

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

22 February 2019

**Time** 10.00 am      **Public Meeting?** YES      **Type of meeting** Regulatory  
**Venue** Committee Room 5, Ground Floor, Civic Centre

## Membership

**Chair** Cllr Alan Bolshaw (Lab)

### Labour

Cllr Rita Potter

### Conservative

Cllr Wendy Thompson

Quorum for this meeting is two 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

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**Tel** 01902 550320

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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	<b>Apologies for absence</b>
2	<b>Declarations of interest</b>
3	<b>Licensing Act 2003 – Application for a Review of a Premises Licence in respect of The Outback, 50 Queen Street, City Centre, Wolverhampton, WV1 3BJ (Pages 3 - 34)</b>

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub - Committee

22 February 2019

<b>Report title</b>	<b>Licensing Act 2003 – Application for a Review of a Premises Licence in respect of The Outback, 50 Queen Street, City Centre, Wolverhampton, WV1 3BJ</b>	
<b>Wards affected</b>	St Peter's	
<b>Accountable director</b>	Ross Cook, City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Michelle James	Licensing Policy Manager
	Tel	01902 556796
	Email	Michelle.james@wolverhampton.gov.uk

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## Recommendation for decision:

The Statutory Licensing Sub-Committee is recommended to:

1. Consider an application by West Midlands Police for a review of the above Premises Licence, following an expedited review.

## **1.0 Purpose**

- 1.1 The Licensing Sub-Committee is required to consider the application by West Midlands Police for a Review of the above Premises Licence, following an Expedited Review.

## **2.0 Background**

- 2.1 The current premises licence is attached at Appendix 1.

## **3.0 Expedited Summary Review Application**

- 3.1 An application was received from the Chief Officer of Police for West Midlands on 28 January 2019 for an expedited review of the Premises Licence in respect of The Outback, 50 Queen Street, City Centre, Wolverhampton, WV1 3BJ.
- 3.2 A copy of the expedited review application can be found at Appendix 2 of this report.
- 3.3 The premises are situated in the St Peter's ward and a location plan is attached at Appendix 3.
- 3.4 A Licensing Sub-Committee hearing was held on 30 January 2019 to determine the interim steps to be applied to the Premises Licence pending the full review hearing. The Licensing Sub-Committee resolved to suspend the Premises Licence as the interim step.

## **4.0 Review Application**

- 4.1 The notice of review has been properly served on all the Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on its website as required, when the application for review was made.
- 4.2 Representations have been received from Trading Standards and The Licensing Authority as Responsible Authorities, and these can be found at Appendices 4 and 5 of this report.
- 4.3 The applicant for review, the Premises Licence Holder, and those who have made representations have been invited to attend the review hearing.

## **5.0 Financial implications**

- 5.1 There are no direct financial implications associated with the recommendations in this report. No fee is levied for an Expedited Summary Review application. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Committee on 24 January 2018. [MK/07022019/Y]

## **6.0 Legal implications**

- 6.1 The Licensing Authority must consider the application for the review under Section 53A of the licensing act.

- 6.2 The Licensing Sub-Committee is asked to determine the review under Section 53A(2)(b) in accordance with Section 53C of the Act. The licensing authority must hold a hearing and consider the application for review and any relevant representations.
- 6.3 The Sub-Committee must consider what steps (if any) should be taken to secure the promotion of the licensing objectives.
- 6.4 The four licensing objectives are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- 6.5 The steps that may be taken by the Sub-Committee on a full review are:
- (a) Modify the conditions of the licence;
  - (b) Exclude a licensable activity from the scope of the licence;
  - (c) Remove the designated premises supervisor;
  - (d) Suspend the licence for a period not exceeding 3 months;
  - (e) Revoke the Licence.
- 6.6 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement. [LW/13022019/N]

## **7.0 Equalities implications**

- 7.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
- 7.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

