

Statutory Licensing Sub-Committee

5 August 2019

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 5, Ground Floor - Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Rita Potter

Conservative

Cllr Jonathan Crofts

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Society, Townwell Fold, Wolverhampton, WV1 4LD (Pages 3 - 34)

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

5 August 2019

Report title	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Society, Townwell Fold, Wolverhampton, WV1 4LD	
Wards affected	St Peters	
Accountable director	Ross Cook, City Environment	
Originating service	Licensing Services	
Accountable employee	Debra Craner	Section Leader
	Tel	01902 556055
	Email	Debra.Craner@wolverhampton.gov.uk

Recommendation for decision:

The Statutory Licensing Sub-Committee is recommended to:

1. Consider an application by West Midlands Police for a review of the above Premises Licence, following an expedited review.

1.0 Purpose

- 1.1 The Licensing Sub-Committee is required to consider the application by West Midlands Police for a Review of the above Premises Licence, following an Expedited Review.

2.0 Background

- 2.1 The current premises licence is attached at Appendix 1.

3.0 Expedited Summary Review Application

- 3.1 An application was received from the Chief Officer of Police for West Midlands on 9 July 2019 for an expedited review of the Premises Licence in respect of Society, Townwell Fold, Wolverhampton, West Midlands, WV1 4LD.
- 3.2 A copy of the expedited review application can be found at Appendix 2 of this report.
- 3.3 The premises are situated in the St Peter's ward and a location plan is attached at Appendix 3.
- 3.4 A Licensing Sub-Committee hearing was held on 11 July 2019 to determine the interim steps to be applied to the Premises Licence pending the full review hearing. The Licensing Sub-Committee resolved to suspend the Premises Licence as the interim step.

4.0 Review Application

- 4.1 The notice of review has been properly served on all the Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on its website as required, when the application for review was made.
- 4.2 Representations have been received from the Licensing Authority and can be found at Appendix 4 of this report.
- 4.3 The applicant for review, the Premises Licence Holder, and those who have made representations have been invited to attend the review hearing.

5.0 Financial implications

- 5.1 There are no direct financial implications associated with the recommendations in this report. No fee is levied for an Expedited Summary Review application. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Committee on 20 March 2019. [MK/19072019/N]

6.0 Legal implications

- 6.1 The Licensing Authority must consider the application for the review under Section 53A of the Licensing Act.

- 6.2 The Licensing Sub-Committee is asked to determine the review under Section 53A(2)(b) in accordance with Section 53C of the Act. The licensing authority must hold a hearing and consider the application for review and any relevant representations.
- 6.3 The Sub-Committee must consider what steps (if any) should be taken to secure the promotion of the licensing objectives.
- 6.4 The four licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 6.5 The steps that may be taken by the Sub-Committee on a full review are:
- (a) Modify the conditions of the licence;
 - (b) Exclude a licensable activity from the scope of the licence;
 - (c) Remove the designated premises supervisor;
 - (d) Suspend the licence for a period not exceeding 3 months;
 - (e) Revoke the Licence.
- 6.6 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement. [RP/24072019/Z]

7.0 Equalities implications

- 7.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
- 7.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

8.0 Environmental implications

- 8.1 There are no environmental implications associated with this report.

9.0 Human resources implications

9.1 There are no human resources implications associated with this report.

10.0 Corporate landlord implications

10.1 There are no corporate landlord implications associated with this report.

11.0 Schedule of background papers

11.1 None

12.0 Appendices

12.1 Appendix 1 - Premises Licence

12.2 Appendix 2 - Expedited Review Application

12.3 Appendix 3 - Location Plan

12.4 Appendix 4 – Licensing Authority Representation

Premises Licence

Issued in accordance with The Licensing Act 2003

Name of Premises: Society

Address of Premises: Rear of House of Fraser
Skinner Street
City Centre
Wolverhampton
WV1 4LD

Premises Licence Number: 19/06527/PRE – Review

Date Licence Granted: 18th April 2019

1. Opening hours of the premises

Normal Hours: Monday to Sunday 10.00 to 04.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 05.00 hours

Non Standard Hours: GMT time difference either way

2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

Activity: Plays

Normal Hours: Monday to Sunday 10.00 to 01.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 03.00 hours

Non Standard Hours: GMT time difference either way

Activity: Films

Normal Hours: Monday to Sunday 10.00 to 01.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 03.00 hours

Non Standard Hours: GMT time difference either way

Activity: Indoor Sporting Events

Normal Hours: Monday to Sunday 10.00 to 01.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 03.00 hours

Non Standard Hours: GMT time difference either way

Activity: Boxing or Wrestling

Normal Hours: Monday to Sunday 10.00 to 01.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 03.00 hours

Non Standard Hours: GMT time difference either way

Activity: Live Music

Normal Hours: Monday to Sunday 10.00 to 04.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 05.00 hours

Non Standard Hours: GMT time difference either way

Activity: Recorded Music

Normal Hours: Monday to Sunday 10.00 to 04.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 05.00 hours

Non Standard Hours: GMT time difference either way

Activity: Performances of Dance

Normal Hours: Monday to Sunday 10.00 to 04.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 05.00 hours

Non Standard Hours: GMT time difference either way

Activity: Activity like music or dance

Normal Hours: Monday to Sunday 10.00 to 04.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 05.00 hours

Non Standard Hours: GMT time difference either way

Activity: Late Night Refreshment

Normal Hours: Monday to Sunday 23.00 to 03.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 23.00 to 03.00 hours

Non Standard Hours: GMT time difference either way

Activity: Sale/Supply of alcohol on the premises

Normal Hours: Monday to Sunday 10.00 to 03.00 hours

Seasonal Variations: New Years Eve, Boxing Day, Christmas Day and all Bank Holidays 10.00 to 04.00 hours

Non Standard Hours: GMT time difference either way

3. Name of the designated premises supervisor if the sale of alcohol is involved

Rakesh Kainth

Personal licence number: PER1005

Issued by Wolverhampton City Council

4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003.

