

Statutory Licensing Sub-Committee

Minutes - 5 August 2019

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw
Cllr Jonathan Crofts
Cllr Rita Potter

Premises Licence Holder

Jake Flanagan	Licensing Consultant
Rakesh Kainth	Designated Premises Supervisor

Review applicant

Sgt Steph Reynolds	West Midlands Police
Insp Sarah Thomas-West	West Midlands Police
Rebecca Keeves	Barrister for West Midlands Police
Olivia Appleby	Trainee Barrister (observing)

Responsible Authorities

Elaine Moreton	Section Leader Licensing
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Officers

Elizabeth Gregg	Senior Licensing & Compliance Officer
Deb Craner	Section Leader Licensing
Richard Phillips	Solicitor
Donna Cope	Democratic Service Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Society, Townwell Fold, Wolverhampton, WV1 4LD

An application for a review of a Premises Licence in respect of Society, Townwell Fold, Wolverhampton WV1 4LB, had been received from West Midlands Police.

The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed that they understood the procedure.

Elizabeth Gregg, Senior Licensing & Compliance Officer, provided an outline of the application. She reported that since the agenda had been published, an application to transfer the premises licence to Liam Dean Thompson had been received by the Licensing Authority on 2 August 2019.

The Chair afforded all parties present the opportunity to question the Senior Licensing & Compliance Officer on the report content.

Rebecca Keeves, Barrister representing West Midlands Police, stated that her client had not been aware of the application to transfer the premises licence and requested a short adjournment to allow her client time to view the application.

The Chair sought legal advice on the request and Richard Phillips, Solicitor and legal representative for the Sub-Committee, confirmed that the application to transfer the premises licence was a separate issue entirely and would not be considered during the Review Hearing.

Ms Keeves stated that West Midlands Police had CCTV footage and Police body camera footage to present to the Sub-Committee as part of their submission. She asked the premises and their representative their opinion on this and following a discussion between all parties it was agreed that the footage would be shown.

The Chair invited West Midlands Police to present their application.

Ms Keeves stated the grounds for review as per Appendix 2 of the report and requested that the premises licence be revoked. During her submission the CCTV footage and body camera footage was presented.

The Chair afforded all parties present the opportunity to question the Review applicant in relation to its submission.

Rebecca Keeves and Sgt Steph Reynolds provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations. Jake Flanagan, Licensing Consultant representing the Premises Licence Holder, made representations.

The Chair invited all parties present to question Jake Flanagan in relation to his submission.

Jake Flanagan provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton, Licensing Section Leader, did so as per Appendix 4 of the report.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mrs Moreton provided responses to questions asked.

The Sub-Committee adjourned at 12:56 hours.

The Hearing reconvened at 13:40 hours.

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

Elaine Moreton presented a summary on behalf of the Licensing Authority.

Jake Flanagan presented a summary on behalf of the Premises Licence Holder.

Rebecca Keeves presented a summary on behalf of West Midlands Police.

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.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

At the hearing to review the Premises Licence, the Statutory Licensing Sub-Committee listened carefully to all representations made by the persons who spoke at the hearing and considered all the evidence presented.

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

1. This was the second time that an expedited review had been brought against the premises this year;
2. That following the review in April 2019, the premises had its chance to change its ways and comply with licence conditions;
3. That the previous review also related to the actions of a member of staff but in this case, it was a trusted family member who led to the incident;

4. That the scene at the premises involved blood everywhere, bleeding severely, broken furniture, blood on walls, broken glass and much more than one could expect at the end of an evening in a nightclub;
5. That the upper room had previously been described as under renovation but was to all intent and purposes ready to have held pool tournaments before on previous occasions;
6. That the CCTV had not been working and should have been;
7. That the injury and disorder which had occurred undermined the Licensing Objectives, namely the Prevention of Crime and Disorder, Public Safety and Public Nuisance;
8. The altercation had spilt out onto the street with a number of people pushing and shoving;
9. That nobody at the venue co-operated with the police and therefore it was not a matter capable of remedy by way of training;
10. That Police body-camera images showed the aftermath of the Police's arrival and the situation inside the venue, including the injured gentleman and his general behaviour including him alleging that someone had cut him with a glass;
11. The CCTV which covered the entrance to the Club had shown the injured man being pushed out of the club and a fracas outside lasting some minutes;
12. That those within the premises had not co-operated with the Police when it was clear they knew what had occurred;
13. As a result, the only appropriate step to take by the Licensing Sub-Committee would be the revocation of the premise licence.

The Sub-Committee heard from Mr Flanagan, representing the Premises Licence Holder that:

1. The relevant question of serious disorder was still relevant for the Licensing Sub-Committee to consider;
2. The premises had accepted that the incident had taken place and shared the Police concerns, but the premises could not accept that serious disorder had taken place;
3. There had been one aggressive male, a cut to his finger, a few drops of blood on the floor and no punches thrown;
4. The CCTV evidence had shown the male was only aggressive on one occasion after the Police had ejected him from the entrance of the premises;
5. The Police had made a determination that a fight had taken place within seconds of their arrival without fully appreciating what had occurred;
6. The CCTV evidence reinforced what the premises had been saying – there had been one gentleman who suddenly became aggressive;
7. The PLH and DPS had left the premises secure including the downstairs areas which were licensed;
8. That the present position was that the PLH was too ill to continue his current role and as a result, the brothers had decided to protect their investment in the premises, so would sublet the premises and an application had been made to transfer the licence;
9. That the Licensing Sub-Committee should consider amending licence conditions including the introduction of a Cloud based CCTV system, switching to polycarbonate glass and a new keyholder policy; and

10. Whilst a transfer was being completed, the premises would voluntarily agree to suspend the licence.

The Sub-Committee heard from Elaine Moreton, Licensing Authority (as Responsible Authority), that she had attended the hearing to support the application made by the West Midlands Police and noted the Sub-Committee's options.

The Licensing Sub-Committee was satisfied on the evidence that there had been significant breaches of licence conditions, failure to comply with provisions of the Licensing Act and disorder at the premises. These actions did not promote the Licensing Objectives.

Therefore, based upon the above and having regard to the application and relevant representations made, the Sub-Committee decided to revoke the licence in accordance with Section 53C of the Licensing Act 2003.

The above action was considered an appropriate and proportionate action for the promotion of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance Licensing Objectives.

An appeal could be made to the Magistrates' Court against the decision, by the applicant, the holder of the premises licence, or any other person who had made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

Section 53D makes provision for the review of interim steps that had been taken by the relevant licensing authority under section 53B, before a decision under section 53C came into effect. Having considered whether interim steps were appropriate for the promotion of the Licensing Objectives and any relevant representations, the Licensing Authority had determined that the current interim steps should remain, that being suspension of the Premises Licence.

In accordance with Section 53D(5) of the Licensing Act 2003, the interim steps that were put in place following the hearing on 11 July 2019 would cease to have effect from the coming into effect of the decision on review today. A decision under section 53D could also be appealed.