

Statutory Licensing Sub-Committee

Minutes - 6 July 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Rashpal Kaur
Cllr Gillian Wildman

Applicant for Review - West Midlands Police

Kayley Nixon
Sergeant Gemma Turner

Premises Licence Holder

Naresh Patel	Designated Premises Supervisor
Fateh Patel	President of the Association
Suneeta Patel	Secretary for the Association

Employees

Debra Craner	Section Leader Licensing
Bankole Thomas	Solicitor
Donna Cope	Democratic Services Officer
Rajni Mehmi	Legal Student (observing)

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 Sitara Hall, Mander Street, Wolverhampton, WV3 0JZ

Prior to the hearing commencing, Councillor Crofts disclosed that he had previously conversed with the company directors of the premises. Following legal advice on the matter, it was agreed that Councillor Crofts should not take part in the hearing.

An application for an expedited summary review of a Premises Licence in respect of Sitara Hall, Mander Street, Wolverhampton, WV3 0JZ, 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.

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.

Kayley Nixon, West Midlands Police, outlined the application as per Appendix 3 of the restricted report and requested that conditions be added to the licence with immediate effect 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 Naresh Patel, Designated Premises Supervisor, representing the premises, did so. He stated the following:

- The organisation was very shocked at the incident as the venue had never had any issues before.
- They could not operate as a Charity without the hall, and he was willing to work with the Police to ensure such incidents didn't happen again.
- He was willing to accept any modifications to the licence and asked that the licence not be suspended.

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

The Chair invited all parties to make their final address.

Naresh Patel, 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 11.43 hours.

The Hearing reconvened at 12.58 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 4 July 2023 for an expedited review of the Premises Licence in respect of Sitara Hall, Mander Street, Wolverhampton, WV3 0JZ, which was owned by the Gujarati Association.

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 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 along with the provisions of the Violent Crime Reduction Act 2006.

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

1. On Saturday, the 1st of July 2023 at 21.33 hours, West Midlands Police received a 999 emergency call from Sitara Hall, from a caller who stated “that they hadnt seen a weapon but had heard gunshots being fired”. Thereafter the Police received a total of five further calls, with all the callers reporting that they had heard the sound of gun shots being fired.
2. The Police Fire Arms Response team arrived at the premises at 21.56 hours and noted that there appeared to have been a pre-wedding party going on at the time of the shooting, which had a variety of guests consisting of relatives, friends and well wishers of all ages including families, individuals, elderly and vulnerable people and youngsters.
3. The incident was captured by CCTV within the premises which the police had obtained copies of and which were being used in a live Investigation being carried out by The Complex Investigation Team in Wolverhampton.
4. The incident was said to have occurred at 21.31 hours when live shots were discharged into the car park grounds of Sitara Hall, where many families and young children were enjoying a fire works display put on for their benefit.
5. A few seconds thereafter a guest in the premises is said to have emerged from hidden cover in a doorway in the car park area and returned fire on the perpetrator.
6. Fortunately, despite the fact that families and young children were in the cross fire no one was injured, but a vehicle in the car park was damaged by the ongoing shots.
7. Given the small proximity of the area in which these shots were discharged, West Midlands Police were surprised that there were no fatalities on this occasion, given the presence of the number of adults and children in the vicinity at the time of this occurrence.
8. West Midlands Police stated that they were unable to assess any potential risks at Sitara Hall that could undermine the Licensing Objectives because they did not have any conditions on their current licence that stipulated they must notify them beforehand of any events taking place in the Premises.
9. The above incident constitutes both serious crime and disorder.

The Licensing Sub-Committee heard from Mr Naresh Patel the Designated Premises Supervisor who states that:

1. Sitara Hall was owned by the Gujarati Association which was a registered Community based Charity that had been in existence since 2014. The Hall was built with donations received from the Gujarati Community but was used by all members of the Community as a whole.
2. The Hall was used for youth clubs, wakes, weddings, birthdays, Gujarati ceremonies and fire work displays by different religious groups within the Community at large. The revenue they raise from letting out the hall enabled them to run the Charity and coordinate a number of community events such

as fitness classes, health classes, feeding the elderly and a variety of other activities.

3. Their organisation was very shocked at the shooting as they had never had a single issue since the Hall was opened, and thus he was willing to work with the Police as they could not operate as a Charity without the Hall.
4. They were not a pub or that type of venue.
5. The Hall had taken a number of bookings that had been made in many instances as far back as a year ago and that they had a wedding booked this weekend for example.
6. He was thus of the considered opinion that they need to work in cooperation with the police as many of the bookings they had involve licensable activities and he did not want the licence to be suspended as that would firstly affect so many people in the community and secondly leave them open to liability in the Civil Courts as many of their clients had gone on to spend thousands of pounds and much more than the cost of booking the hall for their events.
7. The Hall had a capacity of 500 people for standing events but they had a maximum of 35 tables and for a sit-down event will accommodate a maximum of 350 people.

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 can be expected to be sentenced to imprisonment for 3 years or more; and which involves the use of violence.

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

They are further satisfied that serious crime and 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 Licensing Sub-Committee are satisfied that interim steps are necessary. In accordance with Section 53B (3) (d) of the Licensing Act 2003, and the provisions of the Violent Crime Reduction Act 2006 (As Amended) and note that the DPS, Mr Naresh Patel has indicated the absolute necessity of working in cooperation with West Midlands Police and note his willingness to abide with any interim conditions proposed by the Sub-Committee based on the facts heard today.

As West Midlands Police have stated that they do not seek a suspension of the Premises Licence but the imposition of conditions that they are to be notified of any events held, limited but necessary conditions that are appropriate in terms of time for immediate steps to be implemented are now proposed below; And thus the decision of the Sub-Committee is that it is better to impose these limited conditions with immediate effect pending a full review rather than imposing a range of costly conditions or permanent adjustments at this time.

The following interim steps proposed as Conditions are as follows:

- 1) The Premises Licence Holder must ensure that all CCTV cameras (both internal and external) are correctly calibrated with immediate effect such as to have full coverage of the interior and exterior of the Hall and the Car Park so that all persons accessing and exiting the Hall and Car Park are clearly identifiable.
- 2) That each event shall have at least four SIA registered door supervisors including at least one female, such that the car park shall have a full time presence for all events with two door supervisors in the hall and one on the main entrance.
 - (a) The Premises Licence Holder shall maintain a register of all SIA door staff which must contain their names, addresses, employers and SIA numbers, which shall be produced immediately at the request of West Midlands Police and any authorised officer of a responsible authority.
 - (b) All door supervisors must be clear and visibly uniformed so as to be noticeable to all authorised patrons of the venue and must have body worn cameras and magnetic wands to be used for body searches of all patrons, before they are let into the venue for “any” pre booked events.
- (3) The Premises Licence Holder and Door Supervisor must notify West Midlands Police at least seven clear days in advance of any bookings made along with the name of the booking party, their address, date of birth and contact details, such that a proper risk assessment can be carried out and notified to them in writing by West Midlands Police no later than 48 hours before the said event.
 - (a) The provisions of clause three of these interim conditions shall however not apply to those pre booked events in the venue which shall take place on the 8th and 9th of July 2023, as full details of the bookers names, addresses, dates of birth and contact details must be made available to the police before the close of business today in the interest of Public Safety.

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 and proportionate.