5. Name, (registered) address of the holder of the premises licence

Mac Kainth

79 Himley Crescent

Wolverhampton

West Midlands

WV4 5DE

Mandatory Licensing Conditions (Licensing Act 2003)

Mandatory conditions as required by the Act will apply to the licence.

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation to the Licensing Act 2003.

Conditions consistent with the Operating Schedule

General

- To work with all authorities where necessary.

The prevention of crime and disorder

- Customers are allowed one hour drinking time and use of toilets.
- CCTV will be in operation at all times with 31 days availability.
- SIA door security.
- All doorstaff will be SIA registered and badges will be visible at all times. The nominated Door Company will be responsible for:
 - A risk assessment on each event
 - The amount of doorstaff required on each event
 - Search policy for all patrons
 - Electric wands to be used on high risk events
 - Doorstaff located in the smoking area
 - Clickers to record accurate numbers of persons admitted
- Dresscode to be implemented and only DPS to authorise entry for any exception.
- Challenge 21 to be implemented at the premises and that photo identification should be produced by anyone that appears to be under the age of 21 and that all staff receive sufficient training in challenging underage drinking.
- No glass drinking vessels or glass bottles to be permitted outside of the venue, either out into the street at the front of the premise or into the venue smoking area.
- Last entry time for all patrons of 01.30 hours into the premises.
- Licensing department to be informed no less than 14 days prior to any event/function that will extend past 02.00 hours.

In relation to sporting events:

- The 1st and 2nd floors will use separate entrance when ground floor is open serving alcohol.
- Private events are to be at the discretion of the DPS but in any case at least 14 days notification to be given to the licensing department at Wolverhampton Central Police Station to allow for a suitable risk assessment to be conducted.
- No events aimed specifically at under 18s to be held prior to authorisation of Licensing Department at Wolverhampton Central Police Station and at least 14 days notice of event given.
- Bottle banks to be kept locked and emptied regularly.
- Premise to join the radio link scheme and to sign up to the Information Sharing Agreement in conjunction with Wolverhampton City Centre management, (currently known as WV One).

- DPS or representative to attend Pubwatch meetings and any customer who behaves inappropriately will be barred from the premises and their details passed to the Pubwatch scheme.
- Evidential quality CCTV to be installed and maintained to a high standard, images/recordings to be kept for 31 days and to be available on request by anyone from responsible authority. At any time at least one member of staff on duty who can use/download CCTV on request. CCTV should cover entry and exit points of premises and areas where alcohol/money is served/taken and all areas to where public have access.
- An incident book shall be kept in the premises, in which will be recorded any incident of crime and disorder. This book shall be reviewed by senior management in association with the Designated Premises Supervisor. Any incident of crime and disorder at the premise shall be reported by a staff member to the Police as soon as is reasonably practicable.
- All staff who are involved in the sale of alcohol will be fully trained to ensure that no person who is drunk or disorderly or who appears to be under the age of 18 years will be served with intoxicating liquor, such training to be repeated every six months.
- All staff to be trained in order to carry out the safe evacuation of the premises in an emergency and training to be implemented at least annually. A record of this training to be kept at the premises and to be available to the Fire Service and Council upon request.
- At least one member of First Aid trained staff on the premises at any time that members of the public are present at the premises to deal problems associated with alcohol/drugs, if more than one first aid trained member of staff on duty then their specific role and responsibilities to be outlined before their duty commences. Training to be undertaken every 6 months and to be documented and available upon request by any responsible authority.
- Daily briefing/ tasking for all staff outlining their responsibilities and any relevant information/policies in relation to the premises to be documented and provided to any responsible authority.
- No cage or K1 style fights at the premises at any time.

Public safety

- SIA door staff- risk assessment
- Staff training for all staff/ managers
- Drug awareness
- CCTV at all times

The prevention of public nuisance

- A none residential area.
- All doors and windows to be kept shut
- Waste disposal – weekly

The protection of children from harm

- Challenge 21

Conditions attached after a Statutory Licensing Sub-Committee on 18 April 2019:

1. An SIA Registered Security Firm to be employed for all events.
 - a) A minimum of six Door Staff, one of whom will be female to be employed at any event and a ratio of 1:50 to be applied thereafter.
 - b) All Door Staff to wear High Visibility Jackets.
 - c) The Risk Assessment for each event to be shared, in full with the security team for that night, including any correspondence / requests by any Responsible Authority and the conditions on the premises licence.