**8.0 Environmental implications**

8.1 There are no environmental implications associated with this report.

**9.0 Human resources implications**

9.1 There are no human resources implications associated with this report.

**10.0 Corporate landlord implications**

10.1 There are no corporate landlord implications associated with this report.

**11.0 Schedule of background papers**

11.1 None

# Premises Licence

Issued in accordance with The Licensing Act 2003

**Name of Premises:** The Outback

**Address of Premises:** 50 Queen Street  
City Centre  
Wolverhampton  
WV1 3BJ

**Premises Licence Number:** 18/05340/PRE – Full Variation

**Date of Last Update:** 13th March 2018

## 1. Opening hours of the premises

**Normal Hours:** Monday to Wednesday 1000hrs to 0400hrs  
Thursday to Saturday 1000hrs to 0600hrs  
Sunday 1200hrs to 0400hrs

**Seasonal Variations:** None

**Non Standard Hours:** The premises will closed at 0430hrs on the days listed below:  
Easter Saturday, Easter Sunday, Sunday before May Day  
Bank Holiday, Sunday before Spring Bank Holiday, Friday of  
August Bank Holiday, Saturday of August Bank Holiday,  
Sunday of August Bank Holiday, Christmas Eve, Boxing Day,  
Australia Day (26th January) Waitangi Day (6th February) St  
Patricks Day (17th March) Anzac Day (25th April) Freedom  
Day (27th April) Queens official Birthday (9th June)

## 2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

**Activity:** Live Music

**Normal Hours:** Sunday to Wednesday 1000hrs to 0300hrs  
Thursday to Saturday 1000hrs to 0600hrs

**Seasonal Variations:** None

**Non Standard Hours:** 1000hrs to 0400hrs on days/dates listed below:  
Easter Saturday, Easter Sunday, Sunday before May Day  
Bank Holiday, Sunday before Spring Bank Holiday, Friday of  
August Bank Holiday, Saturday of August Bank Holiday,  
Sunday of August Bank Holiday, Christmas Eve, Boxing Day,  
Australia Day (26th January) Waitangi Day (6th February) St  
Patricks Day (17th March) Anzac Day (25th April) Freedom  
Day (27th April) Queens official Birthday (9th June)

**Activity:** Recorded Music

**Normal Hours:** Monday to Sunday 1000hrs to 0300hrs  
**Seasonal Variations:** None  
**Non Standard Hours:** 1000hrs to 0400hrs on days/dates listed below:  
Easter Saturday, Easter Sunday, Sunday before May Day Bank Holiday, Sunday before Spring Bank Holiday, Friday of August Bank Holiday, Saturday of August Bank Holiday, Sunday of August Bank Holiday, Christmas Eve, Boxing Day, Australia Day (26th January) Waitangi Day (6th February) St Patricks Day (17th March) Anzac Day (25th April) Freedom Day (27th April) Queens official Birthday (9th June)

**Activity:** **Performances of Dance**  
**Normal Hours:** Monday to Sunday 1000hrs to 0300hrs  
**Seasonal Variations:** None  
**Non Standard Hours:** 1000hrs to 0400hrs on days/dates listed below:  
Easter Saturday, Easter Sunday, Sunday before May Day Bank Holiday, Sunday before Spring Bank Holiday, Friday of August Bank Holiday, Saturday of August Bank Holiday, Sunday of August Bank Holiday, Christmas Eve, Boxing Day, Australia Day (26th January) Waitangi Day (6th February) St Patricks Day (17th March) Anzac Day (25th April) Freedom Day (27th April) Queens official Birthday (9th June)

**Activity:** **Activity like music or dance**  
**Normal Hours:** Monday to Sunday 1000hrs to 0300hrs  
**Seasonal Variations:** None  
**Non Standard Hours:** 1000hrs to 0400hrs on days/dates listed below:  
Easter Saturday, Easter Sunday, Sunday before May Day Bank Holiday, Sunday before Spring Bank Holiday, Friday of August Bank Holiday, Saturday of August Bank Holiday, Sunday of August Bank Holiday, Christmas Eve, Boxing Day, Australia Day (26th January) Waitangi Day (6th February) St Patricks Day (17th March) Anzac Day (25th April) Freedom Day (27th April) Queens official Birthday (9th June)

