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2 May 2023

Dear Councillor,

Licensing and Public Protection Committee

10.00am, Thursday 11 May 2023

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,

T. Clegg
Chief Executive

To: Councillors:

Arduino, L. (Chair)
Cartwright, S.M. (Vice-Chair)
Dunnett, M.J. Kruskonjic, P.
Fisher, P.A. Thornley, S.J.
Jones, P.T. Wilson, L.J.
Kenny, B.

Agenda

Part 1

1. Apologies

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. Minutes

To approve the Minutes of the meeting held on 24 August 2022 (enclosed).

4. Licensing Sub-Committee Minutes

To note the Minutes of the Licensing Sub-Committees held on 2 and 28 March 2023 (enclosed).

5. Exclusion of the Public

The Chair to move:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 2, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

6. Application for the Grant of a Hackney Carriage / Private Hire Driver's Licence

Not for Publication Report of the Head of Economic Prosperity (Enclosure 6.1 – 6.13)

This Report is confidential due to the inclusion of information which is likely to reveal the identity of an individual.

Cannock Chase Council
Minutes of the Meeting of the
Licensing and Public Protection Committee
Held on Wednesday 24 August 2022 at 10:00 am
In the Civic Centre, Cannock
Part 1

Present: Councillors

Arduino, L. (Chair)

Fisher, P.A.	Kruskonjic, P.
Fletcher, J. (Substitute)	Smith, C.D.
Jones, P.T.	Wilson, L.J.

1. Apologies

Apologies were submitted for Councillors S.M. Cartwright (Vice-Chair), M.J. Dunnett, and B. Jones.

Notification had been received to confirm that Councillor J. Fletcher would be substituting for Councillor B. Jones.

2. Declarations of Interest of Members in Contracts and Other Matters and Restrictions on Voting by Members

Member	Interest	Type
P.T. Jones	Item 6 - Review of a Hackney Carriage/Private Hire Driver's Licence - Member knows the Licence Holder	Personal

3. Minutes

The Minutes of the meeting held on 25 January 2022 were approved as a correct record.

Licensing Sub-Committee Minutes

The Minutes of the meeting of the Licensing Sub-Committee held on 14 March 2022 were noted.

4. Exclusion of the Public

Resolved:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 2, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

Cannock Chase Council
Minutes of the Meeting of the
Licensing and Public Protection Committee
Held on Wednesday 24 August 2022 at 10:00 am
In the Civic Centre, Cannock
Part 2

5. Review of a Hackney Carriage / Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Economic Prosperity (Item 6.1 – 6.18).

The Chair invited all those present to introduce themselves. The Licence Holder confirmed he was not legally represented and was happy to proceed with the Hearing. The Chair then confirmed the procedure for the Hearing.

The Officer representing the Licensing Authority presented the Council's case by taking the Committee and the Licence Holder through the report, outlining the relevant issues for consideration.

The Licence Holder, Members of the Committee, and the Legal Advisor to the Committee were then afforded the opportunity to ask questions of the Officer representing the Licensing Authority. Questions were asked by the Licence Holder and Members of the Committee.

The Licence Holder then presented their case to the Committee.

The Officer of the Licensing Authority, Members of the Committee, and the Legal Advisor to the Committee were then afforded the opportunity to ask questions of the Licence Holder. Questions were asked by Members of the Committee and the Legal Advisor to the Committee.

The Officer representing the Licensing Authority and the Licence Holder then both summed up their respective cases.

The Committee then deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Committee. The Officers representing the Licensing Authority and the Licence Holder left the room during the deliberations.

At the conclusion of the deliberations, the Officers representing the Licensing Authority and the Licence Holder returned to the room, and the Chair announced the decision of the Committee, as follows:

Resolved:

That, having heard all the representations made and giving consideration to the Local Government (Miscellaneous Provisions) Act 1976, and the Council's Licensing Policy, the Licence Holder's Hackney Carriage/Private Hire Driver's Licence be revoked.

Reasons for Decision:

The Committee determined that it was not satisfied that the Driver was a 'fit and proper' person to continue to hold a hackney carriage and private hire drivers' licence with the Authority and determined to revoke the licence under section 61(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act'), that since the grant of the licence, the Driver had been convicted of an offence involving dishonesty and any other reasonable cause under 61(1)(b) of the 1976 Act.

