Licence, providing the proposed additional conditions were added to the Premises Licence.

All parties were afforded the opportunity to question WPC Holt. She advised that there had been no conviction following the incident on 18 September 2011, as the Designated Premises Supervisor had accepted a community resolution. All the offences listed by the Police Officer had taken place whilst Mr Gajzler was Designated Premises Supervisor.

At this junction Mr Brown outlined the case for the Premises Licence Holder. He advised that the establishment had been let to an

independent tenant on behalf of the Premises Licence Holder and welcomed the review of the Premises Licence Holder as it provided Admiral Taverns with an opportunity for self assessment. He added that he was unaware of the problems at the Premises until late June 2012. He accepted that, at times, the tenant and Designated Premises Supervisor had failed to achieve an appropriate balance between attempting to make an adequate living and not causing unnecessary nuisance to the local community. He advised that Mr Gajzler had been Designated Premises Supervisor for a period of three years. He further advised that monthly meetings had taken place with residents groups and Community Wardens. The Premises had been refurbished and changes made to the entertainment, with a view to making The Woodbine a community public house. Since late August the Premises had been closing between 2330 and 0000 hours, which hopefully would have reduced the noise and nuisance problems. A scheme had been introduced to encourage taxi drivers to phone the Premises when picking up customers, rather than honking their horns. Mr Brown suggested that re-training of staff be undertaken to ensure their understanding of and adherence to licence conditions. Although a change of Designated Premises Supervisor had been considered, Mr Brown indicated that Mr Gajzler had extensive experience in the industry and should be given a chance to continue if the proposed changes worked.

All parties were afforded the opportunity to question the representatives for the Premises. Mr Brown advised that the re-training of staff would be organised by Admiral Taverns, [Mr Rouse indicated, however, that the Premises would provide the training in-house] that the Premises would be monitored and inter-action would continue with the community. Functions at the Premises would, in future, be community based and should deter unwelcome customers. Mr Rouse indicated that Mr Gajzler undertook the day to day management of the Premises and that his role was to check the till rolls and takings. He added that, by replacing the discos with the sporting/community activities, there had been no detrimental impact on the takings. Mr Gajzler indicated that between three and four patrols were undertaken during the evening, which were documented.

On a point of clarification, Mrs Moreton questioned how long Mr Gajzler had actually acted as Designated Premises Supervisor as the records of the Licensing Authority showed that he had only taken up the position on 21 July 2011. On checking the records, Mr Brown concurred with Mrs Moreton.

Responding to a question from the Fire Authority, Mr Brown indicated that fire safety was, in this case, the responsibility of the lessee. In regard to outstanding fire safety works, work had not yet been completed but should be commenced within the following two weeks.

On a further point of clarification Mr Cole, who had undertaken to speak on behalf of the local residents, stated that the meeting with the local community was not organised by the Premises, but that The

Woodbine was merely used for meetings of the Lincoln Green Residents' Association.

The Responsible Authorities and other persons were afforded the opportunity to outline their representations, which had been circulated prior the hearing and were attached to the Licensing Officer's report as appendices 4 to 11. In making the representations on behalf of Environmental Health (Commercial), Mrs Freeman-Evans advised that further complaints had been received following the review application.

All parties were afforded the opportunity to question the responsible authorities and other persons. Mr Cole indicated that the noise nuisance had had a detrimental effect on his wife's health. He added that some residents believed the Premises should be closed, although personally believed that shorter licensing hours would provide an immediate resolution to the problems. The Fire Officer advised that, although there were still some outstanding fire safety issues, the matters could be resolved under the Fire Services' primary legislation and did not justify closure of the Premises.

At this juncture, all parties were afforded the opportunity to make a closing statement.

### **Exclusion of Press and Public**

86. Resolved:-

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from consideration of the items of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within paragraph 3 of Schedule 12A to the Act (Information relating to the business affairs of particular persons) is likely to be disclosed.

All parties, with the exception of the City Council's Solicitor and the Democratic Support Officer, withdrew from the meeting at this point.

