

Time 10.00 am **Public Meeting?** YES **Type of meeting** Licensing

Venue Council Chamber - 4th Floor - Civic Centre

Membership

Chair Cllr Phil Page (Lab)
Vice-chair Cllr Rashpal Kaur (Lab)

Labour

Cllr Greg Brackenridge
Cllr Celia Hibbert
Cllr Jaspreet Jaspal
Cllr Asha Mattu
Cllr Anwen Muston
Cllr Rita Potter
Cllr Gillian Wildman

Conservative

Cllr Wendy Dalton
Cllr Andrew Randle
Cllr Jonathan Crofts

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website <http://wolverhampton.moderngov.co.uk>
Email democratic.services@wolverhampton.gov.uk
Tel 01902 555046

Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|---|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Minutes of previous meeting (Pages 3 - 8)
[To approve the minutes of the previous meeting held on 11 January 2023 as a correct record]. |
| 4 | Matters arising
[To discuss any matters arising from the minutes of the previous meeting]. |
| 5 | Minutes - 18 November 2022 - Statutory Licensing Sub-Committee (Pages 9 - 16)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 18 November 2022 as a correct record]. |
| 6 | Minutes - 5 January 2023 - Statutory Licensing Sub-Committee (Pages 17 - 20)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 5 January 2023 as a correct record]. |
| 7 | Minutes - 20 January 2023 - Statutory Licensing Sub-Committee (Pages 21 - 28)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 20 January 2023 as a correct record]. |
| 8 | Minutes - 30 January 2023 - Statutory Licensing Sub-Committee (Pages 29 - 34)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 30 January 2023 as a correct record]. |

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Committee

Minutes - 11 January 2023

Attendance

Members of the Statutory Licensing Committee

Cllr Phil Page (Chair)
Cllr Rashpal Kaur (Vice-Chair)
Cllr Greg Brackenridge
Cllr Wendy Dalton
Cllr Celia Hibbert
Cllr Jaspreet Jaspal
Cllr Anwen Muston
Cllr Andrew Randle
Cllr Gillian Wildman

Employees

Chris Howell	Commercial Regulation Manager
Greg Bickerdike	Licensing Manager
Paul Dosanjh	Service Manager -Trading Standards and Licensing Act
Emma Caddick	Service Manager - Environmental Health
Donna Cope	Democratic Services Officer
Dave Abel	Solicitor

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies were received from Councillor Rita Potter, Councillor Asha Mattu and Councillor Jonathan Crofts.
- 2 Declarations of interest**
There were no declarations of interest made.
- 3 Minutes of previous meeting**
Resolved:

That the minutes of the meeting of the Statutory Licensing Committee held on 28 September 2022 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

Items 8 and 9 – C Howell reported that on investigation it had been found that these Licensing Sub-Committees had included a councillor who was no longer a member of the Statutory Licensing Committee. The two other members of the Sub-Committee were members of the Statutory Licensing Committee. A Licensing Sub-Committee is quorate with two members. The same Sub-Committee had made two decisions, one on 19th July 2022 and another on 18th August 2022. One was to grant a premises licence for a one-off event that had since been held, and the premises licence for that event had now expired. The second decision was to grant a six-month licence to the Blakenhall Service Station for a limited period of six months. That premises licence would therefore expire in February 2023.

On 18 August 2022 the City Council took external legal advice on the status of the decisions and the premises licences. Counsel advised that the courts had recognised that public bodies may make errors in the taking and making of decisions. These errors did not necessarily invalidate the decision taken. Legal certainty in the decision making of public bodies was an important public interest. The courts recognised a principle of presumed regularity of public body decisions. That meant that unless or until a decision was challenged in a court of proper jurisdiction, decisions of public bodies were valid and could be relied upon.

In the case of Blakenhall Service Station the proper legal challenge was to appeal the decision to the local Magistrates' Court. The time within which such an appeal should have been made expired in September 2022. A consequence of the presumption was that the decision of the Sub-Committee was valid, and the premises licence was properly issued.

In the case of Blakenhall Service Station the premises licence would expire in February 2023. Should the operator wish to continue providing licensable activities a fresh application would be made. Responsible Authorities, local councillors and local residents would therefore have an opportunity to make representations on any fresh applications should they wish to.

Democratic Services had investigated how then error had happened and measures had been put in place to avoid a repeat. The City Council had taken legal advice on the status of the decisions and the premises licences which concluded that the decisions and licences were valid and that no further action was taken.

5 **Minutes of meeting Wednesday, 8 June 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 8 June 2022 be confirmed as a true record and signed by the Chair.

6 **Minutes of meeting Thursday, 23 June 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 23 June 2022 be confirmed as a true record and signed by the Chair.

7 **Minutes of meeting Tuesday, 11 October 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 11 October 2022 be confirmed as a true record and signed by the Chair.

8 **Minutes of meeting Tuesday, 25 October 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 25 October 2022 be confirmed as a true record and signed by the Chair.

9 **Minutes of meeting Thursday, 27 October 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 27 October 2022 be confirmed as a true record and signed by the Chair.

10 **Minutes of meeting Thursday, 17 November 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 17 November 2022 be confirmed as a true record and signed by the Chair.

11 **Review of Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2023-2024**

Paul Dosanjh, Service Manager: Trading Standards & Licensing Act, presented a report outlining the Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2023-2024.

The Service Manager reported that the fees and charges remained the same as last year, and the payment plans that were introduced to assist businesses that had been adversely affected by Covid-19, would continue.

The Chair, Councillor Page moved the recommendations. Councillor Dalton seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Noted the non-discretionary fees and charges set by statute in relation to the Licensing Act 2003.