- d) A written briefing to all door staff will be completed only by the DPS/PLH and will be documented and signed by all parties.
 - e) A documented hourly check that all security are present and in the correct areas conducting their duties as instructed will take place.
 - f) All bags will be searched on entry to the venue.
2. A knife arch will be in place and used at all events as part of a condition of entry for anyone entering the venue.
 3. A four- step security protocol will take place as a condition of entry for anyone entering the venue:
 - a) All pockets will be emptied
 - b) Patrons will be required to walk through the knife arch
 - c) There will be a full body pat- down from head to toe of anyone entering the venue
 - d) A metal detecting wand will be used to scan from head to toe anyone entering the venue
 4. An ID Scanner will be implemented and used as a condition of entry for anyone entering the venue.
 5. The Smoking area will be fully secured whilst the premises is closed to ensure that no items can be secreted.
 6. There will be a full sweep of the premises both inside and out within one to two hours prior to opening to ensure that no weapons or illegal contra-brand is present.
 7. CCTV is to cover all areas were the public have access, save for the toilets and is to cover all areas where the door staff conduct the search procedure.
 8. All communication regarding arrangements for events to be held at the venue with any Responsible Authority, and with particular reference to West Midlands Police, shall be undertaken by the DPS/PLH only, who will then be responsible for ensuring all actions and that the licensing objectives are upheld.
 9. Any reasonable recommendations made by West Midlands Police with regard to any event at the premises that will satisfy the four licensing objectives shall be adopted and complied with by the DPS/PLH.
 10. When a high-risk event is proposed to take place at the premises, West Midlands Police will have a right of veto over any such event should they decide that by holding the event the PLH/DPS will not be promoting the Licensing Objectives. The premises will notify West Midlands Police at least twenty-one days prior to any event taking place, and if no objections or veto are received from the Police within ten working days from the notification being given to the Police, then the event will be deemed suitable to take place subject to no new information coming to the attention of the Police. Any Police recommendations or veto must be communicated to the PLH/DPS at least ten working days prior to the event. If the Police recommendation or veto is that the event must not take place because of a serious risk to the Crime and Disorder or Public Safety Licensing Objectives, then a Police Officer of the rank of Inspector or above from West Midlands Police will provide a written explanation of the reasons for the veto at the same time as the recommendation is made or as soon as is reasonably practicable thereafter. This condition is made at the suggestion of and with the full agreement of West Midlands Police.

Plans

As submitted with application dated 07/11/2011 and retained by City of Wolverhampton Council

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CITY OF
WOLVERHAMPTON
COUNCIL

Licensing Services, 2nd Floor, Civic Centre, St. Peter’s Square, Wolverhampton, WV1 1SH

Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Chief Constable of West Midlands Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Society Rear of House of Fraser Skinner Street City Centre	
Post town Wolverhampton	Post code (if known) WV1 4LD

Name of premises licence holder or club holding club premises certificate (if known) Mac Kainth

Number of premises licence or club premises certificate (if known) 19/06527/PRE

Part 2 - Applicant details

I am Police Sergeant 6222 Reynolds,

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Police Sergeant 6222 Reynolds West Midlands Police Wolverhampton NPU Bilston Street
Telephone number (if any) 0345 113 5000
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

At 08.19 hours on Sunday 7th July 2019 there was an anonymous 999 call to the police saying that there was a fight at the Society Club. Officers attended the location, and there were people in the street, and they noticed a male sat in a [REDACTED] BMW who had an injury to his hand/arm, which was still bleeding. There were other people stood next to this vehicle. The male that was bleeding was heavily intoxicated and said he wanted to go back inside Society.

Initially Society did not look open, however whilst officers were present an intoxicated female exited, allowing an officer (PC Thompson) to enter. Upon the officer entering he immediately saw a large amount of blood, that trailed up 3 flights of stairs to a room where there was a bar and a number of pool tables. This was labelled as Society Pool Hall Bar and Grill.

PC Thompson then had to come back down the stairs after hearing his colleague, with the males outside shout for help. Upon PC Thompson reaching the entrance/exit door the injured male was attempting to get back inside the venue. The injured male was asked to go back outside and was then pushed back outside the venue.

Other officers were called to assist with the situation, PC Thompson went back inside the venue. Once inside he saw a number of people stood at the bar drinking from pint glasses with a male behind the bar who identified himself as [REDACTED], the manager. [REDACTED] was heavily intoxicated and clearly under the influence of drugs, he was unable to confirm his name without help. Most people then left, but one customer hid behind the bar. [REDACTED] stated that he had been there all night and people had refused to leave.

There was blood all over the place and one of the callers to the police was identified, who just kept saying that "he just switched" and that "he had smashed the toilets up"

PC Bishop then entered the venue and was met by [REDACTED] who again is described as intoxicated, identifying himself as the manager. [REDACTED] would not talk to PC Bishop or explain what had happened, other than the fact that he had been there since 2am and had had been struggling to get the injured male to leave since then.

A male was seen in the corridor with a pint of beer which PC Bishop removed from him. Enquiries were made about the CCTV, but was informed that no-one at the location could work or view it. There was however a TV screen in the top room that displayed the CCTV.

[REDACTED] confirmed that the DPS would be at the premises at 2pm that day for the CCTV enquiries.

PC Thompson then checked the toilets and in the ladies there was blood all over, and the same in the mens. There were also smashed beer bottles all over the floor and a sink that had been smashed and some of the porcelain broken.

