

# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## LICENSING SUB-COMMITTEE

### MINUTES OF THE MEETING HELD ON TUESDAY, 24 APRIL 2012

**Councillors Present:** Peter Argyle, Jeff Beck (Chairman) and Adrian Edwards

**Substitute:** Andrew Rowles

**Also Present:** ,

#### PART I

#### 9. **Declarations of Interest**

There were no declarations of interest received.

#### 10. **Application No. 12/00360/LQN The Coopers Arms, 39 Bartholomew Street, Newbury RG14 5LL**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 12/00360/LQN in respect of the Coopers Arms, 39 Bartholomew Street, Newbury RG14 5LL.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council), Mr David Reid (Applicant) and Mr Mike King (objector for Thames Valley Police) addressed the Sub-Committee on this application.

Ms Matheou, in addressing the Sub-Committee, raised the following points:

On 27 February 2012 West Berkshire Council Licensing received an application to vary a premise licence under the Licensing Act 2003 from the Coopers Arms, 39 Bartholomew Street, Newbury, RG14 5LL.

The application was made for the variation of the following licensable activities:

- To extend hours for provision of late night refreshment Monday to Sunday from 23:00 to 05:00hours.
- To extend hours for the sale by retail of alcohol Monday to Saturday 10:00 to 06:00hours and Sunday from 12:00 to 05:00hours.

The consultation period ran from 27 February 2012 to 26 March 2012. A representation was received from Mr Mike King Licensing Officer Thames Valley Police on the grounds of prevention of crime and disorder.

No mediation had taken place.

Councillor Jeff Beck (Chairman) asked the panel if they had any questions, no questions were raised.

The Applicant Mr David Reid (Manager of the Coopers Arms), in addressing the Sub-Committee raised the following points:

Mr David Reid said that he had seen the objection from the police but had been at the Coopers Arms for the last 12 years and had always operated a no tolerance approach to serving undesirable people. He had always kept a strict house and regulated his customer as a matter of normal practice. He operated a close door policy after 02:30am.

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He had also approached the Brewery (Arkells Brewery) regarding the re installation of lockable gates to the car park. Children did not have access after 09:00pm and he thought his record over the past 12 years stood as a testament to his good management. He had received letters of support from customers, but had received too late to send them in to the Sub-Committee. The letters included statements like:

- The environment was safe
- Safe area to relax in and enjoy themselves.

He agreed that he stupidly did go over hours due to the current financial climate but realised his naiveté.

Councillor Jeff Beck the Chairman asked if the members of the Sub-Committee had any questions.

Councillor Adrian Edwards asked if Mr Reid was referring to the 'lock ins. Mr Reid replied yes, he had been in the trade for a long time and back then it was an accepted practice. Councillor Adrian Edwards responded to say that this was obviously not a first occurrence. Mr Reid said that he did not do it to a great extent, only occasionally.

Councillor Peter Argyle asked Mr Reid how many instances he was talking about. Mr Reid responded twenty'ish, but they were very regulated and tended to be people who worked in other pubs within Newbury who came in for a drink when those pubs closed.

There were no further questions from the Sub-Committee.

Councillor Jeff Beck the Chairman asked if Mr Mike King of Thames Valley Police had any questions he wished to put to Mr Reid.

Mr Mike King asked Mr Reid how many 'lock ins' had occurred since the 24 Nov 2005 Act. Mr Reid replied that there had been quite a few. Mr King asked what time had they finished. Mr Reid advised between 04:00 and 05:00hours. Mr King asked Mr Reid why he had stated on his application to close his doors at 02:30hours when his application also stated 06:30hours. Sarah Clarke (Solicitor to West Berkshire Council) explained to Mr King that the Coopers Arms would be deemed to be open to the public during the hours stated on the application, but Mr Reid could decide to close his doors before that time.

There were no further questions.

Councillor Jeff Beck the Chairman asked Mr Mike King the Licensing Officer for Thames Valley Police to address the Sub-Committee.

