

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 25 May 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Gillian Wildman

Cllr Rashpal Kaur

Applicant for Review - West Midlands Police

Kayley Nixon

Sergeant Gemma Turner

Premises Licence Holder

Mr Sanjeev Parbhakar

Michelle Hazlewood

Nadia Ganeva

Solicitor

Head door supervisor

Employees

Anita Chonk

Bankole Thomas

Dave Abel

Donna Cope

Senior Licensing Officer

Solicitor

Solicitor (observing)

Democratic Services

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Exclusion of press and public

Michelle Hazlewood, Solicitor representing the Premises Licence Holder, introduced three members of the public who were present in the room. She requested that they be given the opportunity to speak in support of the Premises before the hearing went into an exempt session.

Bankole Thomas, Solicitor and Legal Advisor to the Licensing Sub-Committee, suggested that Ms Hazlewood could speak on their behalf and as the hearing was exempt, all members of the public should leave.

All parties agreed, and all members of the public withdrew from the hearing.

Resolved:

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

4 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Whitmore Reans Club Limited, Bitterne Drive, Wolverhampton, West Midlands, WV6 0QN

An application for a review of a Premises Licence in respect of Whitmore Reans Club Limited, Bitterne Drive, Wolverhampton, West Midlands, WV6 0QN had been received from West Midlands Police.

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

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

Anita Chonk, Senior Licensing and Compliance Officer provided an outline of the application. Kayley Nixon, West Midlands Police (Applicant), confirmed that the summary was accurate.

The Chair invited West Midlands Police to present their application.

Kayley Nixon, West Midlands Police, stated the grounds for review as per Appendix 3 of the report and supplementary agenda packs. She gave a detailed account of the incident and highlighted a number of licensing conditions that had been breached. She stated that the Premises Licence Holder had been complacent, and she requested on behalf of West Midlands Police, that the Premises Licence Operating Schedule be modified. She confirmed that West Midlands Police had mediated with the Premises Licence Holder and agreed a new Operating Schedule which could be found in Supplementary Agenda Pack 2.

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

The Chair invited the Premises Licence Holder to make representations. Michelle Hazlewood, Legal Representative for the Premises Licence Holder, Mr Sanjeev Parbhakar, did so. She stated that:

- Her client understood the enormity of what had happened and wanted to work with the police to ensure the promotion of the Licensing Objectives.
- Additional measures had been implemented on the night of the incident despite not being a condition of the licence.
- The event had been stopped when the disorder broke out.
- The broken CCTV camera had been repaired.
- The obscured camera had been relocated.
- A new experienced head door supervisor had been recruited.
- Appropriate clothing for the door staff had been purchased.
- Better exit signage had been installed.
- A new training document had been produced.
- The current set of licence conditions were not fit for purpose and a new replacement set had been produced and agreed with the police.
- The premises was not a problem venue. It was an asset to the community.

On behalf of her client, Ms Hazlewood asked that the interim steps be lifted, and the Premises Licence modified.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to his submission. Ms Hazlewood and her client, Mr Parbhakar, responded to questions asked.

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

Ms Hazlewood made a final statement.

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

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

The Sub-Committee adjourned at 11.54 hours.

The Hearing reconvened at 14.40 hours.

All interested parties were invited back to the meeting and the Solicitor advised them of the decision of the Sub-Committee.

Resolved:

An application had been received for a review of the Premises Licence in respect of Whitmore Reans Club Limited, Bitterne Drive, Wolverhampton, WV6 0UQ from West Midlands Police on the grounds that actions at the premises had undermined the Licensing Objectives.

An expedited review hearing had taken place on 28 April 2023 when the Licensing Sub-Committee were satisfied that a serious crime had occurred at the premises and found that interim steps were necessary. The Licensing Sub-Committee suspended the Premises Licence pending a full review hearing.