It was also noted that there were a large number of cigarette butts in the bar area, indicating that smoking inside the venue was also happening. There were a number of pint glasses on the bar, and blood and broken glass on the floor in front of the bar

When officers were on foot patrol at midday, they noticed there were a number of cars outside the venue, thinking this may be the DPS they rang the video doorbell. Upon entering the venue, it was apparent that all the blood had been removed and officers were met by [REDACTED] on the stairs. [REDACTED] was not happy with the officers presence. On this visit [REDACTED] identified himself as the cleaning manager, giving a different version of events saying that he had been in town and returned to Society at 8am when he was followed in by a guy that refused to leave. CCTV was again requested by PC Bishop, but [REDACTED] could not work it. PC Thompson confirmed that the CCTV box was in a room above the 3rd floor and the blue recording light was flashing. Attempts were made to contact the DPS/Manager, with no joy. It was confirmed with [REDACTED] that the DPS/Manager would be at the venue for 2pm.

Shortly before 2pm the same officers returned and were met by the DPS Rakesh Kainth. When officers asked him for the CCTV, Rakesh stated that the hard drive had been taken, and that it was his sister who had taken it. PC Thompson then checked and confirmed that the CCTV hard drive was no longer present. PC Bishop re-iterated the licence conditions and requested it be returned immediately. After about 15 minutes a female attended with a CCTV box, however there was NO hard drive and NO footage. This female was very argumentative and said that the 3rd floor is not part of the club as it is not open yet, therefore does not require CCTV. Rakesh (DPS) confirmed that this floor had already been used for a number of pool tournaments where alcohol was served. Rakesh was asked questions about an incident book, and stated he DID NOT have one.

Due to these inconsistencies and the now missing CCTV they were challenged by PC Bishop and he was informed that the other function room would have CCTV. Mac Kainth (PLH) then arrived a couple of minutes later. The CCTV cameras were viewed, however only 2 external cameras were available, there was no internal footage available.

This showed....

At 0415 shows [REDACTED] leaving.

At 0453 shows [REDACTED] leaving.

At 0505 shows Mac, Rakesh and another leaving, locking and securing the premises.

At 0542 shows a male Mac identified as the bar manager [REDACTED] entering with keys, a while later lots of people entering.

At 0731 shows a few people leaving.

A few seconds later a member of promotion staff called [REDACTED] exits with a few females

At 0733 a male arrives in a [REDACTED] Citroën who was there on a second visit.

At 0734 [REDACTED] leaves.

At 0747 about 8 people leave

At 0754 doors open, females leaving.

At 0759 a group re-enter.

Between approx 8am and 8.25am a disorder takes place when lots of people enter and leave. During which the door is damaged. Resulting in the 999 calls.

**** [REDACTED] **** is the person in attendance at 8.30am and at 12 midday, claiming to be the bar manager and later on the cleaning manager. The PLH has actually identified him as the real cleaning manager, who has keys.

**** [REDACTED] **** is, at this time unidentified.

It can only be confirmed that a serious disorder has occurred inside the venue, however it cannot be established if serious crime has occurred due to the fact that there was no account given by the injured male. He also refused to co-operate with the police, likely due to his intoxication and the fact that he had been drinking inside a licensed venue after hours. There is also the fact that there is no CCTV available from inside the venue to confirm exactly what went on.

This venue was subject of an Expedited Review on 27th March 2019 with the full hearing on 18th April 2019. This was after a stabbing and disorder at the location. The result of this review was that more stringent conditions were put in place to prevent any further issues and to ensure the Licensing Objectives were upheld.

Only 3 months after this date there is another serious incident at the venue.

PS Reynolds has spoken with Mr Mac Kainth on the telephone. When asked about what happened at the venue on Saturday evening/Sunday morning he replied **“oh yeah, it was only the cleaning manager that let everyone in, he’s my brother, I gave him my trust”**.

Mac stated that the first he had heard of it was moments before he arrived at the venue at around 2pm on the Sunday.

Mac said **“there was no fight there was just pushing and shoving inside and outside the venue and an intoxicated man smashed up the place and the sink had been cracked”** Mac stated that he only knew all this from speaking to his brother Rakesh the DPS.

When PS Reynolds asked Mac about the CCTV, he said **“that the top floor isn’t open properly and there was no CCTV working in there. The only camera that was working was the outside one where you ring the bell. The rest was supposed to be fitted on Monday (next week). That his sister took the CCTV to check it”**

I then explained to Mac that due to the fact that there had been disorder, an injury, open after hours, serving alcohol and the removal of the CCTV after police had requested it, that I would be submitting an expedited review.

Mac replied **“so we are going through all that again”**. I then attempted to tell him that he has my contact details should he need to speak to me, but then he put the phone down on me.

Rakesh (DPS) then contacts me to inform me that Mac had told him it was going to a review. I then called Rakesh and he confirmed that **the upstairs (pool hall) had no air conditioning and wasn’t open therefore didn’t need CCTV. He also confirmed that he has previously had 2 pool tournaments in there, the last being about 3 weeks ago. That the tills were locked and had not been opened since the last pool tournament.**

The licence states:

1. That the hours of opening are until 4am, and the sale of alcohol/late night refreshment until 3am.
2. That the DPS and PLH are to ensure that they are conversant and compliant with all current mandatory conditions.
3. To work with all authorities where necessary.
4. Evidential quality CCTV to be installed and maintained to a high standard, images/recordings to be kept for 31 days and to be available on request by anyone from responsible authority. At any time at least one member of staff on duty who can use/download CCTV on request. CCTV should cover entry and exit points of premises and areas where alcohol/money is served/taken and all areas to where public have access.