2. Approved the fees and charges in relation to the Gambling Act 2005 with effect from 1 April 2023 over which the Council had fee setting powers.
3. Noted other fees and charges for permits set by the Secretary of State in relation to the Gambling Act 2005 over which the Council had no local control.

12 **Trade with Confidence -Trading Standards and Licensing**

Paul Dosanjh, Service Manager: Trading Standards & Licensing Act, presented a report outlining the new Licensing Consultancy and Responsible Trader schemes within the Commercial Regulation Service. The schemes would fall under the "Trade with Confidence" banner and aim to improve legal compliance through the provision of advice on a discretionary basis.

The report was considered by Committee, and members emphasised that the officer providing consultancy advice must not have any involvement whatsoever with the processing of the application.

Chris Howell, Commercial Regulatory Manager assured members that such behaviour would not be tolerated and would be investigated thoroughly subject to the disciplinary procedure of the council.

The Chair, Councillor Page moved the recommendations. Councillor Brackenridge seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Mandated that an Officer involved with providing paid for consultancy advice should not be permitted to be involved with the processing of that application.
2. Noted and endorsed the implementation of the Licensing Consultancy and Responsible Trader Scheme under the "Trade with Confidence" banner.
3. Noted that both schemes formed part of the efforts of the Commercial Regulation Service to improve legal compliance through the provision of advice on a discretionary basis

13 **Late Night Safe Haven**

Paul Dosanjh, Service Manager: Trading Standards & Licensing Act, presented the report: Late Night Safe Haven. The report outlined the recent enhancements to the safe haven facility and noted the successful partnership working of the Wolverhampton Business Improvement Company Ltd (BID), West Midlands Police and Licensing Services.

Members of the Committee welcomed the report and commended the initiative.

The Chair, Councillor Page moved the recommendations. Councillor Muston seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Noted the successful partnership working, professionally and financially of the Wolverhampton Business Improvement Company Ltd (BID), West Midlands Police and Licensing Services to deliver the revamped Late Night Safe Haven.
2. Noted the use of current revenue budgets within Licensing Services to fund the staffing of the safe haven.

14 **Current Consultations and Updated s182 Guidance**

Chris Howell, Commercial Regulation Manager, gave a verbal update on the revised section 182 guidance and current licensing consultations.

The amendments to the section 182 guidance were outlined and members of the committee were asked to note the revisions made. The Commercial Regulation Manager advised that a copy of the updated guidance, highlighting the changes, would be circulated to members.

It was noted that there were currently two government consultations on Licensing matters:

1. To update Section 182 Guidance to make reference to Spiking.
2. Relaxation of licensing hours for His Majesty the King's coronation.

Both consultations were outlined, and members were asked to delegate authority to the Chair of Statutory Licensing Committee in consultation with the Commercial Regulation Manager to respond to the consultations.

Councillor Muston moved the recommendations. Councillor Brackenridge seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Noted the content of the update to the Section 182 guidance.
2. Delegated authority to the Chair of Statutory Licensing Committee in consultation with the Commercial Regulation Manager to respond to the consultations.

This page is intentionally left blank

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 18 November 2022

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Gillian Wildman

Cllr Rashpal Kaur

Applicant for Review

Nicola Biddle

Trading Standards

Responsible Authorities

Amitabh Singh

Michelle Marie-Smith

Licensing Authority

Public Health

Employees

Debra Craner

Angela Bernard

Jacob Stokes

Section Leader – Licensing & Compliance

Senior Solicitor

Democratic Services Officer

Item No. *Title*

1 Apologies for absence

Apologies for absence were submitted by West Midlands Police and the Premises Licence Holder.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Phoenix Express and International Food, 715 Parkfield Road, Wolverhampton, WV4 6EE

An application for a review of a Premises Licence in respect of Phoenix Express and International Food, 715 Parkfield Road, Wolverhampton, WV4 6EE had been received from Trading Standards.

Before proceeding with the hearing, the Chair advised all parties present that the Premises Licence Holder was not present. It was confirmed that the Premises Licence Holder had advised Democratic Services that he would not be in attendance for the review hearing.

Angela Bernard, Senior Solicitor, advised the Sub-Committee that they could vote to continue with the hearing or adjourn until such date that the Premises Licence Holder be available to attend. The Sub-Committee voted to continue with the hearing.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader - Licensing & Compliance, provided an outline of the application. Nicola Biddle, Senior Officer - Trading Standards, confirmed that the summary was accurate.

The Chair invited Trading Standards to present their application. The Senior Officer - Trading Standards, did so as per Appendix 3 of the report. She stated the following:

1. In December 2021, Trading Standards received a complaint that illegal cigarettes were being sold at Phoenix Express and International Food.
2. A visit on 23 September 2022 by officers from Trading Standards, West Midlands Police and Home Office Immigration Enforcement found a gentleman behind the counter without entitlement to work in the UK, a male found to be living in the premises and various illicit tobacco products and vapes concealed in the premises and in a car registered at the premises.

Neither the Designated Premises Supervisor nor the Premises Licence Holder were present during the visit.

3. 8,000 cigarettes, 1 kilogram of hand-rolling tobacco and 44 disposable vapes were seized. These products breached various pieces of legislation.
4. The licence summary and tobacco notice were not displayed in the premises.
5. The Premises Licence Holder had engaged in activities that breached the Licensing Objectives and the Sub-Committee should consider revoking the premises licence.

