

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 29 June 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

Piers Warne

Amrit Uppal

Solicitor

Designated Premises Supervisor

### Employees

Elizabeth Gregg

Bankole Thomas

Dave Abel

Donna Cope

Senior Licensing & Compliance Officer

Solicitor

Solicitor (observing)

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.

**4        Licensing Act 2003 - Application for a Expedited Summary Review in respect of The Winning Post, 346 Glentworth Gardens, Wolverhampton, WV6 0SN**

An application for an expedited summary review of a Premises Licence in respect of The Winning Post, 346 Glentworth Gardens, Wolverhampton, WV6 0SN, 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.

Elizabeth Gregg, 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, outlined the application as per Appendix 3 of the restricted report and requested that the premises licence be suspended pending a full review hearing.

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. Mr Piers Warne, representing the Premises, did so. He explained the history of the Premises; the three previous incidents that had occurred; and how the Designated Premises

Supervisor (DPS) had co-operated with the Police with their enquiries. He further stated that:

1. There were issues in the area and the DPS had previously barred troublesome customers.
2. None of the incidents had occurred inside the premises. They had only occurred outside at night time during the weekend. Therefore, any suspension need not cover daytime trading, only night times during weekends.
3. The premises had initially had door staff despite it not being a condition of licence. Following disagreements these door staff had left and the DPS was currently looking for a replacement.
4. The police visited the premises regularly and the DPS was happy to work with them.

Mr Warne proposed the following Interim Measures until a final review hearing had taken place:

1. Voluntary closure to allow for the following to be implemented, opening only on confirmation from the Police that all matters have been complied with:
  - a. 2 door supervisors to be on duty from 9pm until 30 minutes after the last person has left the premises on Friday and Saturday nights.
  - b. An Incident avoidance and management policy to be drawn up and implemented. All staff to be trained.
  - c. A crime scene preservation policy to be drawn up and implemented. All staff to be trained.
  - d. A dispersal policy to be drawn up and implemented. All staff to be trained.
  - e. An incident log to be kept and maintained on site and all incidents to be logged. The log to be available to officers from the council/ police on request.
  - f. CCTV to be installed to cover all entrances and exits and the car park. Recordings to be kept for a minimum 28 days and be made available to police on request (subject to data protection laws). Notices to be displayed at each entrance and prominently in the car park to remind customers of CCTV on the premises.
2. Steps a to f to be added to the premises licence as interim steps.
3. Meeting with the police on site prior to re-opening to go through documents and confirm all staff trained.
4. Re-opening date to be notified to the licensing team 24 hours in advance of opening.
5. Searches to be carried out and search wands to be used on entry to the Premises.

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

The Chair invited all parties to make their final address.

Piers Warne, representing the Premises made a final statement.

Kayley Nixon, West Midlands Police, 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 10.48 hours.

The Hearing reconvened at 12.15 hours.

All parties were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

An application was received from the West Midlands Police on 27 June 2023 for an expedited review of the Premises Licence in respect of the Winning Post, 346 Glentworth Gardens, Dunstall, Wolverhampton, WV6 0SN.

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

The Sub-Committee considered all information presented both written and oral.

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

1. At 02:48 hours on Sunday 25th June 2023 West Midlands Police were contacted by colleagues from the Ambulance Service to report a stabbing outside the location of The Winning Post, 346 Glenworth Gardens, Dunstall, Wolverhampton, WV6 OSN.
2. At 02:52 hours police officers arrived at The Winning Post.
3. Initial investigation showed that the injured person left the garden area of the premises at 02:40 hours on Sunday 25th June 2023.
4. There were a number of people stood around, and as the victim walked past the group, they became engaged in what appeared to be a verbal exchange. Seconds later the victim was attacked, receiving injuries to their arm that were later confirmed with hospital staff as slash wounds. The injured person was subject to further violence from others within the group. At this time West Midlands Police believe a knife/ large blade has been used as a weapon, this was based on CCTV, and initial accounts from police officers at the scene which corroborate the injuries sustained.
5. The injured person was transported to hospital by unknown means.
6. There were no calls to West Midlands Police from the Designated Premises Supervisor or any staff member who were on duty working at the premises.
7. West Midlands Police were due to hold a meeting surrounding the crimes that had been committed at this location in recent weeks with Admiral Taverns, the premise licence holders, on 27th June 2023.