Mr Kind advised that as in all cases Thames Valley Police conduct a search of all of its information systems regarding any Licensing Application. In this case an application to increase the operating hours of the Coopers Arms, 39 Bartholomew Street, Newbury. A search of the Police Crime Recording System (CEDAR) was conducted and it had produced some surprising results.

Over a ten month period a total of 988 criminal offences had been reported. Mr King then gave a detailed breakdown of the type of offences and advised that the highest number of incidents take place on Fridays, Saturdays and Sunday nights. They amounted to just over 62% of the total number of incidents.

Further research had revealed that a total of 71.5% of those crimes had been committed between 10:00 and 02:00hours, the current permitted operating hours of the Coopers Arms. Currently out of the fourteen neighbourhoods, the neighbourhood in which the Coopers Arms sat was found to be the fourth highest in the Local Police Area in terms of Crime and Disorder.

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Mr King stated the identification of all this activity demonstrated the serious problem in the locality of the Coopers Arms and the application to open up the premises until 06:30hours had the potential to increase the levels of crime and disorder thereby increasing the prospect of issues around Public Safety. In addition Mr Reid (the premise manager) had admitted to the Licensing Authority that illegal 'lock ins' had been permitted where indoor smoking had also been allowed and in response to this, West Berkshire Licensing Authority had sent a warning letter on 27 January 2012. Mr King believed that the current variation to an existing licence had been applied for to legalise a once illegal activity.

Councillor Jeff Beck the Chairman asked if the members of the Sub-Committee had any questions.

Councillor Jeff Beck drew Mr King's attention to Page 3 first paragraph of the Licensing Meeting Document and asked him to explain what exactly it meant. Mr King responded to say that that was no longer an issue as it had been cleared up by the West Berkshire Council's Solicitor.

Councillor Jeff Beck drew Mr King's attention to Page 3 third paragraph where it mentioned 'crime figures within the beat code', could he explain what a beat code is. Mr King explained that beat codes were neighbourhoods.

Councillor Jeff Beck asked Mr King to describe the geographical areas he was referring to. Mr King advised that there were 14 neighbourhoods' in the Local Police Area and proceeded to list them all, he went on to say that the Coopers Arms sat in the neighbourhood with the highest number of incidents. Councillor Jeff Beck asked Mr King to describe the distance that this neighbourhood covered as this was one application in an area that presumably included many premises. Mr King replied that it was the Newbury Town Centre.

Councillor Jeff Beck asked Mr King what specific evidence he had that directly related to the Coopers Arms regarding the incidents in that particularly neighbourhood. Mr King advised that he had tried to rationalise by looking the area not the specific premise. He went on to say that if the high level of crime already existed in the area, then any extension to the existing premise licence could only increase the incidents of crime.

Councillor Adrian Edwards asked Mr King how much of the total incidents of crime and disorder actually related to the Coopers Arms. Mr King advised that he did not have that specific information. He reiterated that he had only looked at the impact on the neighbourhood.

Councillor Jeff Beck the Chairman asked if Mr Reid had any questions for Mr King. Mr King replied that he did not, but he would like to make a closing comment. Councillor Jeff Beck asked him to proceed.

Mr Reid said that he understood where Mr King was coming from, but when he approached West Berkshire Council's Licensing Department they had no knowledge of where the Coopers Arms was which he felt showed that they had not received a lot of complaints about the premises. He could only remember two incidents that had happened outside of the premises in all the time that he had been there, and they were nothing to do with the Coopers Arms.

The Sub-Committee retired at 2.25pm to make its decision.

Having taken the representation into account, the Licensing Sub-Committee **RESOLVED** that Application 12/00360/LQN be granted.

*(The meeting commenced at 2.00 pm and closed at 2.25 pm)*

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**Name** .....

**Date of Signature** .....

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**Date of Signature** .....

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**Date of Signature** .....