

Statutory Licensing Sub-Committee

Minutes - 20 July 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Gillian Wildman

Applicant for Review - West Midlands Police

Kayley Nixon

Sergeant Gemma Turner

Premises Licence Holder

Piers Warne

Rebecca Farley

Amrit Uppal

Solicitor representing Admiral Taverns

Admiral Taverns

DPS

Responsible Authorities

Ryan Hollings

Public Health

Employees

Anita Chonk

Bankole Thomas

Donna Cope

Dave Abel

Ronald Sempebwa

Senior Licensing Officer

Solicitor

Democratic Services

Solicitor (observing)

Solicitor (observing)

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Councillor Rashpal Kaur.

2 Declarations of interest

There were no declarations of interest made.

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 Review of a Premises Licence in respect of The Winning Post, 346 Glentworth Gardens, Wolverhampton, WV6 0SN

An application for a 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.

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 pack. She confirmed that her investigation into the incident was complete, and after viewing all of the CCTV footage, it appeared that the offenders had not been inside the premises and furthermore, there was no evidence of alcohol being sold outside of the permitted hours. She stated that West Midlands Police had mediated with the Premises Licence Holder and agreed a new Operating Schedule which could be found in the Supplementary Agenda Pack. Therefore, on behalf of West Midlands Police, she requested that the Premises Licence Operating Schedule be modified.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to their submission. No questions were asked.

The Chair invited the Premises Licence Holder to make representations. Piers Warne, Legal Representative for the Premises Licence Holder, did so. He stated that:

1. The incident had been investigated fully by the Police Licensing Team and the account given by his client was found to be true.
2. The premises had entered into mediation with West Midlands Police and had already dealt with a number of issues indicating their intentions to do all that they had to do in order to run a safe establishment.
3. Revoking the licence and closing the pub would have a negative impact on the local community.
4. The DPS had done what he thought was right at the time of the incident.
5. A number of operational policies had been proposed and the police were happy with them.
6. Training had been carried out and all matters of concern had been addressed including the issues with the CCTV.
7. Door staff were currently being recruited.
8. The DPS took full responsibility for failings at the premises and had co-operated fully with the police.

On behalf of his client, Mr Warne requested that the interim steps be lifted, and the Premises Licence modified as per the agreed conditions with the police.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to his submission. Mr Warne and Rebecca Farley (Admiral Taverns) responded to questions asked.

The Chair invited Public Health to make representations. Ryan Hollings, Health Improvement Officer, did so as per Appendix 5 of the report.

The Chair invited all parties present to question Public Health in relation to its submission. Ryan Hollings responded to questions asked and confirmed that he was happy with the agreed mediation between the premises and police.

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

Piers Warne made a final statement on behalf of the premises.

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 11.30 hours.

The Hearing reconvened at 12.43 hours.

All interested parties were invited back to the meeting.

The decision was summarised by the Solicitor and would be sent out to all parties within 5 working days.

Resolved:

An application was received for a review of the Premises Licence from West Midlands Police on 26th June 2023 in respect of The Winning Post, 346 Glentworth Gardens, Wolverhampton, WV6 0SN, on the grounds that actions at the premises had undermined the Licensing Objective of the Prevention of Crime and Disorder.

An expedited review hearing was held on 29th June 2023 where 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.

Representations were received from West Midlands Police, the Premises Licence Holder's representative Mr Piers Warne, and Public Health.

At the hearing on 20th July 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:

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

1. On Sunday 25th June 2023 at 02.48 hours, West Midlands police were contacted by the Ambulance service to report a stabbing which they had attended to which took place outside The Winning Post at 346 Glentworth Gardens, Wolverhampton, WV6 0SN.
2. The Police arrived at the Premises at 02.52 hours and their initial inquiries show an injured person leaving the garden area vicinity of the premises at 02.40 hours. A number of people were observed to have stood round, and as the victim walks past them there is a verbal exchange. Immediately thereafter the victim is attacked receiving a number of slashes to their arm which are identified as knife slash wounds to the arm.
3. The injured person is also observed to receive further acts of violence on their person from members of the same group of people standing around. Based on CCTV footage, West Midlands Police believe that a large knife/bladed weapon has been used in these attacks, based on the professional impression from officers who were initially on site.
4. Although the injured person was transported to hospital by unknown means, the police note that no calls whatsoever were received from the DPS or any members of their staff, despite the fact that they were all on site at the time of the attacks.