At the hearing on 25 May 2023 to review the premises licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made by persons who had spoken at the hearing and found the following facts:

They heard and read from the applicant (West Midlands Police) that:

1. On Sunday 23rd April 2023 at 0103 hours a 999 call was made to Police reporting that multiple gunshots had been fired at this licenced premises, where a wake was being held.
2. The incident was currently being investigated and it had been confirmed that at least one person received a gunshot injury. West Midlands Police are also aware of bullets hitting residential windows and vehicles, causing damage. West Midlands Police also stated that they received 5 emergency 999 calls in relation to this incident and a significant number of police resources including firearms had been dispatched to the venue and crime scene.
3. Officers in attendance reported their concerns around the large number of customers at the venue and their fears for their own and public safety.
4. Police Licensing Officers attended the location on the 25 April 2023 to speak with the licence holder Sanjeev Parbhakar. A licensing compliance check was completed where a number of breaches were observed, which included failures to adhere to CCTV and signage conditions, lack of adequate Security (SIA) conditions, and door staff searches of patrons attending events
5. Whitmore Reans Working Men's Club did not currently have any licence conditions which stipulate that they must notify West Midlands Police in advance of any up and coming events being held at this venue.
6. It was their priority to ensure the safety of the public, and to prevent crime and disorder.

7. They believed that the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety had been undermined by the way in which the premises operated and therefore wanted appropriate licensing conditions imposed.
8. In Summary West Midlands Police stated:
 - There was no quality control or supervision at these premises.
 - There was no appropriate search policy in place.
 - There was no policy on the search of females.
 - There was no appropriate monitoring of what the door staff are doing.
 - There appeared to be no use of link radios by the door security staff.
 - The Premises Licence Holder appeared not to understand the distinction between the Licensing objectives, a responsible authority and the implications of Data Protection Disclosure following a serious incident.
 - There was a failure of management to effectively risk assess the venue before the start of the event.

The Committee also heard from the Premises Licence Holder's representative and the Premise Licence Holder, Mr Sanjeev Parbhakar, who stated that:

1. The Premises catered to the older generation of the community and was usually trouble free.
2. They tended to follow all rules and procedures and have had a very successful run with the events undertaken so far, but they accepted that this incident was an opportunity to start off on a clean slate.
3. The club has a capacity of 390 people, but there had been 281 people in the club during the incident of 23/04/23.

The Licensing Sub-Committee, having listened to all the representations put forward by the police and the Premises Licence Holder, believed that a number of further options must be fully considered.

The options open to the Sub-Committee were as follows: -

- Modify the conditions
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for up to 3 months
- Revoke the licence

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

The Sub-Committee had considered the evidence presented and had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy.

The Licensing Sub-Committee were of the opinion that the review had arrested a dangerous situation in respect of the Licensing Objective of Crime and Disorder, and thus determined that it should be discharged with immediate effect.

The Licensing Sub-Committee had, on the balance of probabilities, found that in order to promote the Licensing Objectives, and the options open to it in under S52(4) Licensing Act 2003, the premises licence of Whitmore Reans Club Limited should be suspended for a period of 28 days to allow the following conditions be implemented to the satisfaction of the Councils Licensing Officer, in light of the fact that there had been no loss of life on this occasion.

In the event that the Premises Licence Holder was able to implement the following conditions earlier than 28 days, he must notify the Council's Licensing officer so that the premises could be inspected in person.

The following conditions shall therefore be implemented within the next 28 days:

1. A digital CCTV system will be put in place which covers all entry/exit points of the premises and all areas where alcohol/money is served/taken, all areas where the public have access, to include the immediate vicinity outside the premises (and any area where searches are conducted). The system must be installed and maintained in working order at the premises at all times when the premises is open for business. The system's recorded images and video must be in high definition, in colour, have the correct date and time stamp and be kept for at least 31 days unedited. The footage must enable frontal facial identification of every person entering the premises, in any light condition. At least one designated member of staff must be trained to use the CCTV system and be available to provide downloads upon request or in any case, within 24 hours of any request made. Images and video will be downloadable in a suitable format and provided to any officer of a Responsible Authority upon Immediate request.
2. An incident log shall be kept at the premises, and made immediately available on request to any authorised person of a responsible Authority which must record the following:
 - all crimes reported to the venue
 - all ejections from the premises
 - all complaints received
 - all incidents of disorder
 - all refusal of the sale of alcohol
 - all visits by a relevant authority or emergency service
 - any faults detected with the CCTV system
3. A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress. The refusals log must be kept and maintained at the premises and will be available for inspection immediately upon request by an authorised officer of a responsible Authority upon request.