5. An incident book shall be kept in the premises, in which will be recorded any incident of crime and disorder. This book shall be reviewed by senior management in association with the Designated Premises Supervisor. Any incident of crime and disorder at the premise shall be reported by a staff member to the Police as soon as is reasonably practicable
6. All staff who are involved in the sale of alcohol will be fully trained to ensure that no person who is drunk or disorderly or who appears to be under the age of 18 years will be served with intoxicating liquor, such training to be repeated every six months.

The issues raised are:

Serious Disorder has occurred inside the venue by highly intoxicated individual(s). It cannot be established if Serious Crime has occurred due to the injured male not co-operating with the police and the fact that there is no CCTV available to view.

The venue open after licensable hours

The venue serving/selling alcohol after licensable hours

The venue serving alcohol to patrons who are already drunk and heavily intoxicated

Smoking inside the venue

No incident book, DPS not aware of any incident book

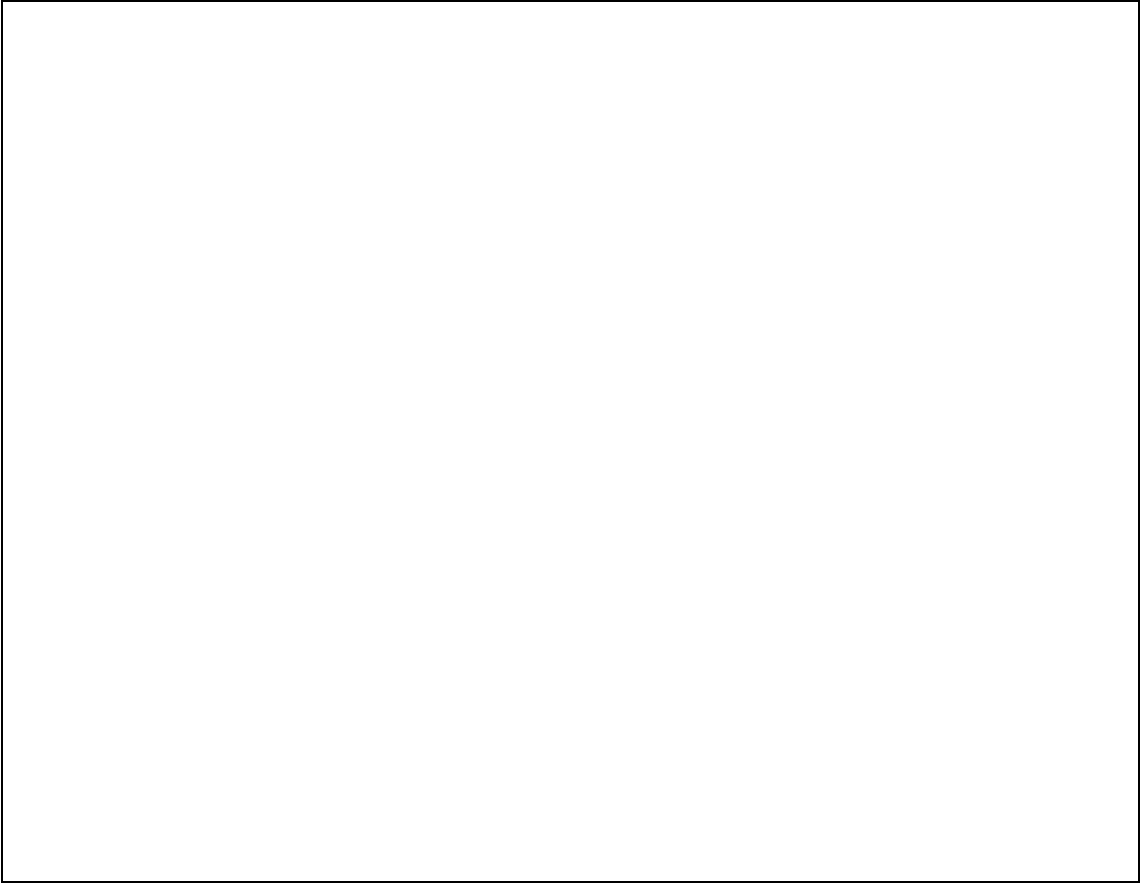
No member of staff reporting the incident to the police

No member of staff calling for police assistance to remove the male

No CCTV working/available in an area that falls within the premises licence and has been used as such, and for selling alcohol.

CCTV being removed by family member after being requested by the police.

██████████ (brother of the PLH and DPS) is heavily intoxicated and under the influence of drugs that he can barely speak, yet is serving alcohol in the venue to other heavily intoxicated people, outside of licensable hours.



Please provide as much information as possible to support the application (please read guidance note)

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
2	5	03
2	0	19

If you have made representations before relating to the premises please state what they were and when you made them

The PLH of Society contacted West Midlands Police in January 2019 to inform them of an event they intended to host on Saturday 23rd March 2019 between 22.00 and 04.00. This event was a birthday party for a known gang nominal in the Wolverhampton area. Details were given as to who the party was for, and who the DJ's would be.

WMP stated that due to current gang issues (and believed to be a risky event to host) that if the party was to be hosted, then additional security measures would need to be implemented to ensure all the licensing objectives were upheld.

WMP requested:

- That at least 6 door staff would be required for up to 100 guests, if over that then to liaise with WMP.
- All plastic glasses, no bottles
- Strict search policy, wands and knife arch – if available, but minimum of wands, thorough person search and bag search.
- Further search as detailed above if patrons exit and re-enter
- As the party was an invite only event, to provide a list of invited persons
- Ensure CCTV is working in all areas covering the party just before the event.