5. At 02.59 hours also on the 25th of June 2023, as police officers have entered the Premises, a patron is observed leaving the premises whilst drinking out of a plastic cup, in breach of Licensing conditions.
6. As Police entered the bar premises a number of other patrons are seen standing and sitting around the bar area, which the Premises Licence holder has explained is due to the fact that the DPS allowed people into the venue for their own safety.
7. In the month of June 2023 alone, the Premises has been the location for three serious incidents in total, which the police have classified as assaults by wounding under Section 20 of the Offences against the Person Act of 1861. These are serious crimes and clearly not isolated incidents.
8. West Midlands Police have a priority in ensuring public safety and note that there have been no calls or reports to them regarding any of the afore stated incidents that have occurred to date.
9. The Winning Post does not currently have any licence conditions, which stipulate that they must notify West Midlands Police of up and coming events being held at the venue.
10. The injured person is said not to have life threatening injuries but will have to undergo surgery in due course.
11. The Police Licensing investigation into the incident was complete and after viewing all of the CCTV footage it appeared that the offenders had not been inside the premises and there was no evidence of alcohol being sold outside of the permitted hours.
12. West Midlands Police had successfully mediated with the Premises Licence Holder and agreed a new Operating Schedule which could be found in the Supplementary Agenda Pack.
13. Therefore, West Midlands Police requested that the Premises Licence Operating Schedule be modified.

The Licensing Sub-Committee also heard representations from Public Health who stated that they were content with the mediation reached between West Midlands Police and the Premises Licence holder.

Lastly the Sub-Committee also heard from the Premises Licence Holders representative, Mr Piers Warne, Ms Rebecca Fawley from Admiral Taverns, and the DPS Mr Amrit Uppal who stated that:

1. The first incident occurred on 10/06/23 on a weekend at night and the DPS, Mr Amrit Uppal was told about a scuffle which occurred outside the Pub between a number of girls who had previously been in the Pub.
2. At the time of the incident the DPS was unaware that anyone had been injured and it was only when the victim's sister informed him the following day that he

became aware that someone had been injured, and that he had immediately done all he could to ascertain the victim was alright.

3. The second incident occurred on 23/06/23 and involved a group of boys whom the DPS had ejected from the Pub. They hung around outside the Pub, and when the DPS had gone outside he discovered that someone had been injured. Once again he intervened to ensure that everyone was safe in circumstances where he had not known how and why the incident occurred.
4. The DPS, Amrit Uppal had immediately sought to assist the injured person by getting a member of staff to call the emergency services, which the injured persons friend stated they were already doing. That when the Police arrived he got caught up in assisting them such that by the time he was finished the injured person and his friend had already left the pub.
5. These circumstances as serious as they were, had all occurred outside the Pub after hours and did not in any way reflect on the management of the Pub itself, and he would urge the Licensing Sub Committee to note these pertinent facts.
6. The third incident occurred on 25th June 2023 possibly just before 02.45 hours in the early hours of the morning, when staff went out to disperse the people hanging around, and then people started rushing back into the venue, followed by the victim who also came in wrapped with something and blood could clearly be seen.
7. The third incident had also happened outside the Premises after hours once again in circumstances that they did not know about, and which should not reflect on the DPS Management of the Premises.
8. Once again, the DPS, Mr Uppal went to the aid of the injured person to assist, whilst allowing the people who had rushed in to remain in the venue for their security, which was why the Police had spotted people in the venue when they arrived at 02.59 hours.
9. The DPS, Mr Uppal had cooperated to the full extent of his abilities with the Police and provided them immediately with CCTV footage for their inquiries, and that once again it could be seen clearly that the Premises Licence Holder and the DPS had done everything they could to aid the Police regardless of the fact that none of these incidents had happened in the Premises.
10. The premises accepted that with the benefit of hindsight things could have gone better and acknowledged that everyone reacts to issues in different ways.
11. There had been no issues until June 2023, and that the absence of issues could be tied to the fact that they had door supervisors at the time.
12. Furthermore, the lack of implemented policies was because they had not had any issues from when they opened until June this year.

13. They had entered into mediation with WMP and already dealt with a number of items that would potentially indicate their intentions to do all that they had to do to run a safe establishment.
14. Revoking the Premises Licence would remove a vital and much used community hub, which would mean another derelict mothballed building.
15. No evidence of wrong doing by the Premises or the DPS had been provided by the police or any other responsible authority that justified the closure of the premises.
16. On behalf of his client, Mr Warne requested that the interim steps be lifted, and the Premises Licence modified as per agreed conditions with the police.

