

Licensing Sub-Committee

Minutes - 20 April 2017

Attendance

Chair Cllr Alan Bolshaw (Lab)

Sub-Committee Members

Cllr Rita Potter
Cllr Keith Inston

Employees

Joanne Till	Section Leader, Licensing
Sarah Hardwick	Senior Solicitor
Mike Hooper	Democratic Services Officer
Chris Howell	Licensing Manager (<i>observing</i>)

Premises Licence Holder

Mr Derrick Minott	Premises Licence Holder
Mr Heath Thomas	Solicitor
Mr Kez Ali	Trainee Solicitor (<i>observing</i>)
Mr Jonathan Leon	The Leon Group
Mr E Blake	(<i>observing</i>)

Responsible Authorities

Acting Inspector Lee Davies	West Midlands Police
PC Gretton	West Midlands Police
Mr Charles Streeten	Brief on behalf of West Midlands Police
Mrs Elaine Moreton	Section Leader (Licensing)
Mr Richard White	Public Health

Other Persons

Mr Richard Taylor	Gosschalks Solicitors on behalf of Ei Group PLC
Mr Shaun Beedles	Gosschalks Solicitors on behalf of Ei Group PLC (<i>observing</i>)
Ms Amy Wilcox	Gosschalks Solicitors on behalf of Ei Group PLC (<i>observing</i>)
Mr Craig Dobson	Casino 36
Mr Chris Taylor	Casino 36

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 Review of a Premises Licence in Respect of Bond Street Tavern Public House, 14 Bond Street, Wolverhampton, WV2 4AS

Ms J. Till, Section Leader, Licensing, provided an outline of the application. Mr C. Streeten, barrister acting on behalf of West Midlands Police, confirmed that the summary was accurate.

All parties agreed that the following three additional documents, which had been submitted to the Democratic Services Officer the previous day, could be considered in public session:

- Additional representation from West Midlands Police – A Witness Statement by PC Robin White;
- Additional representation from Mr H. Thomas, representing the Premises Licence Holder (PLH):
 - Maplin Technical Support CCTV Install Summary, dated 2 March 2017;
 - Maplin receipt for CCTV equipment;
 - Maplin CCTV confirmation, dated 6 March 2017;
 - CCTV Staff Training Records;
 - Digital Noise Monitor information;
 - Maplin receipt for radio equipment;
 - Noise Level Monitor Record;
 - The Leon Group – Dealing with Drug Use in the Night Time Economy;
 - Bond Street Tavern search policy;
 - Door Supervisor Job Description / Person Specification;
 - Disorder and Drunkenness Policy;
 - Dispersal Policy;
 - Door Supervisors Incident Book;
 - Bond Street Tavern Confirmation of Onsite Visits, 17 February to 16 April 2017;
 - CCTV stills showing door supervisors wearing hi-visibility clothing, 10-20 March 2017;
- Additional representation from Mr H. Thomas, representing the PLH – CCTV stills detailing searches undertaken upon entry.

The Chair invited the Review applicant to present the application. Mr Streeten did so.

The Chair afforded all parties present the opportunity to question the Review applicant in relation to its representation. Mr Streeten and Acting Inspector Davies provided responses to questions asked.

The Chair invited the PLH to make representations. Mr Thomas, Solicitor acting on behalf of the PLH, did so. The PLH confirmed that all that Mr Thomas had stated was correct.

*The Sub-Committee adjourned for a short break at 12.02 pm.
The Hearing reconvened at 12.11 pm.*

The Chair invited all parties present to question the PLH in relation to his submission. The PLH, Mr Thomas and Mr Jonathan Leon of The Leon Group (premises security) provided responses to questions asked.

Following advice from the Council's Senior Solicitor, one question from Mr Streeten was disregarded on the grounds that evidence to support it had not been disclosed.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton, Section Leader – Licensing, did so.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mrs Moreton provided responses to questions asked.

The Chair invited Public Health to make representations. Mr Richard White did so.

The Chair invited all parties present to question Public Health in relation to its submission. Mr White provided responses to questions asked.