### **PART II - EXEMPT ITEMS**

#### **Deliberations and Decisions**

87. The Sub-Committee discussed the issues which had been raised during consideration of the Premises Licence review.

The Solicitor advised them of the options open to them in determining the application.

#### **Re-Admission of Press and Public**

88. Resolved:-

That the press and public be readmitted to the meeting.

## **PART I - OPEN ITEMS**

### **Announcement of Decision**

89. All parties returned to the meeting room and the Solicitor outlined the decision of the Sub-Committee as follows:-

An application has been made by the West Midlands Police for a review of the Premises Licence in respect of The Woodbine, Wood Lane, Bushbury, Wolverhampton. At the hearing to review the Premises Licence, the Licensing Sub-Committee listened carefully to all the representations made by the persons who spoke at the hearing. They considered all the evidence presented and found the following facts:-

The Sub-Committee heard from:-

#### **(i) West Midlands Police**

1. that there are noise problems emanating from the Premises;
2. that there is inappropriate behaviour from clientele at the Premises;
3. that the Premises are trading beyond the hours specified in the Premises Licence, and
4. that the Designated Premises Supervisor (DPS) is not in control of activities at the Premises.

#### **(ii) West Midlands Fire Service**

1. that the responsible person at the Premises had not conducted a fire risk assessment at the time of their inspection;
2. that there was no effective means in place to manage a safe evacuation of the Premises in an emergency;
3. that the fire alarm was faulty;
4. that the emergency lighting was not being maintained;
5. that the Premises were not being managed in accordance with statutory requirements, and
6. that there are ongoing fire safety issues, but not such that the Premises should be closed.

#### **(iii) Licensing Authority**

1. that there is management failure at the Premises and
2. that there has been a disregard for the licensing objectives by the Premises.

#### **(iv) Local Health Board (not in attendance)**

1. that alcohol has been served beyond permitted hours.

#### **(v) Environmental Health (Commercial)**

1. that there have been 21 complaints of noise and disturbance since April 2010 and most have occurred more recently;
2. that the Premises have been trading beyond their permitted hours;
3. that the existing trading hours are excessive, and
4. that 2 further complaints have been received since the application for review of the Premises Licence was made.

(vi) Other Persons (Local Residents)

1. that there has been disturbance to residents for eighteen months;
2. there are issues of crime and disorder inside and outside the Premises;
3. residents lose sleep due to functions operating beyond the licensing hours;
4. there needs to be a cutback in hours and a change of management, and
5. there has been some improvement in recent weeks.

The Sub-Committee have heard from the Premises Licence Holder that:-

1. they admit there have been failures at the Premises;
2. they agree to conditions to help control issues, and
3. new practices in place have helped and will continue to do so.

The Sub-Committee can take appropriate action in response to the request for review of the Premises Licence and have the following powers:-

- a) Take no further action, or
- b) Issue a warning

as provided within the guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

OR take the following steps:-

- a) Modify the conditions of the Premises Licence (either permanently or for a period not exceeding three months);
- b) exclude a licensable activity from the scope of the Premises Licence (either permanently or for a period not exceeding three months);
- c) remove the Designated Premises Supervisor;
- d) suspend the Premises Licence for a period not exceeding three months, or
- e) revoke the Premises Licence.

Based upon the above and having regard to the application for review and relevant representations made, the Sub-Committee have decided to modify the conditions of the Premises Licence permanently and remove the Designated Premises Supervisor. Modifications to the Premises Licence are as follows:-

Conditions proposed by the West Midlands Police agreed with the Premises Licence Holder and detailed at the hearing

1. Evidential quality CCTV to be installed and maintained, images/recordings to be kept for 31 days and to be available upon request to any Responsible Authority. At any time, at least one member of staff to be on duty who can use/download the CCTV upon request. The CCTV should cover entry and exit points of the Premises, all areas where alcohol/money is served/taken and all areas to where public have access and the immediate vicinity

