

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

TUESDAY 2ND AUGUST 2022, AT 11.00 A.M.

PRESENT: Councillors A. B. L. English, C.A. Hotham and M. Thompson

In attendance: PC. K. Norris and SGT S. O'Neil, West Mercia Police, SGT S. Reynolds, West Midlands Police, Mr. M. Phipps, Partner, TLT Solicitors, Mr. D. Butterworth, Licensing and Security Compliance Consultant, on behalf of 57 Monkeys, Mr. A. Reading and Mr. M. Taylor, Directors 57 Monkeys, Mr. A. Collins, Manager 57 Monkeys, Mr. A. Kriss, local resident

Officers: Mr. R. Keyte, Mr. D. Etheridge, Mr. C. Poole, Acting Principal Officer, Community Environmental Health (Nuisance), Worcestershire Regulatory Services, Mrs. P. Ross and Mr G. Day

The Council's Legal Advisor opened the Hearing and asked for it to be noted that the running order of the Hearing Procedures had changed, and briefly explained the reason why to all those present.

6/22

ELECTION OF CHAIRMAN FOR THE MEETING

RESOLVED that Councillor C. A. Hotham be appointed Chairman of the Sub-Committee for the meeting.

7/22

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

8/22

DECLARATIONS OF INTEREST

On behalf of Sub-Committee Members, the Chairman stated that all Sub-Committee Members would be declaring an other disclosable interest, as one of the public speakers, addressing the Sub-Committee in support of the premises licence review; was an elected Member of the Council, Mr. A. Kriss and that Members were therefore acquainted with him.

However, there had been no discussions with him, with regard to the Premises Licence Review application for 57 Monkeys.

Councillor M. Thompson asked for it to be noted that he was employed by Bromsgrove School, which was near to the premises under review.

9/22

LOCAL GOVERNMENT ACT 1972

“**RESOLVED** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act, as amended, the relevant paragraphs of that part, being as set out below, and that it is in the public interest to do so:-

<u>Minute No</u>	<u>Paragraphs</u>
10/22	1, 2, 3 and 7”

10/22

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - 57 MONKEYS, 39 WORCESTER ROAD, BROMSGROVE, B61 7DN

The Chairman welcomed everyone to the Hearing and asked all parties present to provide a brief introduction.

The Chairman noted that the premises licence holder had legal representation with them.

The Sub-Committee then considered an application for a review of a Premises Licence, in respect of 57 Monkeys, 39 Worcester Road, Bromsgrove, B61 7DN.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS) presented his report and in doing so explained that the premises was subject to a review Hearing in light of a review application received from PC K. Norris, acting on behalf of the Chief Officer of West Mercia Police. A copy of the review application was detailed on pages 1 to 8, of the Supplementary Agenda pack, issued on 27th July 2022.

The basis of the review was on the grounds of the four licencing objectives: -

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Representations had been received from the following Responsible Authorities: -

Mr. C. Poole, Acting Principal Officer in Community Environmental Health, WRS, as detailed on page 125 of the Supplementary Agenda pack issued on 27th July 2022.

Public Health Worcestershire, as detailed on pages 133 to 135 of the Supplementary Agenda pack issued on 27th July 2022.

Worcestershire Children First, as detailed on page 137 of the Supplementary Agenda pack issued on 27th July 2022.

Two representations supporting the review application, were detailed on pages 139 to 144, of the Supplementary Agenda pack issued on 27th July 2022.

Nine representations were received from other persons who had expressed support for the premises licence holders and the way in which the premises was operated by them, as detailed on pages 145 to 153 of the Supplementary Agenda pack issued on 27th July 2022.

As detailed in the review application the police had called the premises licence in for review, due to 57 Monkeys being a significant factor for the late night disorder on the Worcester Road, Bromsgrove.

At this stage of the Hearing and as highlighted by the Chairman, at the commencement of the Hearing, it was

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It was noted that Mr. A. Kriss left the meeting room during the exempt session.

At 13:39 hours the Hearing reconvened. The Chairman announced that the Hearing was no longer in exempt session.

At the invitation of the Chairman, the Other Parties to the proceedings, in support of the review application, namely Mr. A. Kriss re-joined the Hearing to address the Sub-Committee.

Mr. Kriss referred to his representation in support of the review application and further stated that he was also here to speak on behalf of other residents and local businesses along the Worcester Road. Mr. Kriss further explained that he also lived and owned a number of premises on the Worcester Road.