The Chair afforded all parties present the opportunity to question Trading Standards in relation to its submission. There were no questions asked.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader - Licensing, did so as per Appendix 4 of the report and the Supplementary Agenda Pack. He stated the following:

1. The Licensing Authority supported the application for review put forward by Trading Standards.
2. A Senior Licensing Officer had attended the premises on multiple occasions, and trader notices had been issued on three visits.
3. On these three visits, multiple breaches were discovered, and these had not been rectified in subsequent visits.
4. The premises had failed to uphold the Licensing Objectives.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. There were no questions asked.

The Chair invited Public Health to make representations. Michelle Marie-Smith, Principal Public Health Specialist, did so as per Appendix 7 of the report. She stated the following:

1. Public Health supported the application for review put forward by Trading Standards.
2. Public Health had concerns regarding the significant amount of illicit tobacco that had been uncovered at the premises.
3. The illegal tobacco trade undermined efforts to reduce smoking rates, undermined tobacco control methods and had links to organised crime.
4. National evidence had shown a link between single can sales of high strength alcohol and high levels of alcohol dependency.
5. Wolverhampton was a regional outlier for alcohol-related harm and hospital admissions and had the highest alcohol-specific mortality rate in the entirety of the UK.
6. Licensed premises who sell alcohol should always act responsibly and promote the key objectives of the Licensing Act 2003 and the Sub-Committee should therefore consider revoking the licence.

The Chair afforded all parties present the opportunity to question Public Health in relation to its submission. There were no questions asked.

The Chair invited all parties present to make their final address. The Section Leader - Licensing made a final statement.

The Senior Solicitor provided legal guidance to members of the Sub-Committee and reminded them of their available options. She advised members that the Sub-Committee could take into account written representations submitted by West Midlands Police and the Home Office even though they were not present at the hearing.

Councillor Page, Councillor Wildman, Councillor Kaur, the Senior Solicitor and Democratic Services Officer withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 10.54 hours.

The Hearing reconvened at 11.40 hours.

Councillor Page, Councillor Wildman, Councillor Kaur, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

An application was made by the City of Wolverhampton Council's Trading Standards Department as a Responsible Authority on 29 September 2022 for a review of a Premises Licence in respect of Phoenix Express and International Food, 715 Parkfield Road, Wolverhampton, WV4 6EE, on the grounds that actions at the premises undermined the Licensing Objectives.

Representations were received from Trading Standards, the Licensing Authority, and from Public Health as Responsible Authorities. Written representations were received from the Home Office and West Midlands Police.

At the hearing on the 18 November 2022 to review the Premises Licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made by persons who had spoken at the hearing. They considered all the evidence presented and found the following facts:

The Licensing Sub-Committee heard from Debra Craner, Section Leader – Licensing, who provided an outline of the application.

The Licensing Sub-Committee heard from Trading Standards, the Applicant for Review, that:

1. On 23 September 2022, a multi-agency operation led by officers from Trading Standards supported by officers from West Midlands Police and Immigration Enforcement visited Phoenix Express and International Food.
2. On entry to the premises, one individual was found solely occupying the shop and was behind the counter. He confirmed he was illegally present in the UK and was therefore arrested. Following Home Office checks it was confirmed he had an outstanding asylum claim with no right to work. Illegal working questions were completed, and he was asked to leave the premises.
3. Another individual was encountered sleeping in living accommodation at the back of the shop by police and referred to Immigration.

4. Home Office checks confirmed he had valid Leave to Remain in the UK. The owner of the premises arrived. He stated the person arrested was covering for the member of staff who was sleeping at the back of the shop in living accommodation.
5. The owner was informed that the individual found working illegally has no right to work in the UK. An illegal working notice was served on site.
6. The street value of the illegal tobacco and the retail value was then outlined in detail.
7. Trading Standards believes that the Prevention of Crime and Disorder and the Protection of Children from Harm Licensing Objectives have been undermined by the way in which the premises operates and therefore the Licensing Sub-Committee should consider revoking the Premises Licence.

The Licensing Sub-Committee heard from the Licensing Authority that they support the Application for Review.

In summary of their representations:

1. On 11 February 2022, the transfer application was received transferring the Premises Licence Holder to Mr Hamid Idris.
2. On 24 February 2022, a visit was made Phoenix Express and International Food to follow up issues highlighted during the visit conducted on 10 February 2022 when the officer had spoken with an individual in the shop who confirmed they did not work there but were serving customers. This individual said that he would phone the owner of the shop.
3. Upon the officer's arrival at the premises on 24 February 2022, the Premises Licence Holder was not present at the time of the visit.
4. A further visit was made on 3 March 2022 and on 8 September 2022.
5. On 8 September 2022 a Licensing Officer attended Phoenix Express and International Food. The Premises Licence Holder and Designated Premises Supervisor were not present. However, following a phone call the Premises Licence Holder, Hamid Idris, attended the premises.
6. The purpose of this visit was to conduct a compliance inspection. The inspection highlighted several conditions which were not complied with, and these were noted in a trader's notices, a copy of which is attached as Exhibit EG2. The notice allowed four weeks for the breach to be rectified.
7. During the officer's visit, a single sale of cider above 6.5% ABV was observed.
8. On 1 November 2022, Licensing Officers attended Phoenix Express and International Food. The Premises Licence Holder and Designated Premises Supervisor were not present. The purpose of the officers' visit was to conduct a compliance inspection.
9. A male and female were present at the premises, with both confirming they did not work there. However, the female was witnessed serving a customer and taking payment.
10. The male called the Premises Licence Holder who advised work has been conducted but he was unsure if it is completed. Checks were made on the outstanding breaches of conditions to see if they were now rectified, and a further traders notice was left at the premises with a friend of the Premises Licence Holder confirming breaches should be rectified immediately. This is exhibited in the supplementary agenda pack.

