



# Licensing Sub-Committee

## Minutes – 1 November 2013

### Attendance

#### Members of the Sub-Committee

Cllr Mark Evans (chair)

Cllr Alan Bolshaw

Cllr John Rowley

#### Employees

Wendy Trainor

Rob Edge

Linda Banbury

Interim Chief Legal Officer

Section Leader (Licensing)

Democratic Support Officer

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## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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### BUSINESS ITEMS

1. **Apologies for Absence**  
There were no apologies for absence.
2. **Declarations of interest**  
No interests were declared.

### DECISION ITEMS

3. **Licensing Act 2003 – Application to vary a premises licence in respect of Gorgeous, 32-36 School Street, Wolverhampton**

In attendance

For the premises

David Campbell	-	Legal Advisor
Shaun Keasey	-	General Manager, JJCA Limited
Susan Keasey	-	Director, JJCA Limited
Dale Murphy	-	Designated Premises Supervisor
Sergio Lema	-	Door Supervisor

Mark Ward - Company Administrator, JJCA Limited  
Objectors

Duncan Craig	- Barrister
Inspector Sarah Thomas-West	- West Midlands Police
Elaine Moreton	- Licensing Authority
Dianne Slack	- Trading Standards

The chair introduced the parties and outlined the procedure to be followed at the meeting. No declarations of interest were made.

The Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting.

David Campbell, on behalf of the applicant, indicated that he had concerns regarding the volume of evidence produced since the last meeting. He requested that any information from the Police in relation to events prior to 24 February 2013 be disregarded, and that the further detail considered should be restricted to the period outlined at Appendix 6 of the report. Mr Campbell acknowledged that Shaun Keasey had referred in his statement to events in 2011 and that he would stand by that statement and respond to any questions raised in regard to it. David Campbell acknowledged that, historically, there had been problems at the venue. Duncan Craig, on behalf of the West Midlands Police, fundamentally disagreed with David Campbell's objection to consideration of the historical events. The Council's Chief Legal Officer, Wendy Trainor, advised that the Sub-Committee was a democratically appointed body, not a court of law and, as such, could attach whatever weight they saw fit to any representations made prior to and at the hearing. The Chair confirmed that the Sub-Committee were content to receive the information submitted and would attach sufficient weight to each piece of documentation as they saw fit.

At this juncture David Campbell outlined the application to vary the premises licence indicating that, following mediation, a number of conditions had been agreed, with the exception of the last entry time. In his submission, he called upon Shaun Keasey, Dale Murphy and Sergio Lima.

Responding to questions, Shaun Keasey advised that he had moved to a back office role in March 2013 when Dale Murphy had assumed the role of Designated Premises Supervisor. He had attended the hearing because Gorgeous was his bar. He had two other venues in the city centre, Devine and Darlington Street, but his company had foundered; his family had however persuaded

him to stay on. Shaun Keasey referred to a complaint he had registered against the Police in 2012. He was aware that the age verification policy had been introduced under Scottish law but could be changed to English if it was deemed necessary. He indicated that two events had been held until 0430 hours that year and no problems had arisen. He felt that the premises had demonstrated their promotion of the four licensing objectives through the Temporary Events. He believed that a later last entry time would alleviate a stampede of people across the town and that the Police shift patterns influenced their judgement in this regard. He indicated that the venue had to compete with other premises in the West Midlands.

Responding to questions Sergio Lima advised that, as the bar opened at 2100 hours, a lot of patrons leave by 0200 hours which provides scope for one hundred more people to attend. He indicated that on a quiet night they could turn away seventy people, but this would increase to the hundreds on a Friday or Saturday. With regard to patrons taking drugs into the premises, searches were made, but it was difficult when they hid them in their clothing. Sergio Lima indicated that was not aware of the specific details of the four licensing objectives which should be actively promoted by the premises.

Responding to questions, Dale Murphy advised that it was his role to oversee who came into the venue. In view of its location he could see people approaching from a distance and would use radio contact with Sergio Lima should he have any concerns. He indicated that he would review the CCTV footage with Shaun Keasey. He acknowledged that the instance whereby a seventeen year old gained entrance was a failing on behalf of the premises; this occurred when a young man had used his brother's ID card. Dale Murphy stated that there had never been any assault of customers by door staff.

At this juncture Elaine Moreton outlined the representations made on behalf of the Licensing Authority and, in so doing, questioned whether the applicant had agreed to the proposed conditions put forward by the Police. David Campbell advised that he was awaiting confirmation from the responsible authorities that they were happy with the wording and was unaware of the fifth condition. Duncan Craig advised that there had been an outstanding issue in regard to female door staff and a further condition proposed by Trading Standards in regard to the tills. With regard to the request for removal of the last entry time, Elaine

Moreton had concerns regarding the number of incidents that had taken place since January 2013 after 0200 hours and sought assurance that the removal of the last entry time would not add to crime and disorder.