In response to the Chairman and the Council's Legal Advisor, Mr. Kriss clarified that he was addressing Sub-Committee Members as a resident and not in his capacity as an elected Member.

Mr. Kriss continued and further highlighted that when the premises was open that the noise emanating from the premises, due to the front door being left open, would reverberate between the buildings, which had left both himself and his partner unable to sleep in their home. They had had to resort to staying in local hotels in order to sleep, which had resulted in significant costs.

Mr. Kriss stated that every business had been affected by Anti-Social Behaviour (ASB), with shop windows being smashed, people vomiting and urinating outside their premises or in their shop doorways. Some premises owners could not afford to keep replacing their windows, as there was also a £300 call out and boarding up fee to secure premises at 3:00am in the morning.

Mr. Kriss highlighted that the door staff only dealt with incidents within close proximity to the premises of 57 Monkeys. He had complained to the owners of the club but was told by the owners that ASB was an issue for the police to deal with. He was pleased that the police had gained enough evidence in order to call the premises licence in for review.

Some business owners had looked at installing steel shutters due to the fear of constant damage to their premises. He had found a youth trying to kick in his front door. Late night revellers had no respect for CCTV. He had found packets of cocaine outside of his home and other resident's homes; he had found knives/weapons in flower pots.

Mr. Kriss reiterated that he had had to spend a lot of money on hotels in order to get a good night's sleep and had even slept in his office premises, due to the noise emanating from the premises and ASB taking place three nights a week when the club was open.

His concern was that with the level of violence he had witnessed, was that someone would be killed. He had often stood under CCTV, as he was prepared to stand and face the revellers, but he feared that something would happen.

In response to the Chairman questioning if Mr. Kriss felt that the CCTV was ineffective. Mr. Kriss responded and stated that with so many assaults taking place how could CCTV capture all of the incidents if they were happening simultaneously, that was why he had stated that CCTV was ineffective.

In response to further questions from Sub-Committee Members, with regard to people coming purely to fight and not necessarily customers of 57 Monkeys. Mr. Kriss replied that he believed that this was the case, as they did not appear to be drunk, they knew what they were doing. He has seen people being kicked and punched on the floor who had been at club.

Mr. Kriss further commented that on their Facebook pages the club highlighted that there was a dress code in place, but he believed that the

dress code of some of the late night revellers was gang related. Having witnessed incidents, he wanted to stress that it was a very different feeling standing there observing certain behaviour extremely late at night / in the early hours of the morning, with people drunk or high on drugs.

In response to questions from PC K. Norris; Mr. Kriss explained that having complained to the club owners about the noise emanating from the premises due to the doors being left open; he was informed by the owners that their fire regulations had meant that the doors had to stay open. His partner, who had also raised her concerns with the club owners, was accused of being abusive to them.

Mr. Kriss highlighted that the door staff only concentrated on their immediate front location. They did not check on the rear smoking area which had caused a lot of noise. Having raised his concerns he had felt that there was no real point in continuing to raise any further concerns; as the responses he had received were negative and he had also been accused of being aggressive. He had tried to address things but stated that "it was no use banging your head on a brick wall.'

In response to Mr. Phipps, 57 Monkeys legal representative that Environmental Health (EH), WRS had found and confirmed that the music at the premises was not a nuisance but that the noise was due to ASB. Mr. Kriss agreed that noise monitoring equipment had previously been installed in his premises, in 2016. However, due to the fact that he would have to stay overnight in the premises in order to switch the equipment on / off; he had chosen not to have it installed again. He had chosen to sleep elsewhere in order to ensure a good night's sleep.

In response to further questions from Members with regard to issues from any other premises. Mr. Kriss commented that his office was adjacent to Waitrose and near to Kumo and that there was no reverberation, so it was quiet noise.

At the invitation of the Chairman, in summing up: -

Mr. Kriss stated that he was here to represent a lot of people who had business premises and residents. People who had recently moved into the vicinity during the Covid-19 pandemic, when the club was closed; were now seeing how the whole of the Worcester Road had changed and that they had a right to be heard. Many properties were rented out but were not being used as residential properties as people could not sleep in them.

He would like to express his thanks to the police for calling the premises licence in for review. Residents cannot now be bothered to call the police or Environmental Health, WRS.