The Licensing Authority has concerns that the Premises Licence Holder, Mr Hamid Idris, and Designated Premises Supervisor are not upholding the Licensing Objectives, namely the 'Prevention of Crime and Disorder' and 'Protection of Children from Harm'. These have been undermined by the way in which the premises operates, putting the public at risk and therefore the Licensing Sub-Committee should consider revoking the Premises Licence.

The Licensing Sub-Committee heard from Public Health that they support the Application for Review, and they believe that the actions at the premises undermine the Licensing Objectives. Public Health have very serious concerns regarding the significant amount of illicit tobacco, vapes and cigarettes seized on 23 September 2022. They would expect any business licensed to sell alcohol to always act responsibly and promote the key objectives of the Licensing Act 2003. With several breaches of the Licensing Conditions reported, Public Health is not reassured that the business is operating in adherence to the Licensing Act.

Public Health, in summary, state that the premises in question is located within one of the most concerning geographical areas to Public Health, and therefore supports Trading Standards request that the Licensing Sub-Committee should consider revoking the Premises Licence.

The Licensing Sub-Committee did not hear from the Premises Licence Holder.

The Premises Licence Holder has been in contact with Democratic Services via email. The Premises Licence Holder is aware of the hearing and informed Democratic Services he is in another country. No return date was given. The Licensing Sub-Committee resolved to proceed in his absence under Section 20(2)b of the Licensing Regulations 1985. Sufficient notice has been given and the Premises Licence Holder has provided no return date for the Sub-Committee to take into its consideration today. He has also made no written representations to the Licensing Sub-Committee.

The Licensing Sub-Committee read representations West Midlands Police that they support the Application for Review and believe that the actions at the premises undermine the Prevention of Crime and Disorder and the Protection of Children from Harm Licensing Objectives. Written representations from the Home Office were also read by the Sub-Committee.

The options open to the Sub-Committee today are as follows: -

- Modify the conditions
- Exclude a licensable activity from the Licence
- Remove the Designated Premises Supervisor
- Suspend the Licence for up to 3 months
- Revoke the Licence

The Sub-Committee have considered the evidence presented and had regard to the application, representations made, guidance issued under Section 182 of the Licensing Act 2003 and the Council's own licensing policy. The Sub-Committee have on the balance of probabilities, found that in order to promote the Licensing Objectives the Premises Licence of Phoenix Express and International Food should

be Revoked and the Designated Premises Supervisor be removed in accordance with s52 of the Licensing Act 2003.

This action is considered appropriate and proportionate action for the promotion of the four Licensing Objectives (of the Licensing Act 2003), in light of the significant amount of illicit tobacco, vapes and cigarettes seized on 23 September 2022. Furthermore, several breaches of the Licensing Conditions were reported to the licensee, the Premises Licence Holder failed to act, and no measures have been proposed by the Premises Licence Holder.

It was deemed inappropriate to modify conditions and suspend the Licence as the Premises Licence Holder appears not able to comply with conditions of Licence and the Sub-Committee do not believe that suspension for a limited period would assist. The Sub-Committee noted the several breaches of the Licensing Conditions reported to the licensee, failure to act by the licensee, the significant amount of illicit tobacco, vapes and cigarettes seized on 23 September 2022 and that the Responsible Authorities attending recommended the revocation of the Premises Licence.

Written notice of the determination will be given to the holder of the Premises Licence, the Applicant, and any other person who made relevant representations.

An appeal may be made to the Magistrates' Court against the decision, by the Applicant, 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.

This page is intentionally left blank

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 5 January 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Phil Page (Chair)
Councillor Anwen Muston
Councillor Wendy Dalton

Applicant for Review – West Midlands Police

Sgt Steph Reynolds
Kayley Nixon

Premises Licence Holder

Christopher Reid (Business Partner)

Employees

Debra Craner	Section Leader Licensing
Angela Bernard	Solicitor
Donna Cope	Democratic Services Officer
Chris Howell	Commercial Regulation Manager

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Exclusion of press and public

Resolved:

That, in accordance with section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 7 of Schedule 12A to the Act.

4 Licensing Act 2003 - Application for an Expedited Summary Review in respect of Chicago Rock Cafe & Manhattans, 36 Pipers Row, Wolverhampton WV1 3JY

An application for an expedited summary review of a Premises Licence in respect of Chicago Rock Cafe & Manhattans, 36 Pipers Row, Wolverhampton, WV1 3JY, had been received from West Midlands Police.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader Licensing, provided an outline of the application. Sgt Steph Reynolds, West Midlands Police, (Applicant), confirmed that the summary was accurate.

The Chair invited West Midlands Police to present their application.

Sgt Steph Reynolds, West Midlands Police, outlined the application as per Appendix 3 of the restricted report and requested that the premises licence be suspended.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to their submission. Sgt Reynolds responded to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Christopher Reid, representing the Premises, stated that he had no comment to make until the full investigation into the incident had taken place.

As no representation had been made by the Premises, no questions were asked.

The Chair invited all parties present to make their final address.

No final summaries were made.

Angela Bernard, Solicitor, provided legal guidance to the Sub-Committee and reminded them of their available options.

All interested parties, with the exception of the Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 10.05 hours.

The Hearing reconvened at 10.34 hours.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

An application had been received from the West Midlands Police on 3 January 2023 for an expedited review of the Premises Licence in respect Chicago Rock Café & Manhattans, 36 Pipers Row, Wolverhampton, WV1 3JY.

The Chief of Police had given a certificate under Section 53A (1) (b) of the Licensing Act 2003 (the Act), stating that in their opinion the premises had been associated with serious crime and disorder and had requested that interim steps be applied to the premises licence pending a full review hearing.

