

LICENSING SUB-COMMITTEE 4

Tuesday 28th April, 2009 at 10.15 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Mrs Ameson (Chairman)
Councillors Mrs Aston and Mrs Coulter

Officers

Principal Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and
Miss H Shepherd – Directorate of Law, Property and Human Resources

8 DECLARATIONS OF INTEREST

No Member made a declaration of interest in accordance with the
Members' Code of Conduct.

9 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on
17th February 2009, be approved as a correct record and signed.

10 APPLICATION TO VARY A PREMISES LICENCE – THE QUE PASA, 1-3
RYEMARKET, STOURBRIDGE

A report of the Interim Director of Law and Property was submitted on an
application received from John Gaunt and Partners, Solicitors, to vary a
premises licence, in respect of Que Pasa, 1-3 Ryemarket Street,
Stourbridge.

Mr C J Mellins, premises supervisor, was in attendance, together with the
Legal Advisor acting for Marstons PLC.

Also in attendance was PC Boyd and barrister on behalf of West Midlands
Police, objecting to the application, together with Mr M. Jones, whose
written correspondence had been sent to the Sub-Committee prior to the
meeting.

Following introductions, the Chairman outlined the procedure to be
followed.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

PC Boyd then outlined the reasons for the objection submitted by the West Midlands Police based on the objective of preventing crime and protecting the public's health and safety. He stated that Stourbridge was a popular nightlife centre with 66 pubs/bars within a 1-mile radius, with 5 late night bars in the main High Street having the capacity to hold up to 2000 people at one time. Que Pasa itself had a capacity to hold 500 people, split over two floors. Due to the current economic downturn competition was at its peak with several bars holding drink promotions.

He informed the Sub-Committee that Que Pasa had submitted 3 Temporary Events Notice applications for dates in February, which had not been opposed due to the quiet time of year and there being no clashes with any such applications. Also a meeting had been held between the managers of the main competitive bars to discuss drinks promotions and it was feared that with an increase in drinking and extended opening hours, this could impact on an increase in crime disorders and anti social behaviour. The Sub-Committee was informed that enquiries from other bars/pubs regarding the same variations had already been received.

PC Boyd circulated to those present a handout including Police analysis details, objection letters and recent attendance figures for main venues in Stourbridge High Street which showed that violent crimes within the Town Centre peaked on Friday to Sunday. Violent Crimes in Stourbridge used to account for 18.2%, however since the introduction of the Cumulative Impact Policy a reduction on all crimes had happened. He stated that the policy involved additional police manpower and the installation of CCTV, as well as the Taxis Marshall scheme. The Taxis Marshalls assisted in clearing the town of people safely and currently ran til 2.00am. Extending the opening times beyond this time could leave people with a difficulty in getting home. PC Boyd also stated that representatives from bars attended a pub watch group meeting where funding for the taxis marshalls was discussed.

Mr Jones, objector to the application, informed the Sub-Committee of his concerns as to why the application should be refused. He believed that the extended licence would have a damaging effect to the town centre and its residents. He referred to several incidents that had taken place during March and April 2009, which included a shop window being smashed, fighting, blood outside and on shop windows and criminal damage being caused. He stated that restaurants and other facilities within the town centre were suffering due to people stopping visiting and due to constantly having to repair the damage that was being caused. He stated that Stourbridge would no longer be known as a Market town but more like a Black Country booze capital.

Arising from the representations made by Mr Jones, questions were asked by the Legal Advisor acting for Marstons PLC. It was stated that all incidents being referred to were general and did not specifically relate to Que Pasa.

Marstons PLC Legal Advisor then went on to question PC Boyd and clarification was sought with regards to the meeting held between the bars in relation to drink promotions. PC Boyd confirmed that concerns were not just directed at Que Pasa, but what was considered to be the best for the town and community. PC Boyd referred to the letter in the document he had circulated from another bar in Stourbridge, who had stated that they too would be compelled to submit an application to extend opening hours for competition. He stated that agreeing to this application would open the flood gates for all bars to apply. The Legal Advisor stated that all though this may be the case, all applications should be considered individually.

The Chairman sought and received clarification as to where Mr Jones lived in relation to Que Pasa and his trade or business. He confirmed that he used Stourbridge town for shopping.

In responding to a question from the Councils Legal Advisor, PC Boyd confirmed that the statistics in the report circulated were based on violent crimes.