The Licensing Sub-Committee, having listened to all the representations put forward by the police and the responses from the PLH through its representative and the DPS, believed that a number of further options must be fully considered.

Those options being: -

- 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 kind(s) of conduct that amount to serious crime as set out in The Regulation of Investigatory Powers Act 2000 and are satisfied that a serious crime has occurred at the premises.

The Licensing Sub-Committee has 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 are of the opinion that the expedited review has arrested a dangerous situation in respect of the Licensing Objective of Crime and Disorder, and thus determines that it shall be discharged with immediate effect.

The Licensing Sub-Committee have, 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 The Winning Post, 346 Glentworth gardens, Wolverhampton, WV6 0SN, shall have its Licensing conditions modified to make it fit for purpose, in light of the fact that there has been no loss of life on this occasion. They however consider it fitting that a number of other conditions should be added to those agreed with WMP in mediation to make the Premises conditions comply with the Licensing Objectives.

The Premises Licence conditions shall thus be varied and modified by the following conditions which must be implemented immediately and notified to the Councils Licensing Officer so that the premises can be inspected in person as follows:

1. The Operating schedule shall be varied as follows:

Opening Hours of the Premises

Monday and Tuesday: 11.00 hours to 23.30 hours

Wednesday and Thursday: 11.00 hours to 23.30 hours

Friday and Saturday: 11.00 hours to 00.30 hours

Sunday: 12.00 hours to 23.30 hours

With thirty minutes time to be called for drinking up before closing on all days of the week

Non Standard Hours

A further additional hour into the morning following every Sunday and Monday for each May bank holiday, spring/whitsun bank holiday and every August Bank holiday weekend.

A further additional hour into the morning following every Thursday, Sunday and Monday for the Easter Bank holiday weekend.

A further additional hour every Christmas eve.

A further additional hour every boxing day.
To reflect existing New years Eve/Day hours.

Live Music

Monday and Tuesday: 11.00 hours to 23.30 hours

Wednesday and Thursday: 11.00 hours to 23.30 hours

Friday and Saturday: 11.00 hours to 00.30 hours

Sunday: 12.00 hours to 23.30 hours

With thirty minutes time to be called for drinking up before closing on all days of the week

Non Standard Hours

A further additional hour into the morning following every Sunday and Monday for each May bank holiday, spring/whitsun bank holiday and every August Bank holiday weekend.

A further additional hour into the morning following every Thursday, Sunday and Monday for the Easter Bank holiday weekend.

A further additional hour every Christmas eve.

A further additional hour every boxing day.
To reflect existing New years Eve/Day hours.

Recorded Music

Monday and Tuesday: 11.00 hours to 23.30 hours

Wednesday and Thursday: 11.00 hours to 23.30 hours

Friday and Saturday: 11.00 hours to 00.30 hours

Sunday: 12.00 hours to 23.30 hours

With thirty minutes time to be called for drinking up before closing on all days of the week

Non Standard Hours

A further additional hour into the morning following every Sunday and Monday for each May bank holiday, spring/whitsun bank holiday and every August Bank holiday weekend.

A further additional hour into the morning following every Thursday, Sunday and Monday for the Easter Bank holiday weekend.

A further additional hour every Christmas eve.

A further additional hour every boxing day.
To reflect existing New years Eve/Day hours.

Sale/Supply of Alcohol On The Premises

Monday and Tuesday: 11.00 hours to 23.30 hours

Wednesday and Thursday: 11.00 hours to 23.30 hours

Friday and Saturday: 11.00 hours to 00.30 hours

Sunday: 12.00 hours to 23.30 hours

With thirty minutes time to be called for drinking up before closing on all days of the week

Non Standard Hours

A further additional hour into the morning following every Sunday and Monday for each May bank holiday, spring/whitsun bank holiday and every August Bank holiday weekend.

A further additional hour into the morning following every Thursday, Sunday and Monday for the Easter Bank holiday weekend.

A further additional hour every Christmas eve.

A further additional hour every boxing day.
To reflect existing New years Eve/Day hours.

With thirty minutes time to be called for drinking up before closing on all days of the week

Sale/Supply Of Alcohol Off The Premises

Normal Hours: As per on sales of alcohol timing.

Seasonal variation: As Per on sales of alcohol timing.