The PLH, confirmed that they would have 8 door staff as there would be 150-200 guests attending, that each guest will be searched and wands in place, drinks will be served in plastic cups, other than the VIP guests. It was also confirmed that the smoking area wasn't accessible by anyone as it was fenced and gated off, and padlocked. That there would be one member of door staff and another floating in the smoking area at all times.

All of this communication was done to ensure the safety of all patrons attending the party and under the prevention of crime and disorder objective.

At 02.59hrs on the morning of Sunday 24th March there was a call via the link radio saying that there was a large disorder at these premises involving 50 plus people, and a possible stabbing.

Officers attended and had to withdraw immediately due to the large scale disorder that could be seen and heard, officers had to wait for back up for their own safety. It was identified that one male had been stabbed, as he came out of the venue, he was escorted by police to a waiting ambulance in a nearby street. This was due to the fact that the ambulance could not get near the venue due to all the cars parked nearby, blocking the street.

The club was shut by an officer at the scene, and as people then vacated, there was a great deal of hostility towards officers from the patrons at the venue, even to the officers administering first aid to the victim.

A search was conducted of the smoking area, whereby 2 knives were found. A silver/green lockknife, which was found on the floor in the left corner of the smoking area. A black handled ceramic knife was found hidden behind the large mobile advertising board. It appears at this early stage of the investigation that neither of these knives were the one used for the stabbing of the victim.

A further flick knife 8 inches in length was also found tucked under a door, on the outskirts of the premises.

The manager, [REDACTED] was spoken to at the time by officers in attendance and stated that approximately 250 people were in the venue with 6 SIA door staff from Eagle Security. Officers also reported that there was a smell of cannabis inside the venue, however the manager stated that he could assure them that no one had smoked it inside the premises.

Door staff were also spoken to and confirmed that there was no knife arch and no wands in use as they did not have any. These door staff also stated that MOST people who attended had an invitation on their mobile, however the family let a lot of people in who were not on the list, continually stating "it's ok, they're family".

The manager then showed a police officer one metal detector wand that was working, there were no others.

Inside the venue, there was significant evidence of the small silver canisters that contain nitrous oxide aka laughing gas. These were strewn all across the floor, along with boxes that they were contained in.

This incident could have been avoided if the requests from West Midlands Police had been adhered to. It had been highlighted to the PLH, the concerns from the police in relation to gang tensions and that was why the strict invite only, search policy and door staff numbers were requested. This was to ensure that the licensing objectives were upheld and all patrons/public were kept safe from harm.

The injured party in this crime, was NOT on the invite list, so it therefore raises the question as to how he was allowed entry into the "invite only" event.

There venue have failed to uphold these licensing objectives by failing to:

- Search all patrons attending the event
- Allowing those without an invite into the event
- Have the sufficient door staff on duty, they agreed 8 door staff based upon 150-200 attending.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature S.Reynolds

Date **09/07/2019**

Capacity Police Licensing Sergeant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

West Midlands Police

CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and/or disorder

Premises: **Society**

Premise Licence Number: **19/06527/PRE**

Premise Licence Holder: **Mac Kainth**

Designated Premise Supervisor: **Rakesh Kainth**

I am a Superintendent in West Midlands Police.

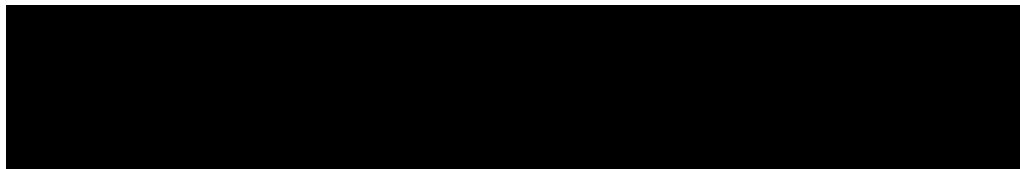
I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the disorder, and the serious management failings of the premises concerned.

The level and seriousness of this incident in terms of the disorder warrant the use of this power. I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The concern of West Midlands Police is that if steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered. It is quite evident from the initial investigation that the licensing objectives have been undermined.

I am conscious of the guidance under the 2003 licensing act on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signature of applicant:



Date: **9th July 2019**

Rank/Capacity: **Superintendent for Local Policing, Wolverhampton NPU**



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

I, **Superintendent Chisholm**

(On behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: **Society**
Postal address of premise: **Rear of House of Fraser, Skinner Street, City Centre**
Post Town: **Wolverhampton**
Post Code (if known): **WV1 4LD**
2. Premises Licence details :
Name of premise licence holder (if known): **Mac Kainth**
Number of premise licence (if known): **19/06527/PRE**
3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:
(Please read guidance note 2)

Signature of applicant:

Date: **9th July 2019**

Rank/Capacity: **Superintendent for Local Policing, Wolverhampton NPU**

At 08.19 hours on Sunday 7th July 2019 there was an anonymous 999 call to the police saying that there was a fight at the Society Club. Officers attended the location, and there were people in the street, and they noticed a male sat in a [REDACTED] BMW who had an injury to his hand/arm, which

was still bleeding. There were other people stood next to this vehicle. The male that was bleeding was heavily intoxicated and said he wanted to go back inside Society.

Initially Society did not look open, however whilst officers were present an intoxicated female exited, allowing an officer (PC Thompson) to enter. Upon the officer entering he immediately saw a large amount of blood, that trailed up 3 flights of stairs to a room where there was a bar and a number of pool tables. This was labelled as Society Pool Hall Bar and Grill.