**Activity:** **Late Night Refreshment**  
**Normal Hours:** Monday to Sunday 2300hrs to 0300hrs  
**Seasonal Variations:** None  
**Non Standard Hours:** 2300hrs to 0400hrs on days/dates listed below:  
Easter Saturday, Easter Sunday, Sunday before May Day Bank Holiday, Sunday before Spring Bank Holiday, Friday of August Bank Holiday, Saturday of August Bank Holiday, Sunday of August Bank Holiday, Christmas Eve, Boxing Day, Australia Day (26th January) Waitangi Day (6th February) St Patricks Day (17th March) Anzac Day (25th April) Freedom Day (27th April) Queens official Birthday (9th June)



**Activity: Sale/Supply of alcohol on the premises**  
**Normal Hours:** Monday to Wednesday 1000hrs to 0300hrs  
Thursday to Saturday 1000hrs to 0600hrs  
Sunday 1200hrs to 0300hrs

**Seasonal Variations:** None

**Non Standard Hours:** 1000hrs to 0400hrs on days/dates listed below:  
Easter Saturday, Easter Sunday, Sunday before May Day  
Bank Holiday, Sunday before Spring Bank Holiday, Friday of  
August Bank Holiday, Saturday of August Bank Holiday,  
Sunday of August Bank Holiday, Christmas Eve, Boxing Day,  
Australia Day (26th January) Waitangi Day (6th February) St  
Patricks Day (17th March) Anzac Day (25th April) Freedom  
Day (27th April) Queens official Birthday (9th June)

**Activity: Sale/Supply of alcohol off the premises**

**Normal Hours:** Monday to Saturday 1000hrs to 0300hrs  
Sunday 1200hrs to 0300hrs

**Seasonal Variations:** None

**Non Standard Hours:** 1000hrs to 0400hrs on days/dates listed below:  
Easter Saturday, Easter Sunday, Sunday before May Day  
Bank Holiday, Sunday before Spring Bank Holiday, Friday of  
August Bank Holiday, Saturday of August Bank Holiday,  
Sunday of August Bank Holiday, Christmas Eve, Boxing Day,  
Australia Day (26th January) Waitangi Day (6th February) St  
Patricks Day (17th March) Anzac Day (25th April) Freedom  
Day (27th April) Queens official Birthday (9th June)

**3. Name of the designated premises supervisor if the sale of alcohol is involved**

Cheryl Davis dated as of 10/06/2016  
Personal licence number: WS/PEL0699  
Issued by Walsall Council

**4. Is access to the premises by children restricted or prohibited**

Provision only as prohibited or restricted under the Licensing Act 2003.

**5. Name, (registered) address of the holder of the premises licence**

1878 Pub Co Ltd  
140 High Street  
Smethwick  
B66 3AP

**Mandatory Licensing Conditions (Licensing Act 2003)**

## **Mandatory conditions as required by the Act will apply to the licence.**

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation to the Licensing Act 2003.

## **Conditions consistent with the Operating Schedule**

### **Historic Permissions consistent with the Justices Licence as converted under the Licensing Act 2003**

#### **Provision of substantial refreshment**

Hot food or hot drinks may be provided in line with alcohol sales with an additional thirty minutes thereafter.

#### **Recorded Music**

- The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964.

#### **New Years Eve**

The Regulatory Reform (Special Occasions Licensing) Order 2002.

- Where this licence does not otherwise permit, on New Years Eve these hours may be extended from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

### **Conditions consistent with Public Entertainment Licence**

- All conditions that are specified on or consistent with the Public Entertainment Licence granted on 24 June 2005 under the Local Government Act 1982 will apply
- The number of persons present at any public entertainment provided under this licence shall not at any time exceed:-
  - Ground Floor - 430 persons
  - First Floor - 300 persons
  - Total - 730 persons

#### **Special Hours Certificate**

This licence is granted subject to the converted special hours certificate and conditions of that special hours certificate granted on the 14th March under section 77 of the Licensing Act 1964

#### **General**

No additional steps intended.

All licensable activities/other variations sought will not give rise to any additional risks in view of strict controls in place in relation to (1) management and supervision of premises and (2) conduct of staff and customers.

Compulsory conditions relating to the sale of alcohol and provision of door supervisors in Sections 19 & 21 Licensing Act 2003.