The Committee was asked to determine whether the Driver was a 'fit and proper' person to continue to hold a licence to drive hackney carriage / private hire driver vehicles with this Authority; the Committee determined that they were not. This was because the Driver had been convicted of 2 dishonesty offences since the grant of their licence and the Council's Taxi Licensing Policy stated that they should be conviction free for a period of 7 years for a dishonesty offence before being considered for a licence. In addition, the Driver breached their licence conditions for failing to confirm their convictions to the Authority's Licensing Unit in writing and within 48 hours of receiving the convictions. No exceptional circumstances were given, or good reason provided to enable the Committee to deviate from its Licensing Policy.

The Committee was of the view that there was no immediate public safety risk. In view of this, the Committee determined pursuant to Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976 that it was not satisfied that the Driver was a fit and proper person to continue to hold a licence to drive Hackney Carriage and Private Hire vehicles for the reasons given above.

The meeting closed at 11:10 am

Chair

Cannock Chase Council
Minutes of the Meeting of the
Licensing Sub-Committee
Held on Thursday 2 March 2023 at 2:00pm
In the Council Chamber, Civic Centre, Cannock
Part 1

Present:

Councillors:

L. Arduino
P. Kruskonjic
L.J. Wilson
S.J. Thornley (Reserve - Observing)

Applicant for the Review:

Sgt. J. Finn (Licensing Manager, Staffordshire Police)
PC D. Gallimore (Licensing Officer, Staffordshire Police)
PC K. Perry (Licensing Officer, Staffordshire Police)

Officers Representing the Licensing Authority:

S. O'Meara (Senior Licensing Officer, Cannock Chase Council)
S. Kearney (Licensing Enforcement Officer, Cannock Chase Council - Observing)

Legal Advisor the Sub-Committee

F. Samuda (Solicitor, Stafford Borough Council)

Secretary to the Sub-Committee

M. Berry (Democratic Services Team Leader, Cannock Chase Council)

1. Appointment of Chair

Thar Councillor Arduino was appointed as Chair of the Sub-Committee

2. Apologies and Reconstitution of Membership

No apologies were received.

3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

None received.

4. Exclusion of the Public

Resolved:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act, 1972 (as amended).

Cannock Chase Council
Minutes of the Meeting of the
Licensing Sub-Committee

Held on Thursday 2 March 2023 at 2:00pm

In the Council Chamber, Civic Centre, Cannock

Part 2

5. Licensing Act 2003 – (Section 53A) - Application for an Expedited Review of a Premises Licence: The Jolly Collier, 222 Huntington Terrace Road, Cannock, WS11 5HW

The Chair asked all parties present to introduce themselves and to confirm their understanding of the procedure for the Hearing, copies of which had been circulated to all parties in advance of the meeting.

The Officer representing the Licensing Authority then presented the not for publication report of the Head of Economic Prosperity in respect of the application and outlined the relevant matters for consideration (Enclosure 5.1 - 5.24).

A question of clarification of the Officer representing the Licensing Authority was asked by the Legal Advisor to the Sub-Committee.

Members of the Sub-Committee asked questions of the Officer of the Licensing Authority.

The Applicant for the Review then presented their case to the Sub-Committee.

Members of the Sub-Committee and the Legal Advisor to the Sub-Committee then asked questions of clarification of the Applicant for the Review.

The Officer representing the Licensing Authority and the Applicant for the Review were then given the opportunity to sum up their respective cases. Summation was provided by the Officer representing the Licensing Authority and the Applicant for the Review.

Members of the Sub-Committee then deliberated in private, accompanied by the Legal Advisor and Secretary to the Sub-Committee.

All parties then returned to the meeting and the Chair announced the decision of the Sub-Committee as follows:

Resolved:

That the Premises Licence be suspended with immediate effect pending the outcome of a full review of the Premises Licence, to be listed for hearing within 28 days from 1 March 2023.

The review hearing was to be listed for Tuesday 28 March 2023 at 10:00am.