PC Thompson then had to come back down the stairs after hearing his colleague, with the males outside shout for help. Upon PC Thompson reaching the entrance/exit door the injured male was attempting to get back inside the venue. The injured male was asked to go back outside and was then pushed back outside the venue after failed verbal requests.

Other officers were called to assist with the situation, PC Thompson went back inside the venue. Once inside he saw a number of people stood at the bar drinking from pint glasses and bottles, with a male behind the bar who identified himself as [REDACTED], the manager. [REDACTED] was heavily intoxicated and clearly under the influence of drugs, he was unable to confirm his name without help. Most people then left, but one customer hid behind the bar. [REDACTED] stated that he had been there all night and people had refused to leave.

There was blood all over the place and one of the callers to the police was identified, who just kept saying that "he just switched".

PC Bishop then entered the venue and was met by [REDACTED] who again is described as intoxicated, identifying himself as the manager. [REDACTED] would not talk to PC Bishop or explain what had happened, other than the fact that he had been there since 2am and had had been struggling to get the injured male to leave since then.

A male was seen in the corridor with a pint of beer which PC Bishop removed from him. Enquiries were made about the CCTV, but was informed that no-one at the location could work or view it. There was however a TV screen in the top room that displayed the CCTV.

[REDACTED] confirmed that the DPS would be at the premises at 2pm that day for the CCTV enquiries.

PC Thompson then checked the toilets and in the ladies there was blood all over, and the same in the mens. There were also smashed beer bottles all over the floor and a sink that had been smashed and some of the porcelain broken.

It was also noted that there were a large number of cigarette butts in the bar area, indicating that smoking inside the venue was also happening. There were a number of pint glasses on the bar, and blood and broken glass on the floor in front of the bar

When officers were on foot patrol at midday, they noticed there were a number of cars outside the venue, thinking this may be the DPS they rang the video doorbell. Upon entering the venue, it was apparent that all the blood had been removed and officers were met by █████ on the stairs. █████ was not happy with the officers presence. On this visit █████ identified himself as the cleaning manager, giving a different version of events saying that he had been in town and returned to Society at 8am when he was followed in by a guy that refused to leave.

CCTV was again requested by PC Bishop, but █████ could not work it. PC Thompson confirmed that the CCTV box was in a room above the 3rd floor and the blue recording light was flashing. Attempts were made to contact the DPS/Manager, with no joy. It was confirmed with █████ that the DPS/Manager would be at the venue for 2pm.

Shortly before 2pm the same officers returned and were met by the DPS Rakesh Kainth. When officers asked him for the CCTV, Rakesh stated that the hard drive had been taken, and that it was his sister who had taken it. PC Thompson then checked and confirmed that the CCTV hard drive was no longer present. PC Bishop re-iterated the licence conditions and requested it be returned immediately. After about 15 minutes a female attended with a CCTV box, however there was NO hard drive and NO footage.

This female was very argumentative and said that the 3rd floor is not part of the club as it is not open yet, therefore does not require CCTV. Rakesh (DPS) confirmed that this floor had already been used for a number of pool tournaments where alcohol was served. Rakesh was asked questions about an incident book, and stated he DID NOT have one.

Due to these inconsistencies and the now missing CCTV they were challenged by PC Bishop and he was informed that the other function room would have CCTV. Mac Kainth (PLH) then arrived a couple of minutes later. The CCTV cameras were viewed, however only 2 external cameras were available, there was no internal footage available.

It can only be confirmed that a serious disorder has occurred inside the venue, however it cannot be established if serious crime has occurred due to the fact that there was no account given by the injured male. He also refused to co-operate with the police, likely due to his intoxication and the fact that he had been drinking inside a licensed venue after hours. There is also the fact that there is no CCTV available from inside the venue to confirm exactly what went on.