- outside the Premises. The CCTV should indicate the correct time and date.
2. An incident log book should be maintained at the Premises to record all incidents that occur inside or immediately outside the Premises, irrespective of any of the emergency service being called or not. The record must state the date, time and nature of the incident and action taken.
  3. Intoxicated persons should not be permitted into the Premises.
  4. Facilities should be provided to enable taxis to be booked/ordered from the Premises. Taxi firms should be reminded at the time of booking that 'horn blowing' is not acceptable and where possible a telephone number for the customer should be provided.
  5. Notices should be displayed at all times reminding patrons to leave the Premises quietly and respect the neighbouring residents.
  6. In the event of a private booking for the Premises, at least 7 days notice should be provided to the Licensing Department at the Wolverhampton Central Police Station, in order for a risk assessment to be conducted and to discuss measures such as door staff and Police intervention. Exception to be made for funeral wakes, in which case reasonable notice should be provided.
  7. Regular documented patrols of the smoking area, car park and outside areas should be made and the record of such patrols made available to any Responsible Authority upon request.

Conditions proposed by Environmental Health (Commercial) agreed with the Premises Licence Holder and detailed at the hearing

1. A noise management action plan should be completed at the Premises, detailing all measures to be taken to appropriately control noise emanating from the Premises, including:-
  1. Front door to remain closed during all regulated entertainment;
  2. all windows to remain closed during regulated entertainment;
  3. regulated entertainment to only be permitted on a Friday night between the 2030 and 2230 hours.
2. Opening hours of the Premises to be reduced to:-  
Monday to Thursday 1100 to 2300 hours  
Friday and Saturday 1100 to 2330 hours  
(Sunday 0700 to 0000 hours, as applied for)
3. Smoking only to be permitted at the side of the Premises and this area to be sectioned off by a wall or fence.
4. The whole of the car park to be chained off at the end of trading each night.
5. Management to monitor the outside of the Premises during every occasion when regulated entertainment takes place at the Premises.

In addition, the Licensing Sub-Committee have decided to modify the Premises Licence permanently as follows:-

1. That the Premises staff be given appropriate and relevant training where it is identified that this is necessary, that a record of the

training be kept and provided to any Responsible Authority upon request.

The above actions are considered necessary and proportionate action for the promotion of the prevention of crime and disorder and prevention of public nuisance licensing objective.

An appeal against the decision may be made to the Magistrates' Court, by the applicant for the review, the holder of the Premises Licence or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

**Licensing Act 2003 – Application for a New Premises Licence – UJAMAA Limited, Clifford Street, Wolverhampton (Appendix 31)**

90.

In Attendance

For the Premises

P Kettle	-	Solicitor
J Hemans	-	Director
C Samuels	-	Centre Manager/Supervisor

Objectors

Sergeant C Harrison & PC S Williams	-	West Midlands Police
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The Chair outlined the procedure to be followed at the meeting. No declarations of interest were made by the Members.

The Section Leader (Licensing) briefly outlined the report submitted to the meeting and circulated to all parties in advance. In so doing he advised that it had been discovered by Environmental Health, during a routine visit, that not all the statutory blue notices were visible at the Premises; the representation period had therefore been extend to 29 August 2012.

At this juncture, Mr Kettle outlined the application for a new Premises Licence and, in so doing, advised that UJAMAA was intended to be a community facility providing a wide range of regulated entertainment. A comprehensive application had been submitted and additional conditions had been agreed with the West Midlands Police. He indicated that his clients had taken considerable steps to liaise with local residents regarding the use of the Premises, that they had ploughed a considerable financial investment in the property and did not wish to upset local residents.

All parties were afforded the opportunity to question the applicant.

At his juncture, PC Williams outlined the objections of the West Midlands Police as outlined at appendix 3 to the Licensing Officer's report. He went on to outline a number of proposed conditions, some of which had been agreed with the applicant. He advised that the West



Midlands Police would be happy for the Premises Licence to be granted, subject to the inclusion of these additional conditions.

All parties were afforded the opportunity to question the Police representatives.

The applicant and Police summed up. Mr Kettle advised that his clients were happy to take on board proposed conditions 4 to 8. However, they had concerns regarding conditions 1 to 3, which they believed in their current form were disproportionate, namely:-

- CCTV in the bar areas;
- 14 days notice to the West Midlands Police in regard to all licensable activity, with the exception of funeral wakes, and
- the wearing of high visibility attire by door supervisors.

