

**APPLICATION FOR THE REVIEW OF A
PREMISES LICENCE OR CLUB PREMISES
UNDER THE LICENSING ACT 2003**

**Wolverhampton
City Council**



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

Postal address of premises or, if none, ordnance survey map reference or description	
The Harp Inn Walsall Street	
Post town Wolverhampton	Post code (if known) WV1 3LP
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Garnett MCLEAN	
Number of premises licence or club premises certificate (if known)	
WN/14/01354/PRE	

Part 2 - Applicant details

I am

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

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(please complete (A) below)

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

Please tick ✓ yes

Mr Mrs Miss Ms Other title PC
(for example, Rev)

Surname

Harvey

First names

Mitchell

I am 18 years old or over

Please tick ✓ yes
X

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

C/o Bilston Street, Wolverhampton Central Police Station,
Bilston Street
Wolverhampton
WV1 3AA

Post town

Wolverhampton

Post Code

WV1 3AA

Daytime contact telephone number

01902 649085

**E-mail address
(optional)**

wv_licensing@west-midlands.pnn.police.uk

(B) DETAILS OF OTHER APPLICANT

Name and address

N/A

Telephone number (if any)

N/A

E-mail address (optional)

N/A

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 1080 HARVEY. West Midlands Police Wolverhampton Central Police Station, Bilston Street, Wolverhampton. WV1 3AA.
Telephone number (if any) 101 ext 871 3194 or 01902 649085
E-mail address (optional) wv_licensing@west-midlands.pnn.police.uk

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

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

This review is sought under The Prevention of Crime and Disorder and Public Safety licensing objectives.

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

West Midlands Police believe the Premises Licence Holder and Designated Premises Supervisor Mr Garnett MCLEAN, has demonstrated an obvious and deliberate failure to uphold the conditions on the premises licence or sufficiently uphold the licensing objectives. Police will evidence this in a serious incident of crime and disorder that took place at the premises during the early hours of Saturday 16th of January 2016.

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

The Harp Inn public house is situated on Walsall Street, Eastfield, Wolverhampton. It is an outer city property that is predominantly surrounded by industrial units with a small cluster of residential housing nearby. The venue has a small patron capacity and caters mainly for the late night time economy on Friday and Saturday nights. The hours of trading are Monday to Thursday 11:00hrs to 00:00hrs and Friday to Sunday 11:00hrs to 03:30hrs. Alcohol sales are between 11:00hrs to 23:00hrs Monday to Thursday and 11:00hrs to 03:00hrs Friday to Sunday.

The premises licence holder and designated premises supervisor is Mr Garnett MCLEAN. He has been in post since around the 17th of December 2015, when he took over from the previous owners Isaac GREEN and Afiyah DALILA. Mr MCLEAN holds a current valid personal licence; reference number 0329205 issued by Wolverhampton City Council.

The circumstances of the incident are as follows:

On Saturday the 16th of January 2016 at 03:52 hours, a log was received from an anonymous source informing police control that there was a disorder at The Harp Inn. The source advised that local gangs were involved and names the "Whitmore Reans Crew" being involved in a large fight. Officers immediately attended the location, to find no fight taking place and the premises closed.

Log 379 – 16/01/2016 refers. 14 police officers which included two armed response units were deployed to this incident.

A copy of this log is attached to this application.

It is believed that this information was passed to a mobile police patrol, hence the time it was reported being somewhat later to what has been recorded on the premises CCTV system.

A subsequent investigation was launched the following day and officers from the Wolverhampton Specialist Gangs unit attended The Harp Inn to view the CCTV footage.

CCTV footage was provided by Mr MCLEAN from the venue that shows an altercation, from several different camera angles.

Officers that have attended have viewed the CCTV and have provided a statement of evidence attached to this application.

In summary, officers from the Gangs unit have identified numerous members of two distinct urban street gangs, the "Fire Town Crew" from Heathtown and the "Whitmore Reans Crew" from Whitmore Reans. Amongst both sets of gangs are junior and also more prominent, elder gang members.

The footage provided by the venue spans a period from 03:00 hours to 03:45 hours. It seems to show a very busy, late night establishment.

At around 03:20 on the footage, the lights come on in the premises which seem to start to wind down and people begin to leave. It is following this that a senior member

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of the "Fire Town Crew" swings a vicious and unprovoked punch at a prominent member of the "Whitmore Reans Crew".

This single punch knocks the victim to the floor, he is clearly dazed and had to be helped back to his feet by his friends.