## **The prevention of crime and disorder**

2 SIA door supervisors will be on duty from 2100hrs for the first 100 customers and thereafter one for every 100 customers. The designated premises supervisor or a person nominated by them shall be a member of the Pubwatch scheme for the area within which the premises are located and would include registration and use of community/network radio.

### ***Minor Variation dated 01/10/2014***

1. A knife arch is to be placed at the front entrance door during all licensable activities. All patrons are to pass through it and upon indication from the arch that metal is detected, the patron is to be further investigated by SIA door staff with the use of an electric hand wand. All patrons shall be re-searched upon re-entry to the same standard. All patrons refusing to be searched will be denied access to the premises. If the knife arch is not operational, police will be informed of this fact and a repair timescale provided.

2. At all times when licensable activities are taking place SIA door staff shall be deployed from 22:00 hours with at least two in position at the front doors. Door staff numbers will be two for the first 100 patrons and 1 per 75 patrons thereafter.

3. All SIA door staff shall be in high visibility attire that fluoresces, and at least one door staff member shall operate a lapel cam system. If the lapel cam is not operational police will be informed of this fact and a repair timescale provided.

4. A briefing of responsibilities shall be given at the commencement of each tour of duty to door staff, and a record shall be kept endorsed by staff to say that they have received a briefing and understand their responsibilities.

5. At least one member of door staff shall be deployed to the external smoking area to make hourly checks for that area, which shall be recorded in the incident book.

6. At least one member of door staff shall remain outside the front of the premises for 30 minutes after close or until all customers have vacated the premises and the concourse area in front of the premises, whichever event occurs sooner.

7. At least one door staff member shall be basic, first aid trained on a six monthly basis.

8. There shall be detailed incident reporting to the police, overseen by the DPS. Either the DPS or another member of the premises management staff will contact West Midlands Police Licensing via email every Monday to report any incidents that have occurred during the previous week and, where appropriate and as shall be agreed by both parties acting reasonably, an appointment shall be made with Licensing Officers to carry out such further review as the parties shall agree, acting reasonably, to be necessary, such as providing and reviewing together CCTV footage.

### ***Full Variation Dated 13/03/2018.***

1. Security will be on until 6am and a risk assessment and dispersal plan will be in place for closing time.

## **Public safety**

No additional steps intended.

All licensable activities/other variations sought will not give rise to any additional risks in view of strict controls in place in relation to (1) management and supervision of premises and (2) conduct of staff and customers.

Compulsory conditions relating to the sale of alcohol and provision of door supervisors in Sections 19 & 21 Licensing Act 2003.

The approved CCTV system shall be installed at the premises and maintained in effective working order and that all tapes are to be kept for a minimum of 30 days

### ***Full Variation Dated 13/03/2018***

1. Designated first aid point on the premises and staff will take extra training to identify individuals who have had too much to drink.

## **The prevention of public nuisance**

No additional steps intended.

All licensable activities/other variations sought will not give rise to any additional risks in view of strict controls in place in relation to (1) management and supervision of premises and (2) conduct of staff and customers.

Compulsory conditions relating to the sale of alcohol and provision of door supervisors in Sections 19 & 21 Licensing Act 2003.

### ***Full Variation Dated 13/03/2018***

1. Music volume will be reduced between 03:00 to 06:00 and the bass in the amps will be turned off.

## **The protection of children from harm**

No additional steps intended.

All licensable activities/other variations sought will not give rise to any additional risks in view of strict controls in place in relation to (1) management and supervision of premises and (2) conduct of staff and customers.

Compulsory conditions relating to the sale of alcohol and provision of door supervisors in Sections 19 & 21 Licensing Act 2003.

### ***Full Variation Dated 13/03/2018***

1. No children will be allowed on the premises

## **Plans**

As submitted with application dated 13/08/2010 and retained by City of Wolverhampton Council.