4. The Licence Holder must notify West Midlands Police of the details of all pre booked events in writing at least 21 clear days before the event to include the names, contact telephone number, address, date of birth and date of the intended event in question, with details of all entertainment to be provided.
5. The Licence Holder and their staff shall co-operate with West Midlands Police to provide any further information required by the police to enable the police to arrive at an informed risk assessment and decision regarding any anticipated event to be held in the premises.
6. Any objection raised and communicated by West Midlands Police to any proposed event shall mean that the event cannot hold, so long as its decision is communicated to the Premises License holder 36 clear hours in advance by email or such other means of instantaneous communication it deems fitting.
7. SIA door supervisors, will be engaged at a ratio of 1:100 customers for all and any events including Temporary Event Notices (tens) held in the premises and must;
 - Risk assess the appropriate number of door supervisors required for all events held in the premises.
 - Ensure that all door supervisors on duty wear a uniform which clearly identifies them to the public as door supervisors, with high visibility jackets, vests, head gear and luminescent SIA Identification holder armbands.
 - Must be equipped with individual radio link communication equipment.
 - Maintain a register for all engaged door supervisors which must be signed at the start and end of any shift to include details of names, telephone numbers and badge number for all engaged staff.
 - Ensure that all door supervisors are briefed in advance of any scheduled events to include details of the event, record start and finish times, and all resources and equipment to be deployed.
 - Ensure that door supervisors are equipped with body worn videos at all scheduled events held.
 - Ensure that clear visible notices are placed at each entrance and exit of the premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of any controlled substances or weapons.
8. The Designated Premises Supervisor or Premises Licence Holder must instruct a suitably qualified Health and Safety Risk Assessor to carry out an annual risk assessment of the premises which must of necessity cover an evacuation plan, first aid providers and kits and the said report which shall be kept on record and produced on request to any authorised officer of a responsible authority.
9. The Premises Licence Holder or nominated person shall provide a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises. The Premises Licence Holder or nominated person shall ensure that security arrangements are in place where toilet areas and other similar areas are regularly checked for evidence of drugs. The date and times of all checks are to be recorded and

made available on request from an authorised officer of a responsible authority.

10. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.
11. No customer carrying open bottles shall be allowed to exist or access the premises at any time they are open to the public.
12. The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
13. All external windows and doors shall be kept closed after 22:30 hours when regulated entertainment is being provided, except in the event of an emergency and for access and egress. All exterior windows and doors shall be maintained in a good state of repair and working order.
14. The Licence Holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises is used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents.
15. A written record shall be made of those noise assessments in a logbook kept for that purpose and shall include the time and date of the checks, the name of the person making them, and the results indicating any remedial action to be taken. This record shall be made available immediately upon request by an Authorised Officer of a responsible authority.
16. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly.
17. The Licence Holder or his representative shall conduct regular checks of the premises curtilage and keep the area clean. A written record shall be made of those assessments in a logbook kept for that purpose and shall include the time and date of the checks, the name of the person making them, and the results indicating any remedial action taken. This record shall be made available immediately upon request by an Authorised Officer of a responsible Authority.
18. No alcohol shall be taken into or consumed in the smoking area after 22:30 hours.
19. On evenings when a DJ is employed at the premises he/she will make an announcement to remind customers that the venue is situated in a residential area and request that they treat neighbours with respect by leaving the venue as quietly as possible.
20. No bottles shall be taken outside the premises between the hours of 22.30 and 08:00 hours daily.

21. Occupancy of the building must be assessed by virtue of the fire risk assessment which will be reviewed from time to time.
22. When events are undertaken door supervisors must monitor occupancy and exit levels by use of a clicker system.
23. Challenge 25 shall be implemented, and a proof of age policy is to be applied with the accepted means of proof of age being:
 - Passport
 - Photo Driving Licence
 - A recognised valid photo-id card bearing the PASS hologram
 - Any future accredited and accepted proof of age Signs shall be displayed stating that the premises operates a Challenge 25 Policy.
24. No child under the age of 16 will be admitted to the premises after 22:00 hours unless attending a pre-booked function, where they must be accompanied and supervised by a responsible adult.
25. All staff employed in the premises must attend a Licensing Act 2003 course provided by a suitably qualified external provider with evidence of the same kept and produced upon request to any authorised officer of a responsible Authority.
26. Such training shall be documented and recorded. It will record the date and names of those trained and the person providing it. The training shall cover all aspects of the responsible sale of alcohol - Licensing objectives, age verification, how to detect proxy sales, consequences of underage sales, serving to drunks and conflict management. The records will be available to be viewed on demand by an authorised officer of a Responsible Authority.

The Premises Licence Holder has a right of Appeal to the Magistrates Court against this determination on review, which must be filed no later than 21 days following its receipt.