Throughout this time, his assailant and his group who have since left the venue, are outside remonstrating and pushing against the door supervisor in an effort to get back inside. This door supervisor was later identified as Mr MCLEAN.

The footage also shows disorder in the bar area where the punch took place with colleagues of the attacked male seemingly remonstrating amongst themselves. The victim himself also punches one of the beer pumps on the bar.

More alarmingly, the footage also shows what appears to be some kind of weapon being passed between the attacked male and his colleagues. It is very clear from the reaction of the bar staff who seem to bring the matter to the attention of a nearby security officer, that they have also seen this object and do nothing else but watch. The weapon is highlighted further when at one point when the assault victim drops his coat; the object is on open display. Members of the public look at the object and begin to back away.

At this point with an assault having already taken place, on-going disorder and with the potential for serious escalation of violence, we would have expected a responsible person who, with the licensing objectives of the prevention of crime and disorder and public safety in mind, such as the DPS, to have contacted the police for assistance. No such call was made.

On Saturday the 16th of January 2016, an intelligence log was submitted by an officer who received information regarding the incident.

It states that there was a disorder at The Harp Inn between members of the Heathtown Crew (FTC) and Whitmore Reans. It is believed several nominals present were in possession of knives which were used to threaten but not actively used. A copy of this intelligence log is attached to this application.

It is apparent from CCTV footage that Mr MCLEAN witnessed the assault and subsequent disorder take place and although he stopped the instigator from returning to the premises, the matter is never reported to police. In fact there was no call made to any of the emergency services from anyone at the premises at any stage.

This raises concerns as to the appropriateness of Mr MCLEAN to run this venue and have members of the public as patrons when there is a real risk posed towards public safety.

The investigation into this assault is live and on-going at the time of writing and the offender is actively being sought by police. Any assault that provides temporary loss of sensory functions for example, loss of consciousness, is categorised under S.47 of the offences against the person act which attracts a sentence of up to 5 years in prison. Under the Licensing Act 2003, this is defined as serious crime that has taken place at The Harp Inn.

Wolverhampton police licensing were provided with the footage and a licensing investigation has taken place.

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On top of the incident already described above, police licensing also uncovered a very concerning breach of the premises licence conditions in particular in relation to the previous premises licence holder and designated premises supervisor, Isaac GREEN and Afyah DALILA.

On the 8th of December 2015, Wolverhampton City Council legal services, along with Mr MCLEAN and Isaac GREEN signed a consent order, agreeing to certain conditions on the premises licence. This was a negotiation that took place following the revocation of the premises licence on September 16th 2015.

The agreed conditions are:

- 1) **Isaac GREEN to be excluded from the premises at all times, including outside licensable hours, unless by prior agreement with West Midlands Police.**
- 2) **Afyah DALILA to be excluded from the premises at all times, including outside licensable hours, unless by prior agreement with West Midlands Police.**
- 3) **That all current licensable activities as at 08/12/2015 be reduced by half an hour at the end of those licensable hours.**

A copy of the consent order is attached to this application.

Wolverhampton police licensing have identified that Isaac GREEN and Afyah DALILA are present on the night of this incident. Ms DALILA can be seen actively working behind the bar serving customers during the premises operating hours. Footage from later in the same night shows Mr GREEN working after the premises is closed collecting glasses, cleaning and tidying.

On Wednesday the 20th of January 2016, Wolverhampton police licensing conducted an interview with Mr MCLEAN.

This interview can be summarised as follows:

Mr MCLEAN confirms that he is the licensee and premises licence holder. He states he took over the premises around the 17th of December 2015 but had occasionally worked there previously in a security capacity. Mr MCLEAN confirms that he runs the premises and states he is there every day to make sure everything is alright. He cleans, stocks and has overall responsibility for the staff.

Mr MCLEAN confirms that he was working on the night in question and saw two males arguing on the dance floor. The males went their separate ways and he asked one to leave the premises. As he was walking towards the door, the male lunged at the other and connected with a punch.

Mr MCLEAN was asked to identify the staff behind the bar, he named one as "Sata" and described her as the bar supervisor who had worked there before he took over. He stated that he did not know the names of the other staff as "Sata" deals with them. He states they are on the pay roll; he pays "Sata" who pays the other bar staff. Mr MCLEAN was then asked to identify two other males that are shown on the footage. One is named as the DJ and the other is identified as Mr GREEN. He describes Mr GREEN as the man who used to run the place before he took over and who lives upstairs. He claims that Mr GREEN had come to collect his mail. Mr

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MCLEAN states that he has told Mr GREEN not to come to the premises during opening hours, but that Mr GREEN has nothing to do with the premises. He claims that Mr GREEN doesn't mind chipping in and helping with the tidying but that he does not receive any payment.

