

# Statutory Licensing Sub-Committee

Minutes - 28 April 2023

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Rashpal Kaur

Cllr Rita Potter

### Applicant for Review

Kayley Nixon

Sgt Gemma Turner

West Midlands Police

West Midlands Police

### Premises Licence Holder

Mr Sanjeev Parbhakar

Mr Earl Simpson

Friend and Customer

### Employees

Donna Cope

Debra Craner

David Abel

Democratic Services Officer

Section Leader – Licensing

Senior Solicitor

### Observers

Jacob Stokes

Democratic Services Officer

*Item No.*     *Title*

**1            Apologies for absence**

There were no apologies for absence.

**2            Declarations of interest**

There were no declarations of interest.

**3            Exclusion of press and public**

Resolved:

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

**4            Licensing Act 2003- Application for an Expedited Summary Review in respect of Whitmore Reans Club, Whitmore Reans Working Mens Club, Bitterne Drive, Wolverhampton, WV6 0QN**

An application for an expedited summary review of a Premises Licence in respect of Whitmore Reans Club, Whitmore Reans Working Mens Club, Bitterne Drive, Wolverhampton, 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. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

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

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

The Chair invited West Midlands Police to present their application. Ms Nixon outlined the application as per Appendix 3 of the restricted report and requested that the premises licence be suspended.

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

The Chair invited the Premises Licence Holder to make representations. Mr Sanjeev Parbhakar did so. He outlined the circumstances of the incident and emphasised that it was an isolated incident which was not within the control of the club's staff.

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

The Chair invited all parties to make their final address.

The Premises Licence Holder made a final address.

David Abel, Senior Solicitor, provided legal guidance to the Sub-Committee and reminded them of their available options.

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

The Sub-Committee adjourned at 15.05 hours.

The Hearing reconvened at 15.41 hours.

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

Resolved:

An application was received from the West Midlands Police on 27 April 2023 for an expedited review of the Premises Licence in respect of Whitmore Reans Club Limited, Whitmore Reans Working Men's Club, Bitterne Drive, Wolverhampton, WV6 0QN.

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

The Sub-Committee heard from the applicant (West Midlands Police) that:

1. On Sunday 23 April 2023 at 0103 hours a 999 call was made to Police reporting that multiple gunshots had been fired at this licensed premises. This incident is now being investigated and it has 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 received five emergency 999 calls in relation to this incident and a significant number of police resources including firearms were dispatched.
2. Officers in attendance reported their concerns around the large number of customers at the venue and their fears for their own and public safety.
3. Police Licensing Officers attended the location on 25 April 2023 to speak with the Licence Holder. A licensing compliance check was completed where a number of breaches were observed, which include failures to adhere to CCTV and signage conditions.

4. Whitmore Reans Working Men's Club do not currently have any licence conditions, which stipulate that they must notify West Midlands Police of up-and-coming events being held at this venue. Therefore, the Police are unable to identify any potential risks, which may undermine the Licensing Objectives.
5. The above incident constitutes both serious crime and disorder.
6. The investigation is on-going.

The Sub-Committee heard from Sanjeev Parbhakar, the Premises Licence Holder that:

1. The Premises caters to the older generation of the community and is usually trouble free.
2. He follows all rules and procedures and views the club as the best club in Whitmore Reans.
3. The club has a capacity of 390 people.
4. On the night of the incident a memorial was being held. A scuffle occurred between a female and two males and the lights were put on and the DJ informed patrons that the night was over. The fire exits were opened and customers left the club.
5. The shooting incident happened outside the club and the incident was not within the control of the Club's staff.
6. He will accept the Sub-Committee's decision.

The Act and Home Office guidance state that the tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. These tests include conduct which constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and which involves the use of violence.

The Sub-Committee have received the Certificate from the West Midlands Police and they have received confirmation at the hearing today that serious crime and/or disorder have occurred on the premises.

The Sub-Committee are satisfied that a serious crime has occurred at the premises. They are further satisfied that serious disorder has occurred on the premises. Serious disorder is to be given its plain ordinary meaning.

Based upon the evidence presented, consideration has been given as to whether it is necessary to take interim steps pending determination of the review (s53C LA 2003). The Sub-Committee are satisfied that interim steps are necessary. In accordance with Section 53B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee is to suspend the Premises Licence pending the full review hearing.