



Licensing Sub-Committee

Minutes – 7 November 2013

Attendance

Members of the Sub-Committee

Cllr Alan Bolshaw (chair)

Cllr Keith Inston

Cllr Neville Patten

Employees

Colin Parr

Licensing Manager

Rob Edge

Section Leader (Licensing)

Sarah Hardwick

Senior Solicitor

Linda Banbury

Democratic Support Officer

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

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| 1. | Apologies for Absence
There were no apologies for absence. | - |
| 2. | Declarations of interest
There were no declarations of interest. | - |

DECISION ITEMS

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| 3. | Licensing Act 2003 – Expedited Review of a premises licence in respect of Edda Lounge, Ward Street, Wolverhampton
<u>In attendance</u>
<u>For the premises</u>
Duncan Craig
Jennifer Haye
Dovey Phillip
Vanessa Brown | <ul style="list-style-type: none">- Barrister- Designated Premises Supervisor- Premises Licence Holder- Door Staff (Time Security Group) |
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Applicant for the Review

Inspector Sarah Thomas West
and WPC Lisa Davies - West Midlands Police
Tim Woodward - Legal Adviser

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. Detailed at Appendix 4 of the report, was the notice of the intention of the premises to make representations against the current suspension of the premises licence.

At his juncture, Mr Craig indicated that he would be calling upon the Designated Premises Supervisor (DPS), Jennifer Haye to provide information with a view to a decision being made to lift the suspension of the premises licence. Ms Haye indicated that she had taken on the position of DPS the previous November and that the premises offered a wide range of services for the local community including church functions and birthday parties. They had plans to provide support for young people from the ethnic minority community, including assistance with CVs and training in bar and restaurant work. A large amount of money had been spent on the premises, employing people from the local community. The DPS attended weekly meetings with the Police. Plastic glassware was used where the licence conditions required them to do so and there were 16 CCTV cameras at the premises. 'Challenge 21' and a no drugs policy was operated at the premises. Every Sunday they had an event called 'Rare Groove', which had been re-launched as 'All Stars Sunday'

The DPS acknowledged that there was a failure of the door staff on 27/28 October 2013 in regard to the 'knife arch' and the security staff had been immediately replaced. She indicated that she would not put herself or anyone else knowingly in danger, that she was a very verbal person and the CCTV footage was misleading as she and the Premises Licence Holder (PLH) had not been arguing. The DPS stressed that, other than the father of her grandchildren, she did not know any of the patrons on the CCTV footage. She was not aware of the identity of any street gang members.

The DPS indicated that premises were prepared to offer an interim condition to close the premises at 0200 hours with a last entry time of 0100 hours and would ensure that at least two security staff, including a female, would be on duty. They wished the venue to cater for the community, including those with special needs and the elderly population. The new security staff had agreed to accompany her to the weekly meetings with the Police. She

believed that the suspension of the premises licence should be lifted.

Responding to questions, it was pointed out that the DPS and PLH had not stated that there was no argument going on outside the premises, only that they were not personally arguing and that they were outside because of the need to carry out a noise check and they were keeping an eye on things because of an argument the previous week when the Police had requested CCTV footage.

At this juncture the hearing was adjourned for a thirty minute lunch break.

The meeting resumed and Mr Woodward outlined the case for the West Midlands Police.

Mr Woodward advised that the Police had no objection to the premises continuing to operate during the daytime, but wished to restrict the risk element of the business. He added that the Police had yet to receive the CCTV footage for the whole of the night of the incident and the previous 31 days and could not therefore confirm that the premises had done everything they could to promote the licensing objectives. The Police believed that the daytime economy ceased at between 1800 and 1900 hours. Prior to today the Police were unaware that the premises operated during the daytime.

Responding to questions, Inspector Thomas-West advised that the Police patrols were incident led and that there had been nothing to suggest the need for intervention in the daytime. The Police had no written records to suggest the venue opened in the daytime. She had been advised that a copy of the incident book had been handed in the previous day, but it had not made its way to the Licensing Unit. Police intelligence and evidence showed a risk problem at the premises at 0200 hours and the offered condition was not, therefore, acceptable to the Police. The Police were surprised that the daytime activities had not been mentioned at the 2 November meeting, adding that their system judged 2000 hours to be the start of the night-time economy. However, they believed 1800 hours would be an appropriate time for the venue to close.

Inspector Thomas-West indicated that CCTV footage had been made available to the CID as part of their investigations, but was not available for their Licensing Unit and had therefore been requested separately via email. She acknowledged that a memory stick was usually supplied to enable the premises to provide a copy, but had not been on this occasion.

Both parties were afforded the opportunity to make closing statements.

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 review application.

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 to the meeting and the Solicitor advised that, having considered all the written and oral evidence presented, the Sub-Committee have determined not to modify or withdraw the interim steps taken and are therefore satisfied that it is appropriate for the interim suspension to remain, pending determination of the full review of the premises licence. It was agreed that the full hearing would take place at 1000 hours on 27 November 2013.

Sarah
Hardwick
Colin Parr
Linda
Banbury