The Sub-Committee heard and read from the Applicant (West Midlands Police) that:

1. In the early hours of Saturday 24th December 2022 there was a call over the link radio that stated there had been a possible stabbing at Chicago Rock Café and that a male was bleeding.
2. Police Officers and an Ambulance attended the scene and found an injured male outside the premises. Police Officers confirmed at 01.53hrs that the male had a 2-inch stab wound to his lower right abdomen.
3. The victim was treated by Ambulance staff and then taken to hospital in order to receive urgent treatment. Initial investigations showed that the victim was stabbed with what Police believed to be a bladed weapon inside the venue.
4. The victim was seen on CCTV having a physical disagreement with other males at the bar area before they were separated, and the victim then went onto the dancefloor. Some moments later the victim realised he was bleeding and alerted his friend, who in turn alerted door staff. This was when it was believed that door staff called for help over the link radio.
5. West Midlands Police held a meeting with relevant persons from the premises on the morning of Friday 30th December 2022. The Premises Licence Holder

stated to the Police, that they had a strict search policy and that all persons were thoroughly searched, however there were no wands or knife arch in place at the venue on that date. The Premises Licence Holder also stated that door staff informed venue staff that the victim had been stabbed with a key and therefore did not treat the incident as serious.

6. A closure notice was explained to the Premises Licence Holder, as West Midlands Police had serious and grave concerns regarding the fact that a serious offence had taken place inside the venue and was likely to occur again.
7. A Closure Notice under sec 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 was also issued at 13.05hrs on Friday 30/12/22 for 48hrs to legally ensure the premises remained closed.
8. West Midlands Police stated it was their priority to ensure the safety of the public, and to prevent crime and disorder and these actions were deemed necessary and proportionate in the circumstances.
9. This incident alone was a serious crime and as such undermined the licensing objectives of the prevention of crime and disorder as well as public safety.
10. The expedited review was brought due to the serious crime having taken place.
11. Sufficient measures were either not in place or not managed correctly for a bladed weapon to be brought into the premises resulting in a person being stabbed.
12. They requested suspension of the licence because no other measures open to the Licensing Sub-Committee would be appropriate.

The Sub-Committee heard from Christopher Reid for the Premises that he had no comment to make until the full investigation had been carried out.

The Act and Home Office Guidance stated that the tests to determine the kinds of conduct that amount to serious crime were set out in Section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. These tests included conduct which constituted an offence for which a person could reasonably be expected to be sentenced to imprisonment for 3 years or more; and involved the use of violence.

The Licensing Sub-Committee had received the certificate from the Chief Superintendent for Local Policing, Wolverhampton, and confirmation at the hearing that a serious crime had occurred at the premises.

The Sub-Committee were satisfied that a serious crime had occurred at the premises.

Based upon the evidence presented, consideration had been given as to whether it was necessary to take interim steps pending determination of the review (s53C LA2003). The Sub Committee were satisfied that interim steps were necessary to uphold the licensing objectives and that the only suitable interim step was that in accordance with Section 53B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee was to suspend the premises licence pending the full review hearing.

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 20 January 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Phil Page (Chair)
Councillor Rashpal Kaur
Councillor Gillian Wildman

Premises Licence Applicant

Rob Edge
Liam Hardy
Kristian Jones
Andy Whyles

Agent for the Applicant
New Vision Events Limited
New Vision Events Limited
Events Management Team

Responsible Authorities

Amitabh Singh
Faye Pearson
Emma Waites

Licensing Authority
Environmental Health
Environmental Health

Other Persons

Graham Bennett
John Palmer

Employees

Debra Craner
Angela Bernard
Jacob Stokes

Section Leader – Licensing and Compliance
Senior Solicitor
Democratic Services Officer

Observers

Emma Caddick
Donna Cope
Liam Downing

Service Manager – Environmental Health
Democratic Services Officer
Licensing Compliance Apprentice

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 – Application for a new Premises Licence in respect of Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ

An application for a Time Limited Premises Licence in respect of Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ was considered following representations received from Environment Health, the Licensing Authority and Other Persons.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader - Licensing and Compliance, provided an outline of the application. Mr Rob Edge, Agent representing the Applicant, New Vision Events Ltd, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Edge did so, as per Appendices 1, 16 and 17 of the report. He stated the following:

1. This would be the second edition of the event held in Wolverhampton.
2. Despite some noise complaints, the event held in September 2022 had been a resounding success and had been a benefit to the city and its night-time economy.
3. Lessons had been learned from the previous event and changes had been made to the planning of this event. These would include additional resident meetings, a wider letter drop and a revised stage layout. All documents regarding planning would be brought to the Council's Safety Advisory Group.
4. The event would be a one-day event rather than the two day event that had previously been proposed.
5. The Applicants had successfully mediated with the two Responsible Authorities - Environmental Health and the Licensing Authority.
6. This was a good Application with a robust operating schedule and a seasoned management team supporting it.
7. The event would be run in a professional manner without compromising the Licensing Objectives.

The Chair afforded all parties present the opportunity to question Mr Edge and his client in relation to their submission. Mr Edge responded to questions asked.

The Chair invited Environmental Health to make representations. Faye Pearson, Senior Officer - Food and Health and Safety, did so as per Appendix 14 of the report. She advised that Environmental Health had mediated with the Applicant and agreed proposed conditions to the Premises Licence.

The Chair afforded all parties present the opportunity to question Environmental Health in relation to its submission. There were no questions asked.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader - Licensing, did so as per Appendix 15 of the report. He confirmed that the Licensing Authority had mediated with the Applicant and agreed that a condition concerning staff training would be added to the operating schedule.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. The Section Leader - Licensing confirmed that the Premises Licence would be Time Limited to cover a one-day event.