At this juncture Duncan Craig outlined the representations made on behalf of the West Midlands Police. He referred to the action plans put in place at the premises in November 2011 and February 2012. The last entry time had been imposed by consent as a consequence of incidents at the premises. He accepted that it was a late night venue and that there would be incidents, and that conditions were imposed in order to promote the licensing objectives. The Police were, however, very supportive of the premises, but it was clear from the police log that the premises had issues requiring additional conditions on the licence. He believed there was no evidence from the applicant to indicate that the variation would promote the licensing objectives.

Responding to a question, Inspector Sarah Thomas-West advised that the police did not have a policy in regard to the need for all premises to close at 0200 hours and that every venue was considered on its individual merits. She added that in general terms there were no problems with the premises and that the incidents were historical and hence, there had been no move to apply for a review of the licence. Problems regarding the radio link scheme were due to an unpaid bill which had now been paid. She acknowledged that not all premises had last entry times. She was fairly confident, however, that removal of the last entry time would result in a resurrection of past problems. The chair advised that the Sub-Committee accepted that the Temporary Events had gone ahead problem free. Inspector Sarah Thomas-West drew attention to a police operation which existed to deal with the night-time economy, that a shift started at 0300 hours and that they would have a list of Temporary Events/ special events, which would then receive greater police attention. Duncan Craig advised that reviews would only be requested due to some trigger event.

At this juncture, Dianne Slack outlined the representations made on behalf of Trading Standards and referred to two complaints received of people under eighteen being admitted to the premises. Consequently, more robust intervention was required in the form of provision of door staff from 2300 hours and a till prompt. Shaun Keasey conceded the incident earlier in the year but indicated that, in regard to the 2012 complaint, the individual had been refused entry.

David Campbell and Duncan Craig summed up on behalf of the premises and West midlands Police respectively. A short DVD presentation was made on behalf of the premises.

## **EXCLUSION OF PRESS AND PUBLIC**

### **4. 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 item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting at this point.

## **Part 2 – exempt items, closed to the press and public**

### **5. Deliberations and decisions**

The solicitor advised them of the options open to them on the decision to be made in regard to the application to vary the premises licence.

### **6. Re-Admission of Press and Public**

Resolved:

That the press and public be readmitted to the meeting.

## **Part 1 – items open to the press and public**

7. The parties returned and the council's solicitor briefly outlined the decision of the Sub-Committee which included the refusal to remove the last entry time and to add amended conditions to the premises licence. The formal decision, as detailed below, would be circulated to all parties within five working days:

Wendy  
Trainor  
Rob Edge  
Linda  
Banbury

The Sub-Committee have taken note of all written concerns raised in respect of Gorgeous, 32-36 School Street, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

The Sub-Committee found the following facts:

- historically there have been problems of crime and disorder at the premises;

- Mr Lima, Head of Security, was not aware of the specific details of the four licensing objectives which should be actively promoted by the premises.

Submissions were made by Mr D Campbell, representing the applicant, in regard to:

- admissibility of evidence:
  - 1) In relation to Mr Keasey's conviction
  - 2) In relation to police submissions from prior to 2013
- case law – Daniel Thwaites plc V Wirral Borough Magistrates' Court and others, where speculation is not enough to invoke or change a condition on a licence, and
- the evidence presented by the West Midlands Police.

Parties were advised that the Sub-Committee was not a court of Law and, as such, the Councillors as a democratically appointed body, could attach whatever weight they saw fit to any representations made prior to and at the hearing. As such both items 1 and 2 were admitted as legitimate submissions by the Police.

Having considered the views of all concerned, the Sub-Committee have decided that, in accordance with the Licensing Act 2003, Section 35, 4, (b), the application to vary is refused in part, namely the application for removal of the last entry time is refused as this would not be appropriate for the promotion of the crime and disorder licensing objective, this is due to the crime and disorder problems detailed at the hearing.

However in addition, the following amended conditions, agreed between West Midlands Police, the Licensing Authority, Trading Standards and the applicant, have been added to the premises licence:

1. From 2300 hours on any evening when licensable activities are taking place until the time when the premises closes to the public, there must be at least five door supervisors present at the venue. Of these two must be female.
2. On 'special event nights', an additional risk assessment should be produced fourteen days prior to the event taking place. This assessment is to be provided to Wolverhampton Central Police Licensing Unit and Wolverhampton City Council's Licensing Authority, in order to establish if the level of security is adequate and is required earlier than 2300 hours.

3. If it becomes apparent within twenty four hours of the planned commencement of licensable activities on any evening that it is not possible to secure the services of a female door supervisor, then both Wolverhampton Central Police Licensing Unit and Wolverhampton City Council's Licensing Authority must be notified by email before opening.
4. If, for any reason, from 2300 hours through to the time when the premises are closed to the public, the female door supervisor has to leave the venue, her 'tour of duty' thus coming to an end, then a representative of the licence holder must notify the Police and Licensing Authority by email as soon as practicable, but in any case before the premises close to the public.
5. Staff serving alcohol at the premises must use a till prompt system, reminding them to verify the age of the person seeking to purchase alcohol.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder and protection of children from harm licensing objectives.

All parties have a right of appeal to the Magistrates' Court within twenty one days of receipt of this decision.