Mr MCLEAN was asked why no call was made to the police concerning the assault that took place and he stated that it was a one off thing and he did not feel it would escalate.

Mr MCLEAN was then shown a copy of the consent order. He confirmed his signature and agreed that the conditions shown, are what he signed to.

Mr MCLEAN was asked directly why Isaac GREEN and Afiyah DALILA were on the premises working when they are specifically excluded. He claimed that Mr GREEN arrived afterwards and that Ms DALILA was passing through and he asked her to stay to help out as it was so busy. He confirmed that he had lied when he said he did not know the staff behind the bar. Mr MCLEAN confirms that he understands he has breached his licence.

Not only is this latest incident a matter of serious crime and serious disorder during the operating hours of the venue, we feel that it demonstrates a complete lack of integrity on the part of Mr MCLEAN who is blatantly and actively ignoring the consent order he signed just a few weeks ago by allowing Isaac GREEN and Afiyah DALILA to be present at the location.

It is apparent that Mr MCLEAN is complicit with the already proven ineffective management of the venue, Isaac GREEN and Afiyah DALILA.

Police licensing have no confidence that Mr MCLEAN is willing to uphold the licensing objectives.

West Midlands Police are gravely concerned regarding the latest incident at The Harp Inn. Due to the nature of the urban street gangs involved in this disorder, there is a real and credible threat of violent repercussions. The fact that these gangs use this venue as a late night drinking establishment, lends itself to the danger of them meeting again. The risk to public safety is too great to not address this matter immediately and certainly before the period of anticipated trading this coming weekend.

On this basis police licensing will be seeking an immediate suspension of the premises licence pending the evidence gathering prior to full review.

If the committee should decide to allow the venue to continue trading during this period, West Midlands Police would ask for very specific interim measures to promote safety at the premises.

However, police feel that the only way to guarantee the promotion of public safety and the prevention of crime licensing objectives, is to suspend the licence.

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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
2	0	08
2	0	15

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

West Midlands Police bought an expedited review of the premises on the 20th of August 2015 following an incident of serious crime and disorder. This particular matter involved the previous premises licence holder and designated premises supervisor.

The matter was heard by the licensing sub-committee on the 21st of August 2015. The decision of the sub-committee was to invoke interim measures and suspend the premises licence pending the full hearing.

On the 16th of September 2015, the full review hearing was held. After hearing all of the evidence, the sub-committee decided to revoke the premises licence.

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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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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 **20th January 2016**

.....

Capacity **Responsible Authority (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)

West Midlands Police
Wolverhampton LPU
Wolverhampton Police station
Bilston Street
Wolverhampton

Annex A

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 both serious crime and serious disorder.

**The Harp Inn
Walsall Street
Eastfield
Wolverhampton
WV1 3LP**

Premises licence number (if known): **WN/14/01354/PRE**

Name of premises supervisor (if known): **Mr Garnett MCLEAN**

I am a superintendent in the West Midlands Police. I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because procedures such as a standard review process are not thought to be sufficient to promote public safety or the prevention of crime licensing objectives due to the seriousness of the crime and / or disorder with this case.

Name: Keith FRASER

Signature: 

Rank: Superintendent

Date: 20th January 2016

**Incident 379 of 16/01/2016**

URN	Date	Owner	LPU beat
379	16/01/2016 03:52	WVR2	WVLF
Initial classification	Response	Last updated	Status
DISORDER	IMMEDIATE	16/01/2016	CLOSED
Reported by	IN PERSON		
Caller	ANON		
Caller Address			
Caller Phone	Ex-Directory		
Location	HARP INN PH WALSALL STREET CITY CENTRE, WOLVERHAMPTON, WEST MIDLANDS		
OSGR	392287,298442		
Incident Detail	DISORDER - WHITMORE REANS CREW MAY BE INVOLVED		
Warning Markers			
Crime Number			