Reasons for Decision:

The Licensing Sub-Committee was asked to consider under Section 53A of the Licensing Act 2003, an expedited application on the grounds that the Premises was associated with serious crime and/or serious disorder.

Based on the application made by Staffordshire Police having made application for an expedited summary review by Certificate on Tuesday 28 February 2023 at 14:08hrs the Licensing Authority set the matter down for a hearing within the 48-hour time period as required by legislation.

Based on the evidence, the Sub-Committee were required to consider the following next steps in relation to the expedited application for summary Review of the Premises Licence being:

- (a) To modify the conditions of the licence.
- (b) To exclude the sale of alcohol by retail from the licence.
- (c) To remove the designation premises supervisor.
- (d) To suspend the licence.

The Sub-Committee determined the Application for summary Review based upon the evidence before it, having considered the relevant legislation, the Licensing Act 2003, s.53A-C Home Office Licensing Act 2003 Guidance for summary review, s.182 Guidance, and Cannock Chase District Council's Licensing Policy.

The Sub-Committee was asked by Staffordshire Police to consider whether the Jolly Collier was undermining the Licensing Objectives. The allegation being that the licensed premises was associated with serious crime and/or serious disorder.

The Sub-Committee considered that the matter had been properly referred for summary Review by Staffordshire Police under the Licensing Act 2003.

Staffordshire Police confirmed that this was the first application they had made of an expedited nature for the Cannock Chase area, hence they had not taken this step lightly.

The premises had a poor track record of management at the premises, with issues surrounded by drug dealing and violence. This conduct was also evident under the old designated premises supervisor (DPS) / licence holder.

The Premises Licence was subsequently transferred to the current DPS in September 2021. The Police had detailed discussions with the current DPS from the outset about the poor management in an attempt to abate the problem of drugs and drug dealing going forward. The Licensing Manager for Staffordshire Police in particular had stressed the importance of proper management with the current DPS. It was also noted that the DPS was very rarely at the premises and that problems had continued at the premises.

The most recent incident at the premises involved a serious violent disorder. It was noted that the CCTV evidence could not be downloaded in contrary to the licence conditions that required someone in attendance at all times who could download the footage.

The Sub-Committee's was to ensure the promotion of the licensing objectives. Those objectives being prevention of crime and disorder, prevention of public nuisance, protection of children from harm, and public safety.

From the evidence provided it was evident that the premises was subject to serious crime and serious disorder.

In view of the above, the Sub-Committee determined to suspend the Premises Licence with immediate effect.

The meeting closed at 2:55 p.m.

Chair

Cannock Chase Council
Minutes of the Meeting of the
Licensing Sub-Committee

Held on Tuesday 28 March 2023 at 10:00am
In the Council Chamber, Civic Centre, Cannock

Part 1

Present:

Councillors

L. Arduino
P. Kruskonjic
L.J. Wilson
S.J. Thornley (Reserve - Observing)

Applicant for the Review

Sgt. J. Finn (Licensing Manager, Staffordshire Police)
PC D. Gallimore (Licensing Officer, Staffordshire Police)
PC K. Perry (Licensing Officer, Staffordshire Police)

Responsible Authorities

B. Roy (Staffordshire Fire and Rescue Service)
S. Kearney (Licensing & Enforcement Officer, Cannock Chase Council)
W. Ballie (Environmental Health Officer, Cannock Chase Council)

Other Persons Making Representation

Resident A

Premises Licence Holder

Not Present

Officers Representing the Licensing Authority

S. O'Meara (Senior Licensing Officer, Cannock Chase Council)
C. Cash (Environmental Health Assistant, Cannock Chase Council - Observing)

Legal Advisor the Sub-Committee

F. Samuda (Prosecutions Solicitor, Stafford Borough Council)

Secretary to the Sub-Committee

J. Hunt (Senior Committee Officer, Cannock Chase Council)

1. Appointment of Chair

Councillor Arduino was appointed as Chair of the Sub-Committee

2. Apologies and Reconstitution of Membership

No apologies were received.

3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

None received.

4. Exclusion of the Public

Resolved:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act, 1972 (as amended).