Contact details for matters concerning this application: **PS 6222 Reynolds**

Address: **Wolverhampton Licensing**

Telephone Number(s): **01902 649085**

E-mail - **wv_licensing@west-midlands.pnn.police.uk**

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

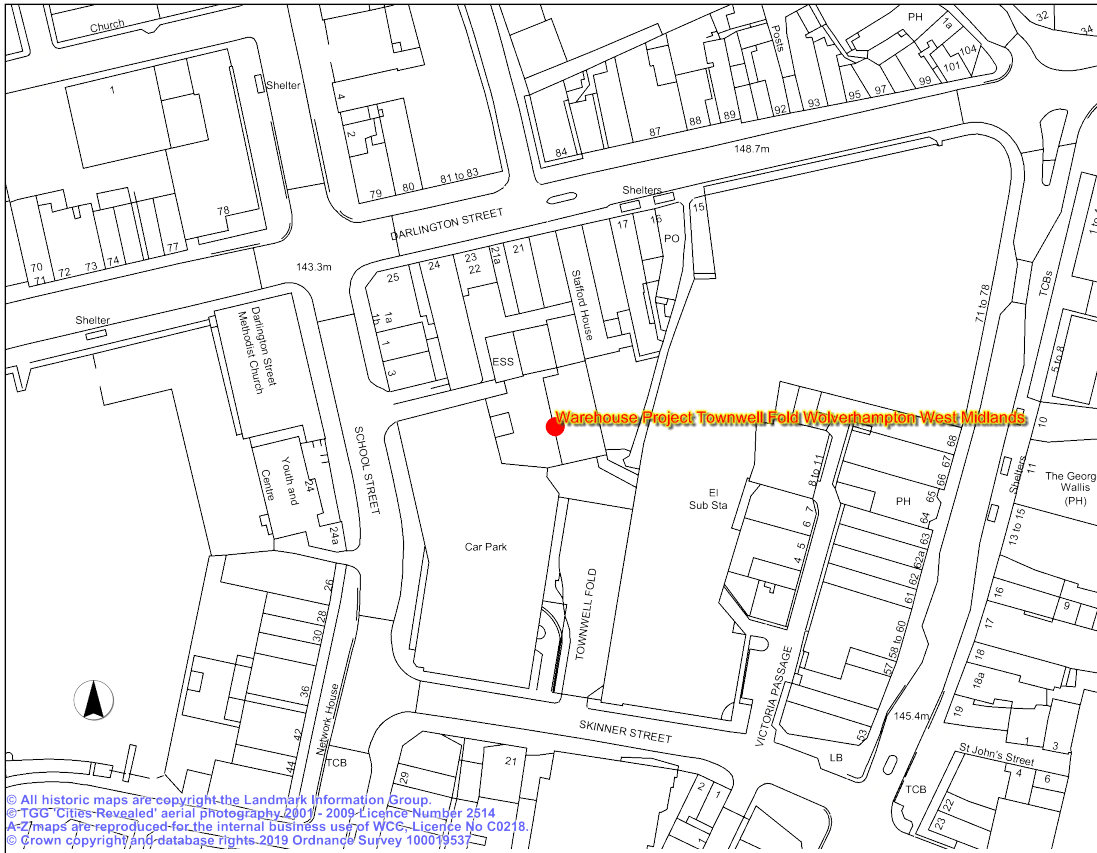
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more: or
- Conduct that amounts to one or more criminal offences and involves the use of violence results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

Appendix 3



CITY OF WOLVERHAMPTON COUNCIL

Society, Townwell Fold, Wolverhampton, WV1 4LD

Wolverhampton City Council
Asset Management
Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

Plan Produced
26.3.2019
Scale 1:1,250

IMAGING - Powered by

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CITY OF
WOLVERHAMPTON
C O U N C I L

Mrs Debra Craner
Licensing Services
City of Wolverhampton Council
St Peter's Square
Wolverhampton
WV1 1SH

19 July 2019

Application for a review of a premises licence under Licensing Act 2003
Society, Townwell Fold, Wolverhampton, WV1 4LD

I write on behalf of the Licensing Authority as a Responsible Authority. I write in support of the above review application made by Chief Constable of West Midlands Police. Representations are made against Crime and Disorder and Public Safety licensing objectives and the failure of the current management of the premises to promote these objectives.

The premises licence holder, Mac Kainth and the management of the premises have not demonstrated they are operating in accordance with their premises licence and therefore are not promoting the licensing objectives of Crime and Disorder and Public Safety.

On 26 March 2019, West Midlands Police submitted an Expedited Summary Review application due to an event taking place at the premises which resulted in a member of the public receiving a stab wound.

On 27 March 2019, the Statutory Licensing Sub-Committee determined interim steps were necessary and resolved to suspend the premises licence pending the full review hearing.

The Licensing Authority had great concern over the management of the premises as from the evidence provided by the West Midlands Police, it was apparent that Serious Crime and Serious Disorder had occurred at the premises.

On 18 April 2019, the Statutory Licensing Sub-Committee determined the review application and resolved to extensively Modify the Conditions of the Licence as they believe them to be necessary and proportionate for the upholding the licensing objectives.

On 09 July 2019, West Midlands Police submitted a further Expedited Summary Review application due to Serious Disorder occurring within the premises.

On 11 July 2019, the Statutory Licensing Sub-Committee determined interim steps were necessary and resolved to suspend the premises licence pending the full review hearing.

The Licensing Authority raises further concerns over the series of non-compliance and the failure of management at the premises, as this is the second Expedited Summary Review within the last 4 months. The evidence provided by the West Midlands Police, confirms Serious Disorder has occurred at the premises during non-licensable hours therefore failing to uphold the licensing objectives of Crime and Disorder and Public Safety.

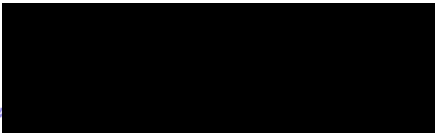
If Councillors are satisfied that Serious Disorder has taken place at the premises and are in breach of promoting the licensing objectives, the Licensing Authority would request the Statutory Licensing Sub-Committee ensure these issues are addressed by considering removal of the current management of premises in accordance with section 52 of the Licensing Act 2003 and guidance issued by the secretary of state under 182 of the Act together with City of Wolverhampton Councils Statement of Licensing Policy.

Councillors may conclude from the evidence given within the review application and at the hearing in order to promote the licensing objectives it is not a suitable option to remove the current management of the premises and that there is no alternative but to revoke the premises licence.

The Licensing Authority fully supports the review application brought by West Midlands Police and concludes the above issues should be resolved in order to promote the licensing objectives of Crime and Disorder and Public Safety.

I shall be in attendance at the hearing should councillors have any questions or require any further assistance.

Yours Sincerely,



Mrs Elaine Moreton
Section Leader
On behalf of the Licensing Authority

Direct: 01902 552772
Email: licensing@wolverhampton.gov.uk

Copy: Premises Licence Holder / Designated Premises Licence Holder