Log updates

Date	Time	User	Terminal	Text
16/01/2016	03:52	4220	YM1	Routed To Radio Operator(s)
16/01/2016	03:52	1106	WVR2	Incident Transfer Accepted by terminal WVR2
16/01/2016	03:53	50641	WVR3	Incident Brief Details Amended from :
16/01/2016	03:53	50641	WVR3	[DISORDER - WHIT MARINE CREW MAY BE INVOLVED]
16/01/2016	03:53	50641	WVR3	WVM65 Automatic STM Notification generated
16/01/2016	03:53	50641	WVR3	WVM65 Despatched
16/01/2016	03:53	1106	WVR2	WVM65 Already Despatched
16/01/2016	03:53	50641	WVR3	WVM61 Redeployed from Incident 331 16/01/16
16/01/2016	03:53	50641	WVR3	WVM61 Automatic STM Notification generated
16/01/2016	03:53	50641	WVR3	WVM61 Despatched
16/01/2016	03:53	57504	YMR2	AD62 Automatic STM Notification generated
16/01/2016	03:53	57504	YMR2	AD62 Despatched
16/01/2016	03:53	4220	YM1	LARGE FIGHT OCCURRING, NO WEAPONS SEEN BUT BELIEVED
16/01/2016	03:53	4220	YM1	THIS IS BETWEEN THE OCG CREW OF WHIT MARINE
16/01/2016	03:54	50641	WVR3	WVM61 Arrived at Incident
16/01/2016	03:54	50641	WVR3	Resource at Scene - Processing Abandoned
16/01/2016	03:54	57589	YM3	ZT22 Automatic STM notification generated
16/01/2016	03:54	57589	YM3	ZT24 Automatic STM notification generated
16/01/2016	03:54	57589	YM3	ZT22 Allocated to Incident
16/01/2016	03:54	57589	YM3	ZT24 Allocated to Incident

16/01/2016	03:54	57589	YM3	ZT22/24 TACTICALLY RELOCATING ONLY AT THIS TIME
16/01/2016	03:55	0	Airwave	WVM65 Arrived at Incident
16/01/2016	03:55	0	Airwave	WVM65 Left Incident
16/01/2016	03:55	50641	WVR3	NO FIGHT AT ALL. THE HARP INN IS ALL LOCKED UP. MAY
16/01/2016	03:55	50641	WVR3	BE F&M
16/01/2016	03:56	1106	WVR2	All Resources Leave Scene/Dispatch Cancelled etc
16/01/2016	03:56	1106	WVR2	WVM61 Arrived at Incident
16/01/2016	03:56	1106	WVR2	REMAINING IN AREA
16/01/2016	03:56	1106	WVR2	WVM65 Arrived at Incident
16/01/2016	03:57	57589	YM3	ZT24 Not attached to this Incident
16/01/2016	03:57	4220	YM1	ZT22 RELOCATING IN AREA IN CASE THERE ARE
16/01/2016	03:57	4220	YM1	REPERSUSSIONS... SEEMS POCKETS OF FIGHTS HAVE
16/01/2016	03:57	4220	YM1	OCCURRED THROUGH THE EVENING.
16/01/2016	04:02	1106	WVR2	NOTED
16/01/2016	04:08	0	Airwave	WVM65 Left Incident
16/01/2016	04:08	1106	WVR2	WVM65 Not attached to this Incident
16/01/2016	04:13	1106	WVR2	WVS21 Arrived at Incident
16/01/2016	04:14	1106	WVR2	Incident Transfer Enquiry - No Action
16/01/2016	04:34	3299	WebOASIS	PREMISES APPEARS CLOSED THERE ARE ONLY A COUPLE OF
16/01/2016	04:34	3299	WebOASIS	CARS PARKED NEARBY NO SIGNS OF ANY PERSONS OR
16/01/2016	04:34	3299	WebOASIS	DISORDER
16/01/2016	04:35	50641	WVR3	All Resources Leave Scene/Dispatch Cancelled etc
16/01/2016	04:35	50641	WVR3	Incident Closed By Terminal WVR3
16/01/2016	04:35	50641	WVR3	Incident End (Result / Close)

Resources

Rank	Name	Collar No	Dispatched	Arrived	Left	Cancelled	Informed	Informed Cancelled	Dealt With	Call Sign
PC	BARYANA	<u>20662</u>	3:53	3:55	3:55					WVM65
PC	POULTON	<u>9121</u>	3:53	3:55	3:55					WVM65
PC	PAUL	<u>22173</u>	3:53	3:54	3:56					WVM61
PC	DAVIES	<u>7283</u>	3:53	3:54	3:56					WVM61
PC	DEAN	<u>6775</u>	3:53			3:56				AD62
PC	BRENTON	<u>20901</u>					3:54	3:56		ZT22
PC	BRADBURN	<u>3253</u>					3:54	3:56		ZT22
PC	FORD	<u>21007</u>					3:54	3:56		ZT24
PC	HUGHES	<u>6135</u>					3:54	3:56		ZT24
PC	PAUL	<u>22173</u>		3:56	4:35					WVM61
PC	DAVIES	<u>7283</u>		3:56	4:35					WVM61