The Chair invited Casino 36, as Other Persons, to make representations. Mr Craig Dobson and Mr Chris Taylor did so.

Following a query from the Chair, the Council's Senior Solicitor clarified that the Sub-Committee were not required to declare interests should they have taken part in a Licensing Committee site visit or a personal visit to Casino 36.

The Chair invited all parties present to question Casino 36, as Other Persons, in relation to its submission. Mr Dobson and Mr Taylor provided responses to questions asked.

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

Casino 36 as Other Persons, Public Health and the Licensing Authority all stated that they had nothing further to add.

Mr Thomas, on behalf of the PLH and Mr Streeten, on behalf of the Review applicant made closing statements.

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

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 Senior Solicitor.

Resolved:

An Application was made by West Midlands Police for a review of the Premises Licence in respect of the Bond Street Tavern.

At the Hearing to review the Premises Licence, members of the Licensing Sub-Committee listened carefully to all representations made by persons who spoke at the Hearing. They considered all the evidence presented and found the following facts:

It was heard from the West Midlands Police that:

1. they were concerned about drugs on the premises, loud music, operation of the CCTV, inadequate search procedures resulting in weapons and drugs getting into premises and breach of conditions.
2. It was accepted that all information is relevant including that relating to the time before Mr Minott became Premises Licence Holder.
3. Since he had become Premises Licence Holder, the Police outlined occasions when there had been a smell of cannabis on the premises and gang nominals.
4. A Misuse of Drugs Act warrant was obtained and on attending the premises a weapon was seized together with an amount of drugs to include dealer sized bags of cannabis demonstrating possession with intent to supply.
5. The behaviour demonstrated by Mr Minott was not that expected of a Premises Licence Holder. There had been too little improvement since Mr Minott became Premises Licence Holder.
6. In accordance with the Guidance under s182 LA 2003, where serious crime had occurred on the premises, involving drugs and gang nominals, revocation should be considered even on a first occasion. Therefore, in promoting the prevention of crime and disorder and public safety licensing objectives, the Licence should be revoked.

It was heard from Mr Thomas, representing the Premises Licence Holder, that:

1. Guidance under s182 provided that, in deciding which power to evoke, the licensing authority should establish cause and take remedial action directed at the cause that was appropriate and proportionate.
2. There had been a marked improvement in the operation of the premises since Mr Minott had become Premises Licence Holder. Measures were outlined in the bundle of documents produced by the Premise Licence Holder. They included a more robust search policy.
3. The issue of the warrant pre-dated implementation of the new measures.
4. The incident on 25 February 2017 began as a scuffle in the premises and was dealt with effectively by the staff inside. The premises could not be responsible for matters outside the premises over which they had no control, which was clear from the guidance.
5. The premises called the emergency services following the incident on 8 April 2017 and dealt with the matter in an acceptable manner.

6. That appropriate action would be to modify the conditions of the Licence, a list of which was prepared by Mr Thomas.

It was heard from Mrs Moreton, Licensing Authority as responsible authority, that:

1. The authority supported the application of the Police and conditions of Licence had been breached.

It was accepted that issues with CCTV had been addressed and any other breaches were minor in nature.

It was heard from Public Health that it supported the application of the Police and had produced data surrounding public health issues in the ward of St Peter's, where the premises were located. However, there was no direct evidence relating to the premises and therefore no weight was attached to that evidence.

It was heard from Casino 36, as Other Persons, that their customers had witnessed issues with patrons from the premises who it is believed used the NCP carpark next door. However, it was accepted that the premises cannot control problems on a public carpark.

The Sub-Committee were satisfied that there was a drugs issue on the premises and that drugs and weapons were brought on to the premises. They were further not satisfied that the additional measures proposed, particularly in relation to search procedures would be adequate to address ongoing issues.

Based upon the evidence presented and having 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, on the balance of probabilities, found that in order to promote the prevention of crime and disorder and public safety licensing objectives, the Premises Licence of the Bond Street Tavern should be revoked in accordance with Section 52 of the Licensing Act 2003.

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 against the decision by the applicant, the holder of the Premises Licence or any other person who made a relevant representation to the application, within 21 days from the day on which notice of the decision was given.