Cannock Chase Council
Minutes of the Meeting of the
Licensing Sub-Committee

Held on Tuesday 28 March 2023 at 10:00am

In the Council Chamber, Civic Centre, Cannock

Part 2

5. Licensing Act 2003 – (Section 53A) - Application for an Expedited Review of a Premises Licence: The Jolly Collier, 222 Huntington Terrace Road, Cannock, WS11 5HW

The Chair asked all parties present to introduce themselves and to confirm their understanding of the procedure for the Hearing, copies of which had been circulated to all parties in advance of the meeting.

The Officer representing the Licensing Authority then presented the not for publication report of the Head of Economic Prosperity in respect of the application and outlined the relevant matters for consideration (Enclosure 5.1 - 5.56).

The Applicant for Review was given the opportunity to ask questions of the Officer of the Licensing Authority. There were no questions asked.

Members of the Sub-Committee had no questions of the Officer of the Licensing Authority.

The Legal Advisor to the Sub-Committee asked if any communication had been received from the Licence Holder regarding the meeting today. The Officer representing the Licensing Authority and the Secretary to the Sub-Committee confirmed that no communication had been received.

The Applicant for the Review then presented their case to the Sub-Committee.

Those making representations were given the opportunity to ask questions of the Applicant for the Review. There were no questions asked.

Members of the Sub-Committee asked questions of the Applicant for the Review.

The Legal Advisor to the Sub-Committee asked questions of the Applicant for the Review.

Those making representations then presented their cases to the Sub-Committee.

The Applicant for the Review was given the opportunity to ask questions of those making representations. The Applicant for the Review asked questions only of Resident A.

Members of the Sub-Committee asked questions of all those making representations.

The Legal Advisor to the Sub-Committee asked questions of the Staffordshire Fire and Rescue Service and Resident A.

The Officer representing the Licensing Authority, the Applicant for the Review and those making representations were then given the opportunity to sum up their respective cases.

Summation was provided by the Officer representing the Licensing Authority, the Applicant for the Review and those making representations.

Members of the Sub-Committee then deliberated in private, accompanied by the Legal Advisor and Secretary to the Sub-Committee.

All parties then returned to the meeting and the Chair announced the decision of the Sub-Committee as follows:

Resolved:

That the Premises Licence be revoked with immediate effect and in terms of the interim steps action taken on 2 March 2023, that the Premises Licence be suspended, and the suspension remain in place until the expiry of the 21 days right of appeal period and/or the abandonment or determination of any appeal in the Magistrates Court.

Reasons for Decision:

The Licensing Sub-Committee was asked to consider an application for review under the Licensing Act 2003, on the grounds that the Premises was associated with serious crime and/or serious disorder.

The review hearing was arranged because of an expedited application made by Staffordshire Police on Tuesday 28 February 2023 at 14:08hrs, heard on 2 March 2023, as required by legislation. The Act further requires a review hearing of the premises to be arranged within 28 days, hence this review hearing, being arranged for 28 March 2023.

Based on the evidence, the Sub-Committee was required to consider the following in relation to the application for Review of the Premises Licence being: -

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the licence;
- (c) to remove the designated premises supervisor
- (d) to suspend the licence for up to 3 months;
- (e) to revoke the licence

The Licensing Sub-Committee was privy to video footage which confirmed that serious crime and disorder was taking place at the premises; this included evidence of drug dealing and drug activity. The Sub-Committee was further advised that there were around 25 other incidences captured on CCTV, not for today's consideration, which occurred at the premises when the Licence Holder was not present. The footage further confirmed a serious incident on 25 February 2023 which included street fighting with weapons in the curtilage of the premises and onto the street. A customer was assaulted and seriously injured during this incident. Some of the conduct seen on the CCTV footage was in the presence of minors and further witnessed by the premises' management team who took no action i.e., an unlicensed, un-plated electric motor bike was brought onto the premises without challenge. There was continual poor management at the premises and several breaches of the licence conditions, which persisted, despite help and assistance and warnings given by the police and the licensing unit to the Licence Holder. It was apparent, from the evidence, that the Licence Holder and DPS was absent from the premises a lot of the time and therefore not managing the premises properly. It was further noted, from the evidence provided, that a staff member was the apparent de facto Manager running the premises. The staff member did not challenge individuals and appeared to know the assailants carrying out criminal activities at the premises. The Police and the Licensing

department had further offered early intervention to The Licence Holder at the time the premises licence was transferred to him on 8 September 2022. The issues were discussed with the Licence Holder and the Police/Licensing flagged up any concerns in writing. The Licence Holder was contacted in November and December 2022 and made aware of the historical problems at the premises and put on notice of the problems with the premises; made aware of any ongoing issues. Notwithstanding this, the problems continued under his watch and the issues were of the same nature before transfer of the licence to him.