PC	BARYANA	<u>20662</u>	3:56	4:08	WVM65
PC	POULTON	<u>9121</u>	3:56	4:08	WVM65
PS	YAPP	<u>3299</u>	4:13	4:35	WVS21

PNC Results

No PNC checks have been made against this incident

Incorrect use of this facility may be an offence under the Computer Misuse Act 1990 and the data displayed is subject to the provisions of the Data Protection Act 1998.

For further information please see the WebOASIS Help page.

WITNESS STATEMENT

Page No

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of Lee Price

Age if under 18 0/18 (if over 18 insert 'over 18').

Occupation Police Officer

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Signature

Date: 20/01/16

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Detective Constable 8359 Lee Price of West Midlands Police, currently stationed at Wolverhampton Central Police Station on the Gangs Offender Management Team.

On 17th January 2016 I was on duty in company with PC 7161 Holden. We attended the Harp Inn Walsall Street, Wolverhampton to speak with staff following reports of some Gang related disorder that has occurred at the venue during the early hours of 16/01/16 (Friday night out in to Saturday morning).

I watched some CCTV footage at the venue initially and could clearly see that a large number of Urban Street Gang Members from 'The Firetown Crew' from Heath Town were present. There were a number of younger Heath Town Gang nominals at the venue, who use the Gang name 'The 623.'

Also in the venue were nominals from the Reans Crew, who are an Urban Street Gang from the Whitmore Reans area of Wolverhampton.

At 03:27:36 on the footage, I saw a main member of the Firetown Crew from Heath Town leave the dance floor area, walk down the entrance hall and enter what I would describe as the small bar. He punched a main member of the Reans Crew square in the jaw, knocking him flat on his back. The Firetown assailant retreated and went straight outside. The injured party was clearly shaken and did not seem to know where he was. He was on the ground for some time and was helped up by his friends, looking extremely dazed.

The Firetown Crew members have followed the assailant outside, with one or two laughing at what had occurred. The assailant made another attempt to get at the victim, pushing his way through the venue main door but being held back by his friends at the door to the small bar. The Firetown group milled around outside the venue and moved to the top extremity of the footage by the road at the front of the venue.

Sometime later, the victim appears to have got himself together, leaving the venue very angrily, being held back by a number of his friends. It is clear from the outside footage that some type of incident went on off camera, as there is a crowd of people standing and watching.

Signature

Signature Witnessed By

2006/07(1)

Intelligence Report:

Log Reference	Owner	Source	Log Date	Subject	Sub Header	Report Text
5580/16	IWW		16 Jan 2016	VIOLENCE/DISORDER	DISORDER	DURING EARLY HOUSE OF SATURDAY 16TH JANUARY 2016 THERE WAS A DISORDER AT THE HARP INN PUBLIC HOUSE, WALSALE STREET, WOLVERHAMPTON BETWEEN MEMBERS OF THE HEATH TOWN CREW AND WHITMORE REANS. IT IS BELIEVED SEVERAL INDIVIDUALS WERE IN POSSESSION OF KNIVES WHICH WERE USED TO THREATEN BUT NOT ACTIVELY USED. RESEARCH: LOG 379 OF 16/01/2016 MAY REFER TO THE SAME INCIDENT.

BETWEEN

Isaac Green/Garnett McLean
(THE HARP INN)

Appellant

and

WOLVERHAMPTON CITY COUNCIL

Respondent

CONSENT ORDER

UPON the parties agreeing the conditions in appendix 1 attached to this Order

AND UPON the parties agreeing that the said conditions are to be inserted into the Operating Schedule of the premises licence;

BY CONSENT IT IS ORDERED THAT;

1. The case be remitted back to the Licensing Authority for the licence to be amended with the agreed conditions attached hereto
2. All further proceedings in this action be stayed upon the terms set out in this Consent Order.
3. Each party will have permission to apply to the Court to enforce those terms without the need to bring a new claim.
4. Each party shall bear its own costs.
5. The hearing of the Appeal listed for 11 December 2015 be vacated

We hereby consent to an order in the above terms We hereby consent to an order in the above terms