RECEIVED

28 JAN 2019

LICENSING

15:41 PM

**CITY OF  
WOLVERHAMPTON  
COUNCIL**

**Licensing Services, 2<sup>nd</sup> Floor, Civic Centre, St. Peter's Square, Wolverhampton, WV1 1SH**

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I Chief Constable of West Midlands Police**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Outback Queens Street	
<b>Post town</b> Wolverhampton	<b>Post code (if known)</b> WV1 3BJ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> 1878 Pub Co Ltd 140 High Street Smethwick B66 3AP
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<b>Number of premises licence or club premises certificate (if known)</b> 18/05340/PRE
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**Part 2 - Applicant details**

I am WPC 2467 Churm

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address WPC 2467 Churn West Midlands Police Wolverhampton Police Station Bilston Street Wolverhampton WV1 3AA
Telephone number (if any) 01902 649085
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

**Please state the ground(s) for review (please read guidance note 2)**

Police are defined as a responsible authority under the Licensing Act 2003 and as such have a statutory obligation to ensure that the licensed premises comply with the requirements of the act and the operating schedule relating to that venue.

Outback is a prominent building in the middle of Queens Street which is mainly business premises around but there are a small amount of flats/residencies above businesses on the street.

In December 2018 PS Reynolds held a meeting with the PLH, DPS and Abdul (the manager) to discuss the running of the venue and lack of responsibility taken by Abdul and the DPS Cheryl. There were numerous licence breaches and concerns around the safety of patrons attending and who had control of the premises.

It was agreed by Abdul that he would send weekly emails detailing events with performers and their full details in order for a risk assessment to be conducted.

Sgt Reynolds stressed that the venue were responsible for the patrons from their venue when outside and that the DPS needs to take a more active role in the running of the venue and upholding the licensing objectives.

It was agreed by all parties concerned that all issues raised would be adhered to.

Sgt Reynolds informed all parties that future breaches of their licence would result in action being taken against them.

PS Reynolds emailed Abdul on 22/1/19 outlining that her requests from the meeting in December were not being adhered to. No details of events planned had been communicated. PS Reynolds specifically requested details of the events being held the weekend of 25/26th January.

On 23/1/19 Abdul replied, listing DJ's, however failed to mention a specific performer that was deemed as high risk.

On Friday 25th January 2019 West Midlands Police received information that a performer from London would be at the venue and was "wanted" by police, and would need to be arrested.

WPC Churm emailed Abdul on 25/1/19 and enquired whether the performer was attending. It was only then that Abdul confirmed he would be at the venue at [REDACTED] hrs with 3 members of his team.

Police Intelligence checks conducted, show that the performer would be classed as a 'risk' artist as he is an affiliated gang member in London.

Intelligence received by West Midlands Police indicated that gang members from Birmingham would be attending the venue to see the performer.

At 0422hrs on Saturday 26th January 2019 Police were called to a stabbing outside the venue.

The victim was from Birmingham, suffered 3 stab wounds to the back.

Four males, of which 3 are known to be affiliated to a Wolverhampton gang have been arrested on suspicion of the serious assault.

All parties involved had been inside Outback, which clearly shows that the information received by West Midlands Police to be correct. This raises serious concerns that the venue had purposely withheld this information from police, knowing it to be a high risk event. This completely undermines the licensing objective of preventing crime and disorder and has resulted in someone being seriously harmed with a weapon on the streets of Wolverhampton.



**Please provide as much information as possible to support the application (please read guidance note 3)**

**On 5 May 2017 the manager Abdul and the DPS Cheryl attended Bilston Street Police Station whereby a meeting was held and an action plan was agreed.**

**Action plan details;**

**To fully cooperate with the police when they attend the venue to carry out licensing checks and carry out their duties.**

**Knife arch in full working order at all times and this is to remain outside of the venue until ALL licensable activities are concluded.**

**All persons who re enter the venue must be re-searched including the Arch and the wand.**

**All persons to be searched with use of both a wand and must walkthrough the Knife arch**

**The doorstaff are to remain outside until the concourse is clear, This is anytime where there is licensable activities and not just Friday and Saturday nights.**

**A female member of doorstaff must be on duty in order to search female patrons.**

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

**If you have made representations before relating to the premises please state what they were and when you made them**

Meeting held at Wolverhampton Police Station on 13<sup>th</sup> December 2018 whereby DPS Cheryl and Manager Abdul were present.