The Chair invited Other Persons to make representations. Mr Graham Bennett did so. He stated that the event would cause parking issues and difficulties as it had last year. He questioned whether Bantock Park would be the right venue for an event of this nature.

The Chair afforded all parties present the opportunity to question Mr Bennett in relation to his submission. Mr Bennett responded to questions asked.

The Chair invited Mr John Palmer to make representations. He expressed concern that the parking arrangements for such an event were not practical. He noted that the previous year's event had caused road closures and prevented people from using bus routes to go shopping. He told the Sub-Committee that the previous event had also been extremely loud and had severely disrupted residents in their own homes.

He questioned the event venue and stated that Weston Park would be a more suitable venue.

The Chair afforded all parties present the opportunity to question Mr Palmer in relation to his submission. Mr Palmer responded to questions asked.

In response to concerns raised about parking during the previous year's event, Mr Edge stated that best efforts had been made to alleviate parking issues. He stated that a traffic management team had been hired and a dedicated taxi drop-off point had been offered for the event. He noted that parking issues had also been discussed at the Safety Advisory Group.

The Chair invited all parties present to make their final address. The Section Leader - Licensing, Senior Officer - Food and Health and Safety and Mr Edge made final statements.

Angela Bernard, Senior Solicitor, provided legal guidance to the Sub-Committee and reminded them of their available options. She advised members that parking issues

were not part of the Sub-Committee's remit and therefore should not be considered when making a decision.

Rob Edge, Kristian Jones, Liam Hardy, Andy Whyles, John Palmer, Graham Bennett, Debra Craner, Liam Downing, Emma Caddick, Faye Pearson, Emma Waites and Amitabh Singh withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.13 hours.

The Hearing reconvened at 12.35 hours.

Rob Edge, Kristian Jones, Liam Hardy, Andy Whyles, John Palmer, Graham Bennett, Debra Craner, Liam Downing, Emma Caddick, Faye Pearson, Emma Waites and Amitabh Singh re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

The Licensing Sub-Committee (LSC) have taken note of all written concerns raised in respect of the Application for a Time Limited Premises Licence for Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ.

They have listened to the arguments of those who have spoken at the hearing, both for and against the Application.

All Responsible Authorities have been notified.

West Midlands Police as Responsible Authorities have submitted no written objections. The Licensing Authority do not object to this Application subject to an agreed amendment to the operating schedule of: - 'staff training to include safeguarding' under the Prevention of Crime and Disorder Licensing Objective.

The Sub-Committee have had regard to both the written and oral evidence that has been presented and attached appropriate weight and have found the following facts:

The Sub-Committee have heard from the applicant New Vision Events Ltd and its representative, Rob Edge, that:

A detailed operating schedule was submitted by the Applicant.

1. This Application is in respect live music, recorded music, performance of dance, anything of a similar description and the supply of alcohol for consumption on the premises.
2. The Application was originally in respect of a two-day outdoor event (Festival) to take place on 16 and 17 June 2023 between 12.00pm and 22.00pm. This has now been amended to 17 June 2023 between 12.00pm and 22.00pm only, to hold a capacity of 4,500 including staff within an open space at Bantock Park.
3. The Festival will take place in a secured fenced off area.

4. The Applicant has mediated with Environmental Health and has agreed conditions which satisfy their concerns regarding the Prevention of Public Nuisance.
5. The Applicant outlined additional measures being taken as set out in Appendix 17 of the Application.

The Sub-Committee have considered written representations from Environmental Health as a Responsible Authority and heard and read that on 6 January 2023, a mediation meeting was held with the Applicant to discuss proposed amended licence conditions. They have mediated with the Applicant and agreed proposed conditions to be added to the Premises Licence, which satisfy their concerns regarding the Prevention of Public Nuisance, subject to the approval of the Licensing Sub-Committee.

The Licensing Sub-Committee are asked to include the agreed proposed conditions:

Pre-Event Conditions:

To ensure residential amenity is suitably safeguarded the following information must be provided no later than 3 March 2023:

1. A scaled plan-layout depicting the siting and orientation of P.A. and/or other loudspeaker systems, along with electrical power generators and air compressors where used. To be agreed by the Local Authority.
2. The appointed acoustic control consultant shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at locations around the venue representative of the noise sensitive premises likely to experience the largest increase in noise/highest noise level as a result of the concert.
3. Predicted sound levels associated with all operational loudspeaker systems (expressed as LAeq 15 minutes) at residential premises located adjacent to the park 1metre from the façade closest to the park and the most noise sensitive receptor positions.
4. Acoustic specifications of P.A. and other loudspeakers where utilised, including frequency-specific sound radiation characteristics.
5. Acoustic specifications of electrical power generators and air compressors.
6. Acoustic mitigation and control measures to ensure that a Music Noise Level, 65 dB (LAeq 15 minutes) is not exceeded over the course of the event.
7. A scheme detailing how sound levels from the proposed event will be monitored over its duration.
8. Resident letter drop to be sent out 4 months, 2 months, and 14 days prior to event to alert them to the event details. The letter drop area to be decided in consultation with the Local Authority (no later than 3 March 2023).
9. A hotline phone number to be set up so that local residents will be able to contact the event organisers on event days for information or with concerns about public nuisance. The hotline phone number will be circulated to residents in advance of the event as part of the letter drops.
10. The above matters need to be addressed by a competent acoustician, the credentials of whom shall be agreed by Environmental Health prior to 3 March 2023.