Council Solicitor

Wolverhampton City Council
Civic Centre
St Peter's Square
WV1 1RG

£

Garnett McLean

Isaac Green

The Harp Inn
Walsall Street
Wolverhampton
WV1 3LP

APPENDIX 1

CONDITIONS of Premises Licence for The Harp Inn, Walsall Street, Wolverhampton, WV1 3LP

- 1. Isaac Green be excluded from the premises at all times, including outside licensable hours, unless by prior agreement with West Midlands Police.**
- 2. Afiya Dalia be excluded from the premises at all times, including outside licensable hours, unless by prior agreement with West Midlands Police.**
- 3. That all current licensable activities as at 08/12/15 be reduced by half an hour at the end of those licensable hours.**

RECORD OF TAPED INTERVIEW

ROTI / ROVI / CONTEMPERANEOUS NOTES (Delete as applicable)

Person Interviewed	Mr Garnett Mclean	URN
Place of interview	Wolverhampton Police Station	Police Exhibit No. MJH / 1
Date of Interview	Wednesday 20 th January 2016	Sig _____ bit
Time Commenced	09:25 hours	
Time Concluded:	10:30	Duration of interview 1 hour 5 minutes
Audio Tape Reference No.		Visual Image Reference No.
Interviewer(s)	PC 1080 Mitch HARVEY	
Other persons present:	N/A	

Tape Counter Time	Person Speaking	Text
-------------------	-----------------	------

1080 Introductions – Caution given and explained.

1080 Can you please confirm your current job role and title?

GM LICENSEE AND PREMISES LICENCE HOLDER AT THE HARP INN.

1080 How long have you worked there?

GM I TOOK IT ON THE 17th DECEMBER 2015 I HAD DONE SECURITY WORK THERE BEFORE BUT ONLY EVERY NOW AND THEN.

1080 What day to day involvement do you have with the premises?

GM I RUN IT. I AM THERE EVERYDAY, MAKING SURE EVERYTHING IS ALRIGHT. I CLEAN UP, STOCK AND HAVE OVERALL RESPONSIBILITY FOR THE STAFF.

1080 Who looks after the CCTV system?

GM ONE OF THE BARMAIDS KNOWS HOW TO USE IT. WHEN I NEED SOMETHING, I ASK HER AND SHE DOES IT.

1080 Is the time and date stamp correct?

GM THE DATE IS RIGHT BUT THE TIME MIGHT BE OUT BY HALF AN HOUR. I CAN'T REMEMBER IF IT'S EARLY OR LATE.

Signature:

Person Interviewed	Mr Garnett Mclean	URN	
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1080 Are you aware of the reason why I have invited you here?

GM TO DISCUSS THE CCTV RELATING TO THE INCIDENT LAST WEEKEND. GM

1080 Tell me what happened during the early hours of Saturday the 16th of January 2016?

GM I WAS WORKING ON THE NIGHT. I SAW TWO GUYS ARGUING ON THE DANCEFLOOR. I WENT ROUND TO SEE WHAT WAS GOING ON. THE PEOPLE ARGUING WENT OFF IN OPPOSITE DIRECTION I ASKED ONE TO LEAVE THE PREMISES AND HE WALKED TOWARDS THE DOOR. AS I HELD THE DOOR OPEN FOR HIM TO GO, THE OTHER ONE HAS COME ROUND THE OTHER WAY INTO THE BAR. THE MAN GAVE FOR THE DOOR SLAPPED BACK INTO THE BAR AND PUNCHED THE OTHER. GM

1080 What time is the venue licensed until?

GM 03:30 GM

I am now going to show you some footage from the CCTV system from the early hours of the 16th of January 2016, there are a few questions I will ask during the viewing.

1080 Who are the women working behind the bar?

GM SATA IS IN THE PINK SHIRT. I DON'T KNOW HER LAST NAME. SHE IS THE BAR SUPERVISOR AND SHE DEALS WITH EMPLOYING BAR STAFF. SHE WAS WORKING THERE BEFORE I TOOK OVER. I DON'T KNOW THE NAMES OF THE OTHERS. GM

1080 What are their roles at The Harp?

GM SATA IS BAR SUPERVISOR, SHE RUNS THE BAR AND BAR STAFF. THE YOUNG LADY IN THE WHITE TOP IS TRAINING. I DON'T KNOW WHO THEY ARE OR REMEMBER THEIR NAMES. GM

1080 How long have they worked there?

GM I DON'T KNOW BUT DEFINATELY BEFORE I TOOK OVER. GM

Signature:

09/2011

Person interviewed Mr Garnett Mclean

URN

1080 Are they on the payroll?

GM YES, CASH IN HAND. I PAY SARA, SHE PAYS THEM. GM

1080 The next set of footage is from later on in the night and people are clearing up. Can you identify yourself in this footage?