Non Standard hours: As Per on sales of alcohol timing.

2. The installation and calibration of four new cameras inside the premises with four further cameras outside the premises which must be positioned appropriately so as to capture clear facial images of all patrons without obstruction.
3. A properly calibrated digital CCTV system must 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 curtilage outside the premises which includes the rear garden area (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 by West Midlands Police and any authorised office of a responsible authority. Images and video will be downloadable in a suitable format by the Premises License holder and provided to any officer of a responsible authority upon "Immediate" request.
4. 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
5. 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.
6. An incident log must be kept detailing the identities where known, of any persons in and outside the venue involved in any altercations, arguments or differences along with CCTV footage which shall be completed whenever the Premises is open

for business which must be completed, checked, signed and dated on a daily basis by the venue manager/manageress. This incident log must be kept and maintained at the premises and be available for inspection immediately upon request by an authorised officer of a responsible Authority upon request.

7. The Licence holder must notify West Midlands Police of the details of all pre booked events in writing at least 7 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.
 - 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.
8. Any objection raised and communicated by West Midlands Police to any proposed event notified to it shall mean that the event cannot hold, so long as its decision is communicated to the Premises License holder 48 clear hours in advance by email or such other means of instantaneous communication it deems fitting.
9. A minimum of two SIA door supervisors, must be engaged on Friday and Saturday nights and for any events including Temporary Event Notices (Tens) held in the premises who must:
 - risk assess the appropriate number of door supervisors required for any 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.
 - 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, employers, telephone numbers and SIA 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 all door supervisors are equipped with electronic Magnetic and knife wands to be used for body searches on all Patrons visiting the Premises at all events held, as well as on Friday and Saturday nights.
 - Ensure that at least one of the door supervisors on duty is equipped with a clicker counter to monitor the number of patrons granted access to the Premises which must be recorded in a daily head count register which must be endorsed with the SIA number and initials of the DS accorded that duty.
 - The numbers must be entered into a head count register every hour after 21.00 hours whenever the Premises are open for business.
 - 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.

10. Ensure that all door supervisors note that persons intoxicated through drink or drugs are not granted access to enter the premises.
11. The DPS or Premise licence holder must instruct a suitably qualified Health and Safety Risk Assessor to carry out bi- annual risk assessment(s) of the premises which must of necessity cover an evacuation plan, first aid providers and kits and the said report(s) must be kept on record and produced on request to any authorised officer of a responsible authority.
12. 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 in a log and made available on request from any authorised officer of a responsible authority.
13. The Premises License holder or DPS must ensure that appropriate provision is made for the secure storage of all drugs seized from Patrons, which must be retained and destroyed by way of arrangements made with West Midlands Police who must be notified of all drugs seized, which must be recorded in a seizure register and produced immediately upon a request for the same made by an authorised officer of a responsible Authority.
14. Appropriately sized signage must also be placed in the toilet areas advising patrons that checks are conducted regularly.
15. No customer carrying open bottles shall be allowed to exit or access the premises at any time they are open to the public.
16. 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.
17. All external windows and doors shall be kept closed after 22:00 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.
18. The Licence Holder and DPS must conduct regular assessments of the noise emanating 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.
19. A written record must 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 any Authorised Officer of a responsible authority.

20. 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) appropriately sized notices requiring customers to leave the premises and the area quietly.
21. The Licence Holder and or the DPS must conduct regular hourly 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 upon request by any Authorised Officer of a responsible Authority.
22. An effective dispersal policy that ensures the quiet dispersal of patrons outside the immediate curtilage of the venue for up to 45 minutes after the Premises shuts for business must be prepared and kept on record.
 - a) The dispersal shall be effected using the SIA door supervisors deployed by the venue where a Pre booked event or other entertainment takes place.
23. On evenings when a DJ is employed at the premises he/she will make an announcement thirty minutes before closing time 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.
24. No bottles/glasses shall be taken outside the premises after 22.00 hours.
25. When events are undertaken door supervisors must monitor occupancy and exit levels by use of a clicker system.
26. Challenge 25 and "Ask Angela" 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
 - EU/EEA National ID Card
 - 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.
27. No child under the age of 16 shall be admitted to the premises or allowed to remain on the premises after 21:00 hours and in any event when attending the premises they must be accompanied and supervised by a responsible adult.
28. All staff employed in the premises must attend a Licensing Act 2003 course at least twice a year 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.

29. 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.