During Event Conditions:

11. A noise propagation test shall be undertaken at least 6 hours prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.
12. The Licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits and that any instructions from the noise control consultant regarding noise levels shall be implemented.
13. The appointed noise control consultant shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The Licensing Authority shall have access to the results of the noise monitoring at any time.
14. Rehearsals and sound checks are permitted only between the following hours: 12:00 hrs to 22:00 hrs. Prior notification to be given to Environmental Health in regard to when these checks will be undertaken (at least 24 hours' notice).
15. Music from the event is permitted only between the following hours: 12:00 hrs to 22:00 hrs on 17 June 2023.
16. A record shall be kept of any monitoring, including the date, time, and location of monitoring; the name of the monitor; and any action taken.
17. Records shall be made available upon request by a police officer or an authorised officer of the Council.

Following Event Condition:

18. A post Event Noise Monitoring Report should be provided summarising noise levels throughout the event, any complaints received and how they were managed. To be provided to Environmental Health within 14 days of the event.

Mr Graham Bennett attended the hearing to raise objections to the event. He stated that he felt parking or (illegal) parking of vehicles in the streets and roads around the vicinity of the Park during this event would cause disturbance and nuisance to the residents. He objects to having a one-day Festival at Bantock Park close to where he lives due to the previous experience of cars being abandoned and causing a nuisance.

Mr John Palmer attended the hearing and stated that his objections are to the disturbance caused by the noise from the music at the Festival. He stated that the previous Festival was so loud, the house shook, and the dog was disturbed and that Bantock Park was not the place for this event. He had been told that they would be having an event at Weston Park in Shropshire which would be a more suitable venue to hold this Festival.

The Sub-Committee may take such steps as it considers appropriate for the promotion of the Licensing Objectives which are:

- (a) The Prevention of Crime and Disorder
- (b) Public Safety
- (c) The Prevention of Public Nuisance
- (d) The Protection of Children from Harm

The options open to the Sub-Committee today are:

- To grant the Licence subject to conditions.
- To exclude from the scope of the Licence any of the licensable activities to which the application relates.
- To refuse to specify a person as the Premises Supervisor.
- To reject the Application.

The LSC have considered the evidence presented and had regard to the Application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy. The Sub-Committee have on the balance of probabilities, found that in order to promote the Licensing Objectives, the Application for a Premises Licence should be granted, with the agreed proposed conditions, subject to the terms and conditions outlined in accordance with section 18 of the Licensing Act 2003.

Having considered the representations and objections, the LSC are satisfied that with the agreed modifications to the Application, and conditions imposed there would be no evidential link between the premises for which this Application is made that would cause nuisance or anti-social behaviour in the area or undermine the Licensing Objectives and the Festival will be a professional, well-run event addressing all concerns.

These conditions as are specified above, consistent with the amendments to the operating schedule will be attached to the Licence, together with any mandatory conditions required by the Act.

The decision in writing will be sent to all parties forthwith.

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

This page is intentionally left blank

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 30 January 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)
Cllr Anwen Muston
Cllr Wendy Dalton

Applicant for Review – West Midlands Police:

Sgt Steph Reynolds
Kayley Nixon
PC Dudgeon

Premises Licence Holder

John Aust	Director
Christopher Reid	Business Partner
Vikki Sorrell	Duty Manager
Monica Harrington	Designated Premises Supervisor

Responsible Authorities

Amitabh Singh	Licensing Authority
---------------	---------------------

Employees

Debra Craner	Section Leader Licensing
Angela Bernard	Solicitor
Donna Cope	Democratic Services Officer
Elizabeth Gregg	Senior Licensing Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Exclusion of press and public

Resolved:

That, in accordance with section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 7 of Schedule 12A to the Act.

4 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Chicago Rock Café & Manhattans, 36 Pipers Row, City Centre, Wolverhampton, WV1 3JY

An application for a review of a Premises Licence in respect of Chicago Rock Café & Manhattans, 36 Pipers Row, City Centre, Wolverhampton, WV1 3JY had been received from West Midlands Police.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader Licensing, provided an outline of the application. Sgt Steph Reynolds, West Midlands Police, (Applicant), confirmed that the summary was accurate.

The Chair invited West Midlands Police to present their application.

Sgt Steph Reynolds, West Midlands Police, stated the grounds for review as per Appendix 2 of the report and supplementary police evidence packs. During her submission CCTV video footage of the incident was presented and she requested on behalf of West Midland Police that the premises licence be revoked.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to their submission. Sgt Reynolds responded to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr John Aust, Premises Licence Holder, did so. He stated that he had been involved in the

industry for a long time and had never had a premises licence reviewed. He stated that he was unaware of the police's concerns regarding the premises and that he had been let down by his management team. He outlined a proposed plan that would be implemented at the premises to prevent further incidents and asked the Sub-Committee to put their trust in him.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to his submission. Mr Aust responded to questions asked.

The Sub-Committee adjourned for lunch at 12:55 hours.

The Hearing reconvened at 13:43 hours.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader, did so as per Appendix 5 of the report. He stated that the Licensing Authority supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. He stated that additional measures were needed, including the removal of the current management team and the suspension of the licence for two months, however, if that was not a suitable option, there was no alternative but to revoke the premises licence.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mr Amitabh Singh responded to questions asked.

The Chair invited all parties present to make their final address.

The Premises Licence Holder and West Midlands Police made a final statement.

Angela Bernard, Solicitor, provided legal guidance to the Sub-Committee and reminded them of their available options.

All interested parties, with the exception of the Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 13:50 hours.

The Hearing reconvened at 15:52 hours.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

An application had been received for a review of the Premises Licence in respect of Chicago Rock Café & Manhattans, 36 Pipers Row, Wolverhampton, WV1 3JY from West Midlands Police on the grounds that actions at the premises had undermined the Licensing Objectives.