GM YES, STOOD NEXT TO SARA. GM

1080 Who are the two males that have just appeared on the footage?

GM THE DJ IS THE CHAP ON THE PHONE, I ONLY KNOW HIM AS COUNTRY. THE OTHER MAN IS MR GREEN. HE USED TO RUN THE PLACE BEFORE I TOOK OVER AND LIVES UPSTAIRS. HE HAD COME TO GE

1080 What are their roles at The Harp? HIS MAIL. GM

GM THE DJ WAS DOING THE MUSIC, MR GREEN HA NOTHING TO DO WITH THE PLACE. I'VE TOLD HIM NOT TO COME DURING OPENING HOURS. GM

1080 Are they on the payroll?

GM THE DJ GOT PAID ON THE NIGHT BUT HE'S NOT REGULAR STAFF. MR GREEN IS NOTHING TO DO WITH IT. GM

END PAGE

This footage now skips back to 03:10 hours and shows the front door. There is a door supervisor there and as you will see, he is letting people in and out of that door.

1080 Why is the knife arch not in use?

GM THE KNIFE ARCH IS USED UP UNTIL 0230. WHEN WE STOP LETTING PEOPLE IN, WE MOVE IT AS IT BLOCKS THE BAR DOOR. GM

1080 At what point in the night was it propped against the wall?

GM BETWEEN 0230 AND 0300. GM

1080 Was the knife arch used at all during that evening?

GM YES. IT WENT UP AROUND 0100, IT DEPENDS HOW BUSY WE ARE. GM

1080 Why is no-one being searched entering this venue?

GM I'M OUTSIDE SEARCHING BEFORE THEY COME IN. GM

1080 Why was no phone call made to Police regarding this incident from anyone at the venue?

GM BECAUSE IT WAS A ONE OFF THING AND I DIDN'T SEE THAT IT WOULD ESCALATE. GM

Signature:

09/2011

Person Interviewed	Mr Garnett Mclean	URN	
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I am now showing you a copy of the consent order agreed on the 8th of December 2015.

1080 Can you confirm that is your signature on the consent order?

GM YES IT IS GM

1080 Can you confirm that the conditions agreed by you at Appendix 1, are what you agreed and signed to back in December?

GM YES GM

1080 Why were Isaac GREEN and Afiyah DALILA on the premises, clearly working during the early hours of the 16th of January 2016 when they are both specifically excluded as part of the licence conditions?

GM MR GREEN CAME IN AFTERWARDS. TO BE HONEST WITH YOU AFIYAH WAS PASSING THROUGH AND I ASKED HER TO STAY AND WORK AS IT WAS VERY BUSY. SHE HAD COME TO PICK SOMEBODY UP AND THAT'S WHEN I ASKED HER. I AGREE I LIED WHEN I SAID I DIDN'T KNOW WHO WAS BEHIND THE BAR. GM

1080 Do you understand that breaching the conditions of the consent order is essentially breaching the conditions of your licence?

GM YES. GM

1080 Is there anything further you wish to add, ask or clarify?

GM NO, NOTHING. GM

Signature:

09/2011

Person Interviewed Mr Garnett Mclean

URN

1080 Please sign to confirm I have handed you a copy of the CCTV disc of footage that I have just shown you :

Please sign to confirm that you have had the opportunity to read the above questions and answers and that you agree it is a true reflection of the interview

...

(*) 1080 THE FOOTAGE SHOWS MR GREEN TIDYING UP, GETTING A BROOM AND VACUUM AND COLLECTING GLASSES. WHY IS THAT? MA
GM HE LIVES THERE AND HE DOESN'T MIND CHIPPING IN AND HELPING TO TIDY THING UP BUT HE DOESN'T GET PAID. *GM*

Signature:

08/2011

Premises Licence

Issued in accordance with The Licensing Act 2003

Name of Premises: The Harp Inn

Address of Premises: The Harp
Walsall Street
Eastfield
Wolverhampton

Premises Licence Number: WN/14/01354/PRE- Premises Licence Variation

Date of Last Update: 6th June 2014

1. Opening hours of the premises

Normal Hours: Monday to Thursday 1100hrs to 0030hrs
Friday to Sunday 1100hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