Issues raised were regarding non compliance of the licence conditions, no lapel cams are used, no briefing to door staff, no link radio, no reports to Police etc.

Sgt Reynolds asked for cameras to be placed onto the street outside the venue as the venue is responsible for their patrons when outside, although this was disputed by Abdul.

Abdul agreed to send weekly emails regarding upcoming events, with details of DJ's or other performers with full names and dates of birth in order for full risk assessments to be conducted by WMP.

Sgt Reynolds made it clear that Cheryl needs to be more authoritative regarding the running of the venue and ensuring that the licensing objectives are upheld. Abdul and Cheryl stated they were aware of what was on the licence as they had been there for 3 years. It was detailed that Abdul clearly makes all decisions and when Officers attend and ask for the DPS he presents himself.

It was made clear that the licence conditions need to be abided by and failure to do so would result in enforcement action. This was agreed by all persons present.

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date **28<sup>th</sup> January 2019**

Capacity **West Midlands Police**

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)**

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.





**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

**I, Superintendent Chisholm**

(On behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: **Outback**  
Postal address of premise: **Queen Street, Wolverhampton**  
Post Town: **Wolverhampton**  
Post Code (if known): **WV1 3BJ**

2. Premises Licence details :  
Name of premise licence holder (if known): **1828 Pub Co Ltd**  
Number of premise licence (if known): **18/05340/PRE**

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:  
(Please read guidance note 2)

In December 2018 PS Reynolds held a meeting with the PLH, DPS and Abdul (the manager) to discuss the running of the venue and lack of responsibility taken by Abdul and the DPS Cheryl. There were numerous licence breaches and concerns around the safety of patrons attending and who had control of the premises. It was agreed by Abdul that he would send weekly emails detailing events with performers and their full details in order for a risk assessment to be conducted. Sgt Reynolds stressed that the venue were responsible for the patrons from their venue when outside and that the DPS needs to take a more active role in the running of the venue and upholding the licensing objectives. It was agreed by all parties concerned that all issues raised would be adhered to. Sgt Reynolds informed all parties that future breaches of their licence would result in action being taken against them.



PS Reynolds emailed Abdul on 22/1/19 outlining that her requests from the meeting in December were not being adhered to. No details of events planned had been communicated. PS Reynolds specifically requested details of the events being held the weekend of 25/26th January.

On 23/1/19 Abdul replied, listing DJ's, however failed to mention a specific performer that was deemed as high risk.

On Friday 25th January 2019 West Midlands Police received information that a performer from London would be at the venue and was "wanted" by police, and would need to be arrested.

WPC Churm emailed Abdul on 25/1/19 and enquired whether the performer was attending. It was only then that Abdul confirmed he would be at the venue at [REDACTED] hrs with 3 members of his team.

Police Intelligence checks conducted, show that the performer would be classed as a 'risk' artist as he is an affiliated gang member in London.

Intelligence received by West Midlands Police indicated that gang members from Birmingham would be attending the venue to see the performer.

At 0422hrs on Saturday 26th January 2019 Police were called to a stabbing outside the venue.

The victim was from Birmingham, suffered 3 stab wounds to the back.

Four males, of which 3 are known to be affiliated to a Wolverhampton gang have been arrested on suspicion of the serious assault.

All parties involved had been inside Outback, which clearly shows that the information received by West Midlands Police to be correct. This raises serious concerns that the venue had purposely withheld this information from police, knowing it to be a high risk event. This completely undermines the licensing objective of preventing crime and disorder and has resulted in someone being seriously harmed with a weapon on the streets of Wolverhampton.

Signature of applicant: [REDACTED]

Date: 28<sup>th</sup> January 2019

Rank/Capacity: **Superintendent for Local Policing, Wolverhampton NPU**

Contact details for matters concerning this application: **WPC 2467 Churm**

Address: **Wolverhampton Licensing**

Telephone Number(s): **01902 649085**

E-mail - **wv\_licensing@west-midlands.pnn.police.uk**





Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- Conduct that amounts to one or more criminal offences and involves the use of violence results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.