In relation to the violent disorder on 25 February 2023; 2 arrests had been made, one resulting in a 45-month custodial sentence with the other case soon to be determined. In breach of their licence conditions, the premises failed to keep CCTV footage of this incident and further provided blank CCTV footage during investigations. CCTV footage had to be, therefore, obtained from elsewhere. The reply provided by the staff member to this incident did not match the CCTV footage of the incident of 25 February 2023; the staff member had indicated that he had closed the premises early where the footage confirms that the premises was in fact still open at the time.

The Fire and Rescue Service (FARS) visited the premises on 10 September 2022 and confirmed that a Prohibition Notice was still active against the Owner of the premises. The prohibition notice confirms that there is to be no sleeping or living on the first floor of the premises due to the fire risk. Notwithstanding this, it was noted that a male was sleeping and living in the space, hence the owner was in breach of the prohibition notice. FARS indicated to the Sub Committee that the issuing and service of the prohibition notice on their part was a sign of poor management and that they were considering further action.

Environmental Health confirmed historical issues with the premises resulting in prosecution for breaches of the Coronavirus regulations and an incident of a customer being abusive to officers. During this time management did nothing to defuse the situation; further reports made of ongoing issues and concerns raised to the Licence Holder without joy.

Licensing representation confirmed dealings with the premises since June 2018 in relation to continual breaches of the premises licence and assaults at the premises which included minors being present on site after 9pm and further, an individual biting, coughing, and spitting at officers and stating that she had covid at the time she did this; 2 officers required medical attention.

The representation from other persons indicate that concerns had been raised with the staff member's daughter(s) about the issues at the premises and further confirmed that the staff member had attempted to assault the individual. This individual had been one of many people to call the police on 25 February 2023 for the violent disorder.

The Licensing Sub-Committee was asked by Staffordshire Police to consider whether the Jolly Collier was undermining the Licensing objectives. The allegation being that the licensed premises is associated with serious crime and/or serious disorder.

The Licensing Sub-Committee considered that the matter had been properly referred for Review by Staffordshire Police under the Licensing Act 2003 and that all representations had properly been made out based on the licensing objectives.

The premises had a poor track record of management with issues surrounded by drug dealing and violence. This conduct was also evident under the old DPS/Licence Holder.

The Police, FARS and Licensing had detailed discussions with the current DPS from the outset about the poor management to abate the problem of drugs and drug dealing going forward. The Police in particular had stressed the importance of proper management with the current DPS, It was also noted that the DPS was very rarely at the premises and that problems had continued at the premises.

The incident of 25 February 2023 involved a serious violent disorder. It was noted that the CCTV evidence could not be downloaded in contrary to the licence conditions which always required someone in attendance who could download the footage.

The Licensing Sub-Committee's aim was to ensure the promotion of the licensing objectives. Those licensing objectives being prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety.

From the evidence provided it was evident that the premises were subject to serious crime and serious disorder. There was no merit in modifying the licence conditions or excluding licensable activities as this would not resolve the issues surrounding the premises continual lack of management and non-compliance. A change of DPS would further not guarantee that a 'new' management team would operate the premises properly given the history. A suspension of the licence was generally considered where the Licence Holder was required to make changes to the manner in which the premises were being run. However, the Licence Holder had already been given a number of opportunities to make such changes and had failed to do so.

In view of the above, the Licensing Sub Committee determined to revoke the Premises Licence, with immediate effect, for the reasons as detailed above and further continue the suspension of the licence, as per the interim steps decision of 2 March 2023.

The meeting closed at 12.18 p.m.

Chair