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

Activity: Recorded Music

Normal Hours: Monday to Thursday 1100hrs to 2330hrs
Friday to Sunday 1100hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Facilities for dancing

Normal Hours: Monday to Thursday 1100hrs to 2330hrs
Friday to Sunday 1100hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Late Night Refreshment

Normal Hours: Monday to Thursday 2300hrs to 2330hrs
Friday to Sunday 2300hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Sale/Supply of alcohol on the premises

Normal Hours: Monday to Thursday 1100hrs to 2330hrs
Friday to Sunday 1100hrs to 0330hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Sale/Supply of alcohol off the premises

Normal Hours: Monday to Saturday 1000 to 2230hrs
Sunday 1200 to 2230hrs

Seasonal Variations: None

Non Standard Hours: Good Friday 1200 to 2230hrs
Christmas Day 1200 to 1500 & 1900 to 2230hrs

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

Afiya Dalila

Personal Licence Number – PER2254

Issued by - Wolverhampton City 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

Isaac Green

65 Junction Road

Bilston

Wolverhampton

WV2 2PB



N.P. Edwards

**Assistant Director - Regeneration
On behalf of Wolverhampton City Council**

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:
- (2) The first condition is that no supply of alcohol may be made under the premises licence:-
- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions where the licence authorises supply of alcohol: 2010

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.— (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Mandatory Licensing Condition banning the sale of alcohol below the cost of VAT and duty: 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iv) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed:-

- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licence authorising plays or films), or
- (b) In respect of premises in relation to –
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purpose of this section:-

- (a) "Security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and
- (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Conditions consistent with the Operating Schedule

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

This licence is granted subject to any restrictions imposed on the use of the premises by the following enactments:

- Children and Young Persons Act 1933
- Cinematograph (Safety) Regulations 1955
- Licensing Act 1964
- Sporting Events (Control of Alcohol Etc) Act 1985

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.

General

- I fully train my staff and am committed to continue doing this.
- All staff are aware of the Law in relation to underage drinking and the accompaniment of Children by Adults onto licensed premises

The prevention of crime and disorder

- All staff are trained to be vigilant and to be able to identify possible problems before they escalate.
- We regularly employ between 2-4 Fully Licensed door staff depending on the anticipated crowd size.
- The licensed area will be covered by CCTV.
- All tapes shall be retained for at least one month and shall be kept at the premises.

Variation dated 06/06/2014

- A CCTV system with recording equipment shall be installed and maintained at the premises.
- CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to where public have access and the immediate vicinity outside the premises.
- Images/recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without any undue delay.
- Images and recordings must be of evidential quality, must indicate the correct time and date and be kept for at least 31 days.
- All staff to be trained to use the CCTV system and at least one member of staff to be on duty who is trained to download the systems images should any member of a Responsible Authority make a request.
- An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate the incident must be reported to West Midlands Police. Incident log book to be produced to a member of a Responsible Authority upon request.
- To ensure compliance with Challenge 25 a 'refusals book' where any sale of alcohol is refused to persons who present themselves to be under age.
- All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. This training to be documented and shown to a member of a Responsible Authority upon request.

Public safety

- All staff are trained to be vigilant and to be able to identify possible problems before they escalate.
- All fire exits are clearly marked
- The capacity of the premises will be restricted to 110 persons at all times
- During discos and dances a third ladies toilet shall be made available for public use

The prevention of public nuisance

- All staff are trained to be vigilant and to be able to identify possible problems before they escalate.
- We regularly employ between 2-4 fully Licensed door staff depending on the anticipated crowd size.
- No noise nuisances will be caused to nearby businesses or residents

Variation dated 06/06/2014

- After 22:00 hours, SIA registered door supervisors, one of which will be female, shall be employed at the minimum of 1:55 customers (or part thereof) at the premises.
- A register will be maintained of all persons engaged as door supervisors to include the name and SIA number of the staff and the time and date duties commenced and finished.

The protection of children from harm

- We have designated area to children, which is a no smoking area and we also encourage a policy of no smoking at the bar.
- All staff are aware of the Law in relation to underage drinking and the accompaniment of Children by Adults onto licensed premises.

Variation dated 06/06/2014

- All staff will be trained in Challenge 25 and all appropriate ID checks will be undertaken by all staff to ensure no sale of alcohol is made to underage persons.

Plans

As submitted with application dated 06/08/2005 and retained by Wolverhampton City Council.