RECEIVED  
28 JAN 2019  
LICENSING

## West Midlands Police

### CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: **Outback**

Premise Licence Number: **18/05340/PRE**

Premise Licence Holder: **1878 Pub Co Ltd**

Designated Premise Supervisor: **Cheryl Davis**

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

The concern of West Midlands Police is that if steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered. It is quite evident from the level of investigation that West Midlands Police have committed to this, shows that the licensing objectives are seriously being undermined uncovering entrenched serious crime.

I am conscious of the guidance under the 2003 licensing act on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

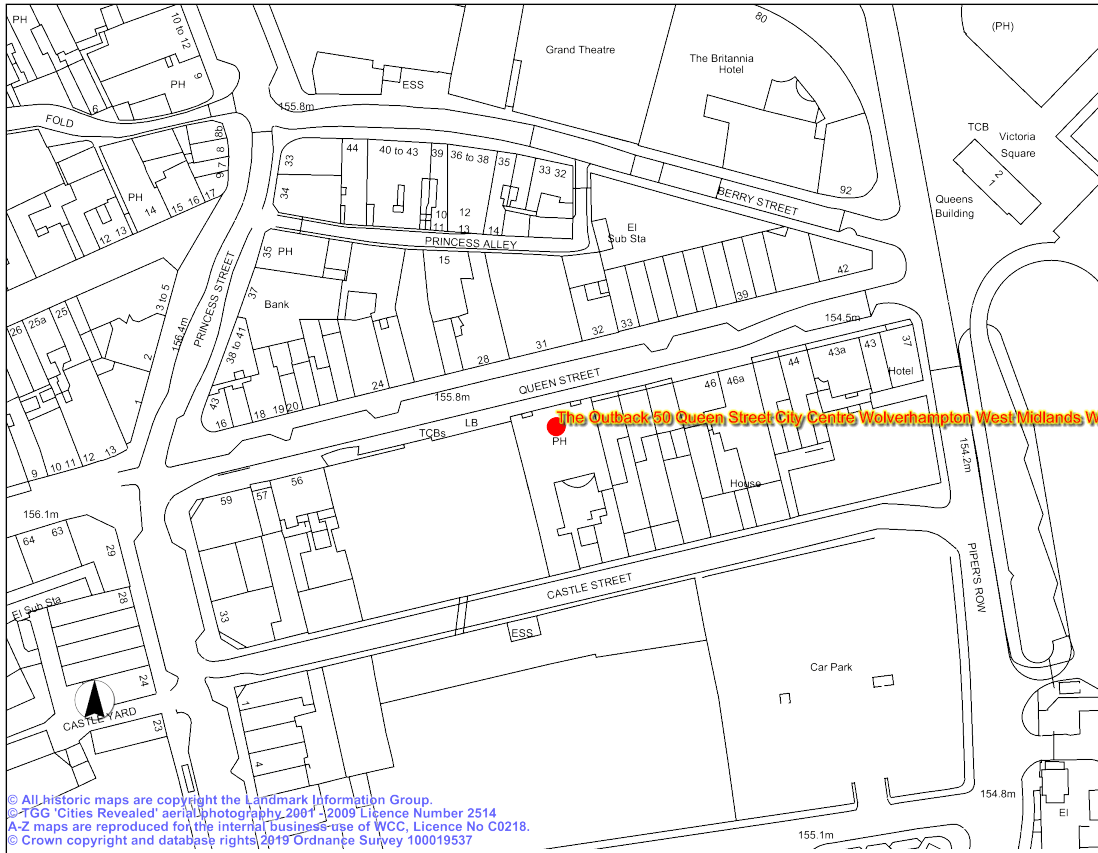
Signature of applicant:



Date: **28th January 2019**

Rank/Capacity: **Superintendent for Local Policing, Wolverhampton NPU**





CITY OF  
WOLVERHAMPTON  
COUNCIL

*The Outback, 50 Queen  
Street, Wolverhampton,  
WV1 3BJ*

Wolverhampton City Council  
Asset Management  
Civic Centre  
St Peters Square  
Wolverhampton  
WV1 1RL

Plan Produced  
29.1.2019  
Scale 1:1,250

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[Redacted]

**From:** Dianne Slack  
**Sent:** 29 January 2019 18:20  
**To:** [Redacted]  
**Subject:** RE: Expedited Summary Review - The Outback, 50 Queen Street, City Centre, WV1 3BJ- PRE324

[Redacted]

Dear Mrs Chonk

I wish to support the expedited review application made by West Midlands Police, on behalf of Trading Standards as a Responsible Authority.

