

Statutory Licensing Sub-Committee

Minutes - 31 July 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Rashpal Kaur
Councillor Gillian Wildman
Councillor Jane Francis

Applicant for Review – West Midlands Police

Kayley Nixon

Premises Licence Holder

Mr Naresh Patel
Suneeta Patel
Stewart Gibson

DPS
Secretary
Agent

Employees

Debra Craner
Ronald Sempebwa
David Abel
Donna Cope

Section Leader Licensing
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 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 Sitara Hall, Mander Street, Wolverhampton, WV3 0JZ

An application for a 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, stated the grounds for review as per Appendix 3 of the report and supplementary agenda pack. She stated the following:

1. The Police Licensing investigation into the incident was complete, and after viewing the CCTV footage, it had been established that the premises had not been at fault.
2. The premises had co-operated fully with the police during the investigation and had since notified them of all upcoming events in good time.
3. 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.

4. West Midlands Police acknowledged that SIA Door Staff would not be required at every event held at the premises, therefore a condition had been proposed allowing the premises to conduct their own risk assessments.
5. West Midlands Police requested that the interim suspension be lifted, and 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. Kayley Nixon responded to questions asked.

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

1. There had been no previous incidents at the premises.
2. The venue hosted a number of different events, many of which did not include alcohol.
3. Alcohol could only be served with food.
4. The incident was not linked to the premises.
5. The DPS, Mr Patel, was very diligent and often refused to host events if deemed inappropriate.
6. Mr Patel wanted to continue working with the police and had immediately solved the issue with CCTV.
7. Mediation had taken place with the police and Mr Patel had agreed to the conditions.
8. Not all events needed SIA Door Staff.
9. All events would be risk assessed and 14 days' notice would be given to the police.

On behalf of his client, Mr Gibson requested that the interim steps be lifted, and the Premises Licence modified as per 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 Gibson and Mr Patel responded to questions asked.

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

Mr Gibson made a final statement on behalf of the premises.

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

All interested parties, except for 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 11.05 hours.

The Hearing reconvened at 12.05 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 had been received from West Midlands Police for a review of the Premises Licence in respect of Sitara Hall, Mander Street, Wolverhampton, WV3 0JZ. This was following an expedited review hearing on 6 July 2023 when the Statutory Licensing Sub-Committee were satisfied that a serious crime had occurred at the premises and found that interim conditions were necessary. On that date the Statutory Licensing Sub-Committee resolved to impose the following limited conditions with immediate effect as an interim step:

- 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.*

At the hearing on 31st 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 attended the hearing.

The Statutory Licensing Sub-Committee determined that the interim conditions imposed on 6 July 2023 should be discharged with immediate effect and the Premises Licence should be modified.

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