Mr. Phipps, 57 Monkeys legal representative pointed out that Mr. Kriss was here today in respect of the representation he had submitted and was not here on behalf of other residents. He would therefore ask Sub-

Committee Members to be mindful as to how much weight they attached to this; as Members could only look at the representation submitted by Mr. Kriss and not the verbal comments made today on behalf of other businesses and residents; and their views.

At 14:05 hours, Mr. Kriss left the Hearing and the Chairman announced that it be

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At 14:08 hours, all of the evidence provided by West Mercia Police and the representatives attending on behalf of 57 Monkeys was discussed during exempt session.

The Hearing then closed at 17:09 hours.

Having considered all of the written evidence provided and oral evidence provided during the course of the Hearing, with regard to the Review of a Premises Licence in respect of 57 Monkeys, 39 Worcester Road, Bromsgrove, Worcester, B61 7DN; the Sub-Committee reached the following decision:

The Sub-Committee decided to add the following conditions to the premises licence relating to 57 Monkeys, 39 Worcester Road, Bromsgrove, Worcester, B61 7DN;

1. A reduction in the opening and sale of alcohol hours to close at 1am.
2. Last entry to be allowed no later than 1 hour before closing.
3. The dress code to be amended to exclude PJ's, tracksuits, caps and trainers.
4. Amendment to the entry conditions to require every customer to be searched and a metal detector wand to be used.
5. Amendment to the CCTV conditions to require additional cameras, including in the toilets, footage to be stored for at least 30 days and to be given to Police Officers within 48 hours of request.
6. Reduction of capacity by 100.
7. Noise limiting equipment be used on both floors in consultation with the licensing department that keeps a record of its use/levels when open and for the records to be kept for up to 12 months and to be viewed upon request by Police or other authorities.

8. Amendment to have a dispersal policy that was actively used.
9. Amendment to require the Duty Manager to sit down at the beginning of every shift with the head of door security and the expectations to be set out and agreed by both formally and sign off on an agreed contract. This contract to be held for a minimum of 6 months and to be viewed upon request by Police or other authorities.
10. SIA licensed door supervisors to remain outside at the front of the premises 30 minutes after the premises has closed its doors and emptied of customers to ensure safe and orderly dispersal from the area immediately outside the premises.
11. Installation on an acoustic lobby and one door to always remain closed.
12. The following signage to be displayed;
 - Search policy to be displayed in the search area.
 - Signage indicating that CCTV is in operation at the venue to be displayed throughout.
 - Size of spirits signage to be displayed.
 - No smoking signage to be displayed at the entrance to prohibited locations.
 - Toilet roll dispenser should be treated to prevent drug use.
 - Condition 65 of the license to be amended to require the checks to be carried out twice nightly.

The following legal advice was given:

- Legal advice in terms of allowing evidence submitted on the day was given at the highlighted stage above.
- That the Licensing Objectives must be the paramount consideration.
- That the Sub-Committee was obliged to determine the review application with a view to the promotion of the licensing objectives.
- The Sub-Committee must consider the review application and relevant representations and take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:
 - The modification of the conditions of the premises licence
 - The exclusion of a licensable activity from the scope of the licence
 - The removal of the DPS from the licence
 - The suspension of the licence for a period (not exceeding 3 months) or

- The revocation of the licence.
- The Sub-Committee was reminded that they should not take any steps merely because it was desirable to do so or any actions that are intended to be punitive. Any actions taken must actually be appropriate in order to promote the licensing objectives.
- The Sub-Committee was reminded that they should place no less weight on the written representations made by any parties on the basis that they chose not to intend in person.
- The Sub-Committee must have regard to the representations made and the evidence that it has seen/heard. The Sub-Committee were reminded around the weight they should place on evidence varied according to the supporting evidence and less weight should be placed on any representations that was not supported by evidence.
- The Sub-Committee was reminded that they should not place weight on any comments that were outside of the representations made or that were no related to the licensing conditions. A reminder was also given that all parties had invited the Sub-Committee to draw certain conclusions from the evidence presented and the Sub-Committee was of course free to draw their own conclusions from the evidence.
- The Legal Advisor reminded the Sub-Committee that if they felt an action was required to promote the licensing objectives, they should place no weight on the Premises License Holder's submissions of any personal circumstances or financial implications that would result from it.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision notice was received by any party.

The meeting closed at 5.09 p.m.

Chairman