The issues raised by West Midlands police show a blatant disregard to the licensing objective of preventing crime and disorder, by the Management of Outback. The management failed to inform the police (despite previous assurances) of who the performers were going to be, so a full risk assessment could be considered beforehand.

I understand one of the performers on the night in question was [Redacted]. Although this is not a direct Trading Standards matter I have to consider the licensing objective of Protecting Children from Harm. I have grave concerns that such performers as [Redacted] who is rising in popularity and currently number [Redacted] in the music charts with "[Redacted]" attract a young audience. Viewers to 'You Tube' can see that young people are clearly attracted and wound up by this genre of music. There is no evidence that minors were in the venue on this occasion but two 15 year olds were arrested outside the premises following the serious assault. I believe that the Management of Outback by inviting such an artist to their premises is also risking the safety of young people and minors. I therefore agree that the premises licence should be reviewed.

Yours sincerely

Dianne Slack  
District Officer – Trading Standards.

Dianne Slack  
District Officer - Trading Standards  
Tel. Office: 01902 556063

[E-mail: Dianne.Slack@wolverhampton.gov.uk](mailto:Dianne.Slack@wolverhampton.gov.uk)  
City of Wolverhampton Council

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CITY OF  
WOLVERHAMPTON  
C O U N C I L

Mr Chris Howell  
Licensing Services  
City of Wolverhampton Council  
St Peter's Square  
Wolverhampton  
WV1 1SH

08 February 2019

**Application for a review of a premises licence under Licensing Act 2003**  
**The Outback, 50 Queen Street, City Centre, WV1 3BJ**

I write on behalf of the Licensing Authority as a Responsible Authority. I write in support of the above review application made by Chief Constable of West Midlands Police. Representations are made against Crime and Disorder and Public Safety licensing objectives the failure of the current management of the premises to promote these objectives.

The premises licence holder, 1878 Pub Co Limited and the management of the premises have not demonstrated they are operating in accordance with their premises licence and therefore are not promoting the licensing objectives of Crime and Disorder and Public Safety.

On 28 January 2019, West Midlands Police submitted an expedited review application due to an event taking place at the premises which resulted in a member of the public receiving multiple stab wounds.

On 30 January 2019, the Licensing Sub-Committee determined interim steps were necessary and resolved to suspended the premises licence pending the full review hearing.

The Licensing Authority has great concern over 1878 Pub Co Limited and the management of the premises as from the evidence provided by the West Midlands Police, it is apparent that serious crime and serious disorder has occurred at the premises.

If Councillors are satisfied that illegal activities have taken place at the premises and are in breach of promoting the licensing objectives, the Licensing Authority would request the Licensing Sub-Committee ensure these issues are addressed by considering modification of the current premises licence in accordance with section 52 of the Licensing Act 2003 and guidance issued by the secretary of state under 182 of the Act together with City of Wolverhampton Councils Statement of Licensing Policy.

Councillors may conclude from the evidence given within the review application and at the hearing in order to promote the licensing objectives it is necessary to remove the current management, namely Cheryl Davis and Abdul Matli being the designated premises supervisor and the manager respectfully or modification of the premises licence to ensure the current management of the premises fully understands their roles and responsibilities in order to address Crime and Disorder and Public Safety licensing objectives.

The Licensing Authority fully supports the review application brought by West Midlands Police and concludes the above issues should be resolved in order to promote the licensing objectives of Crime and Disorder and Public Safety.

I shall be in attendance at the hearing should councillors have any questions or require any further assistance.

Yours Sincerely



Mrs Elaine Moreton  
Section Leader  
On behalf of the Licensing Authority

Direct: 01902 552772  
Email: [licensing@wolverhampton.gov.uk](mailto:licensing@wolverhampton.gov.uk)

Copy: Premises Licence Holder / Designated Premises Licence Holder