8. This incident alone was a serious crime which undermined the licensing objective of The Prevention of Crime and Disorder. In the month of June 2023 The Winning Post, Glentworth Gardens, Wolverhampton, WV6 OSN had seen two other serious incidents at the location crimed as assault by wounding, section 20 offence's against person.
9. The Winning Post, 346 Glentworth Garden has a premises licence which stipulates the sale of alcohol on a Saturday is until 0200hours and the premises opening hours are until 0230hours. At 0259 hours a West Midlands Police Officer entered The Winning Post and a customer left the premises drinking from a plastic cup. When entering the bar area of the premises there were a number of individuals stood and sat around the bar area.
10. It is West Midland Police's priority to ensure the safety of the public. The premises have remained open after licensing hours. There have been no calls to West Midlands Police to report any of the incidents that have been mentioned.
11. West Midlands Police have serious and grave concerns that a serious incident has taken place with the significant likelihood of another taking place. West Midlands Police do not hold confidence in the Designated Premises Supervisor to uphold the licensing objectives or follow licensing conditions set out on Premises Licence.

The Sub-Committee heard from Piers Warne for Admiral Taverns, the Premises Licence Holder, that he proposed the following Interim Measures in respect of the Premises until a final review hearing takes place:

1. Voluntary closure to allow for the following to be implemented. Opening only on confirmation from the Police that all matters have been complied with:
  - a. 2 door supervisors to be on duty from 9pm until 30 minutes after the last person has left the premises on Friday and Saturday nights.
  - b. An Incident avoidance and management policy to be drawn up and implemented. All staff to be trained
  - c. A crime scene preservation policy to be drawn up and implemented. All staff to be trained
  - d. A dispersal policy to be drawn up and implemented. All staff to be trained
  - e. An incident log to be kept and maintained on site and all incidents to be logged. The log to be available to officers from the council/ police on request
  - f. CCTV to be installed to cover all entrances and exits and the car park. Recordings to be kept for a minimum 28 days and be made available to police on request (subject to data protection laws). Notices at each entrance and prominently in the car park to remind customers of CCTV on the premises.
2. Steps a to f to be added to the premises licence as interim steps.
3. Meeting with the police on site prior to re-opening to go through documents and confirm all staff trained.
4. Re-opening date to be notified to the licensing team 24 hours in advance of opening.
5. Searches to be carried out and search wands to be used on entry to the Premises.

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

The Sub-Committee were satisfied that a serious crime had occurred at the premises. An incident occurred at the premises on the 25<sup>th</sup> June 2023 resulting in a customer being slashed on the arm with a knife. There were two previous incidents where injuries occurred to patrons. The Police investigation was ongoing.

They were further satisfied that serious disorder had occurred on the premises. Serious disorder is to be given its plain ordinary meaning.

Based upon the evidence presented, consideration had been given as to whether it was necessary to take interim steps pending determination of the review (s53C LA 2003). The Sub-Committee were satisfied that interim steps were necessary. In accordance with Section 53B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee was to suspend the premises licence pending the full review hearing. The reasons for this were that there was still an ongoing Police investigation and to date the actions of the DPS have been inadequate in relation to the seriousness of the incidents and have undermined the licensing objectives. The decision was made in accordance with the Provisions of the Violent Crime Reduction Act 2006 and Section 3.7 of the Guidance on Expedited /Summary Licence Reviews as immediate suspension is necessary to prevent further serious crime and disorder from occurring and it is better to impose a suspension of the licence rather than impose a range of costly conditions and permanent adjustments to the licence as an interim measure which may be altered upon a full review. There has been no explanation of the costs and timescales necessary to implement the proposed conditions and the Sub-Committee are of the view that suspension is the only viable option to protect the public in the interim period pending full review. The proposed voluntary closure for limited hours does not prevent violent crime from reoccurring as there is potential for this to occur at anytime given the current admitted problems with the area, lack of implementation of policies, training of staff and security and the insufficient actions taken by the DPS.

The decision of the Sub-Committee was considered reasonable and proportionate to uphold the licensing objective of the Prevention of Crime and Disorder as an interim step pending a full review.

A full and Final Review Hearing must take place within 28 days.

The Premises Licence Holder may make representations against the imposition of the Interim Steps and a Hearing will take place within 48 hours of receipt of such representations to determine whether the interim steps imposed are appropriate.

[NOT PROTECTIVELY MARKED]