This was following the expedited review hearing on 3 January 2023 where the Licensing Sub-Committee were satisfied that a serious crime had occurred at the premises and had suspended the premises licence pending a full review hearing.

Representations had been received from West Midlands Police, the Licensing Authority and Premises Licence Holder.

At the hearing on 30 January 2023 to review the premises licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made by persons who had spoken at the hearing.

The Licensing Sub-Committee heard from Sgt Reynolds of West Midlands Police, the applicant for review, that:

1. In the early hours of Saturday 24th December 2022 at 01.42hrs there was a call over the link radio stating there had been a possible stabbing at Chicago Rock Café& Manhattans.
2. Police Officers and an ambulance attended the scene and found an injured male outside the premises.
3. The victim was seen on CCTV having a physical disagreement with another male at the bar area. Some little time later the victim realised he was bleeding and alerted his friend, who in turn alerted door staff.
4. The victim was treated by ambulance staff and taken to Queen Elizabeth hospital in order to receive urgent treatment.
5. Initial investigations showed that the victim had been stabbed with what Police believed to be a bladed weapon inside the venue.
6. West Midlands Police held a meeting with relevant persons from the premises on the morning of Friday 30th December 2022 and also on a later date in January 2023. The Premises Licence Holder had stated to the Police they had a strict search policy and that all persons were thoroughly searched, however there had been no wands or knife arch in place at the venue on that date. The Premises Licence Holder also stated that door staff had informed venue staff that the victim had been stabbed with a key and therefore they had not treated the incident as serious.
7. A Closure Notice under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 had been issued on 30/12/22 for 48hrs to legally ensure the premises remained closed.
8. Sufficient measures were either not in place or not managed correctly for a bladed weapon to be brought into the premises resulting in a person being stabbed.
9. It was the Police's priority to ensure the safety of the public, and to prevent crime and disorder and these actions were deemed necessary and proportionate in the circumstances.
10. Further instances of violence had occurred within the premises.
11. There had been 10 separate incidents at these premises between 25th September and 25 December 2022 showing that the premises has had a number of violent incidents occur since September.
12. West Midlands Police also gave an example to show Chicago Rock Café and Manhattans had breached their licence conditions.
13. The Licensing Objectives of the Prevention of Crime and Disorder and Public Safety had been undermined by the way in which the Premises operates and therefore the Premises Licence should be revoked.
14. In summary West Midlands Police said:
 - There was no quality control or supervision at the premises
 - There was no search policy in place

- There was no policy on the search of females
 - There was no monitoring of what the door staff were doing
 - There was a complete disregard for the seriousness of the incident by door staff
 - The management had not looked at the CCTV footage when meetings were held with the police after the incident
 - There had been a failure of management to control customers acting in the capacity of Security staff
 - There had been an increase in criminal incidents at this venue
15. They sought revocation of the licence because no other measures open to the Licensing Sub-Committee would be appropriate and removing the DPS would still leave the licensee in place.

The Sub-Committee heard from the Premises Licence Holder, Mr John Aust, that:

1. He had been the licensee for many years and accepted everything the Police had said.
2. He proposed changes to his business, involving retraining staff and employing a new security agency.
3. He visited the premises at least once a month and had believed the manager and DPS could manage the premises without his close intervention/supervision.
4. He felt let down by his team at the Chicago Rock & Manhattans, but he ultimately accepted responsibility for its failures.

The Sub-Committee heard from the Licensing Authority that they supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. They had initially proposed additional conditions to modify the licence, but believed that additional measures were needed, including the removal of the current management team and the suspension of the licence for two months. However, if that was not a suitable option, they felt there was no alternative but to revoke the premises licence.

The Licensing Sub-Committee had applied The Act and Home Office Guidance to determine the kinds of conduct that amounted to serious crime as set out in Regulation of Investigatory Powers Act 2000 and were satisfied that a serious crime occurred at the premises.

The Sub-Committee had considered the evidence presented and had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy. The Sub-Committee had, on the balance of probabilities, found that in order to promote the licensing objectives, and the options open to it under s52(4) Licensing Act 2003, the premises licence of Chicago Rock Café & Manhattans should be revoked.

The Licensing Sub-Committee had concerns that the Premises Licence Holder, Mr Aust, and the Designated Premises Supervisor were not upholding the licensing objectives of the Prevention of Crime and Disorder and Public Safety which had been undermined by the way in which the Premises operated, putting the public at risk.

The Sub-Committee were satisfied that a serious crime had occurred inside the venue and had grave concerns that a similar incident may occur again inside the

premises. They were satisfied that to allow the premises licence to continue would undermine the licensing objectives of the prevention of crime and disorder as well as public safety.

The Premises Licence Holder had breached his licensing condition, and measures proposed by the Premises Licence Holder were insufficient.

For those reasons, the Sub-Committee deemed it inappropriate to modify conditions and/or suspend the licence for 2/3 months.

Written notice of the determination would be given to the holder of the licence, the applicant, and any other person who made relevant representations.

An appeal could be made to the Magistrates' Court against the decision, by the applicant, 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 the decision.

Section 53D makes provision for the review of interim steps that have been taken by the relevant licensing authority under section 53B, before a decision under section 53C comes into effect.

Having considered whether interim steps were appropriate for the promotion of the Licensing Objectives and any relevant representations, the Licensing Authority determined that the current interim steps should remain, that being suspension of the premises licence.

In accordance with Section 53D(c) of the Licensing Act 2003, the interim steps put in place following the hearing on 3rd January 2023 interim steps taken at the review hearing apply until:

- (a) the end of the period given for appealing against a decision made under section 53C (21 days)
- (b) if the decision under section 53C is appealed against, the time the appeal is disposed of.