### **Exclusion of Press and Public**

91. Resolved:-

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from consideration of the items of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within paragraph 3 of Schedule 12A to the Act (Information relating to the business affairs of particular persons) is likely to be disclosed.

All parties, with the exception of the City Council's Solicitor and the Democratic Support Officer, withdrew from the meeting at this point.

### **PART II - EXEMPT ITEMS**

#### **Deliberations and Decisions**

92. The Sub-Committee discussed the issues which had been raised during consideration of the application for a Premises Licence.

The Solicitor advised them of the options open to them in determining the application.

#### **Re-Admission of Press and Public**

93. Resolved:-

That the press and public be readmitted to the meeting.

### **PART I - OPEN ITEMS**

#### **Announcement of Decision**

94. All parties returned to the meeting room and the Solicitor outlined the decision of the Sub-Committee as follows:-

The Sub-Committee have taken note of all the written concerns raised in respect of UJAMAA, Clifford Street, Whitmore Reans, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application and considered all the written representations.

Having considered the views of all concerned, the Sub-Committee have decided that the Premises Licence should be granted as applied for, subject to the following additional conditions proposed by the West Midlands Police and detailed at the hearing:-

1. Evidential quality CCTV to be installed and maintained, images/recordings to be kept for 31 days and to be available upon request to any Responsible Authority. At any time, at least one member of staff to be on duty who can use/download the CCTV upon request. The CCTV should cover entry and exit points of the Premises, all areas where alcohol/money is served/taken and all areas to where public have access and the immediate vicinity outside the Premises. The CCTV should indicate the correct time and date.
2. In the event that the first and/or ground floor function rooms are used for purposes involving any licensable activities, bookings are to be made at the discretion of the Designated Premises Supervisor (DPS). At least 14 days notice should be provided to the Licensing Department at the Wolverhampton Central Police Station of all these events, in order to allow for a suitable risk assessment to be conducted. This excludes funeral wakes, where less notice will be accepted. Full details of DJs, promoters and any other relevant information will need to be provided.
3. Any door supervisors deployed at the Premises should be registered correctly with the SIA for front line duties. All door supervisors should wear high visibility attire and overtly wear their SIA certificates on their person. The requirement and ratio for deployment of door supervisors should be at the discretion of the DPS, but Police advice should be taken into consideration. Where available, at least one of the door supervisors should be female. Any door supervisor deployed must remain in post until the close of business and until every member of the public has left the Premises/car park.
4. An incident log book should be maintained at the Premises to record all incidents that occur inside or immediately outside the Premises, irrespective of any of the emergency services being called or not. The record must state the date, time, nature of incident and action taken.
5. Intoxicated persons should not be admitted to the Premises.
6. Facilities should be provided to enable taxis to be booked/ordered from the Premises.
7. Children under the age of 18 years should be permitted on the Premises for a family themed event. All children under the age of 18 years must vacate the Premises by midnight. A family themed event is described as an event, including but not limited to weddings, funerals, birthdays, anniversaries, christenings, engagement parties and baptisms.

8. For dance promotions, live performances and other events that cannot be reasonably considered to be family themed vents (including but not limited to boxing events, cage fighting events, etc) no children under the age of 18 years should be admitted on the Premises.

(For clarification conditions 4 to 8 [inclusive] have been agreed by the applicant).

The Sub-Committee accepted what the applicant said in respect of conditions 1 and 2. However, given the hours applied for and the submissions of the West Midlands Police, they believe it is necessary and proportionate to have CCTV where alcohol/money is served/taken and to give prior notice of events. With regard to condition 3, the Sub-Committee are satisfied that as Premises Licence Holder should have discretion when to have door supervisors, that it is appropriate and proportionate that the registered door supervisors should wear high visibility attire at all times when they are employed.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder licensing objective.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the Premises Licence, together with any mandatory conditions required by the Act.

All parties have a right of appeal to the Magistrates' Court within 21 days of receipt of this decision.