A member of the Sub-Committee asked PC Boyd if he attended Pub Watch meetings, and he confirmed that he was an invited member. Marstons PLC Legal Advisor stated that in the letter from the Chairman for Pub Watch he had referred to the members of Pub Watch not being happy with extending opening times, however, Mr Mellins was an active member of the group and he had not been consulted. Therefore it was considered that the information was fictitious.

The applicants Legal Advisor, on behalf of Marstons PLC, then stated his case and in doing so he referred to the Licensing Act 2003 and the Council's own special policy. He stated that from the objections received, none of the matters were specifically referred to as having been caused directly by or at Que Pasa. All were general incidents that had happened. Good operations management had been explored and demonstrated through the temporary extended opening events that had taken place when the bar had previously traded til 3.00am. Door supervisors were employed and the company did not conduct irresponsible drink promotions. He stated that all money taking across the board were down, but that this was irrelevant to the application.

He referred to PC Boyd's objection letter and stated that Marstons PLC did not own the property in 2005 when the previous variation application was submitted and withdrawn. He also stated that all applications received should be considered on their own merits.

He then referred to Mr Jones's objection letter and again stated that all incidents were in general terms and none were specific to Que Pasa apart from the event that happened in May, 2008. The Sub-Committee was informed that this event had occurred due to an intoxicated member of the public being denied access to Que Pasa by the door supervisors, who had then taken matters into his own hands, hence the situation that had occurred.

He went on to state that Que Pasa offered a relaxed, safe environment and did not encourage unsafe drinking.

In response to a question from the Barrister on behalf of West Midlands Police, the Legal Advisor for Marstons PLC stated that full capacity had been reached during the temporary events, but had no exact figures available at that time. It was stated that full capacity may not have been reached at the terminal hour.

The Council's Legal Advisor then reminded the applicant that all information was being provided to the sub-committee as a third party.

Mr Mellins confirmed that at the recent Pub Watch meeting, the Stourbridge Town Centre Manager had only raised the Taxi Marshalling funding issue generally and that no-one was specifically asked to provide funding for this service also this was not solely the responsibility of Que Pasa.

Mr Mellins informed the Sub-Committee that currently entry fees were charged on Saturdays and during special events with the last entry into the bar being 1.00 am provided the customer is not intoxicated.

The Licensing Officer stated to the Sub-Committee the conditions of the existing Licence.

In summing up, the barrister on behalf of West Midlands Police stated that the statistics in the handout identified how violent crime had fallen since the cumulative impact policy had been in force and that increasing drinking times would only increase in violent crime disorders. He stated that it was evident that once one extended licence had been approved, all other venues would follow. He stated that the taxi-marshalling scheme had made a significant improvement to traffic and safety for revellers returning home. The cumulative impact policy was an important Stourbridge order. With the bar opening later that will mean the marshalling scheme would be finished and the residents of the town would have to listen to the disturbance for an hour longer. The policy was there for a good reason, and West Midlands Police were concerned that things could return to how they once were if the application was granted.

In summing up, the Legal Advisor for Marstons PLC agreed that the Special policy was in place for a good reason, but disagreed that this variation application would destroy all the hard work that had gone on. He stated that the Taxis-Marshalling funding issue should be raised at Pub Watch. He again stated that each application submitted should be considered on its own merits. He also stated that all objections made had been general and non-specific to Que Pasa.

The parties then withdrew from the meeting in order to enable the sub-committee to determine the application.

Following a discussion by the Sub-Committee, having made their decision, all the remaining parties were invited to return and the Chairman requested the Council's Legal Advisor to outline the decision.

RESOLVED

That the application submitted To vary a premises licence in respect of Que Pasa, 1-3 Ryemarket Street, Stourbridge, be refused for the following reasons:-

The Sub-Committee has considered the Licensing Act 2003, the Guidance and Councils Special Policy on Cumulative Impact, implemented in 2006, and which is reviewed every 3 years.

The Sub-Committee has heard evidence from the Police of violent crime statistics before the implementation of the Special Policy in October 2006, and after that Policy. The Committee is satisfied that the implementation of the Policy and Operation Fleet has seen a substantial reduction in violent crime in Stourbridge Town Centre.

The Sub-Committee accepts that this evidence does not need to link directly to the applicants premises, and that the policy requires any persons making representations to present evidence on the cumulative impact of any variation licence.

The policy is not a blanket policy and each application must be treated on its merits.

The Sub-Committee finds that to extend the opening hours of a premises of this size and nature will have a detrimental cumulative impact on the prevention of Crime and Disorder in Stourbridge Town Centre.

The Meeting ended at 12.38 pm

CHAIRMAN

LSBC4/14