

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 15 October 2019

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw  
Cllr Jonathan Crofts  
Cllr Asha Mattu

### Premises Licence Holder

Heath Thomas  
Wayne Jones  
Derick Jones  
Kerry Robinson

Solicitor  
Shareholder of DGW Entertainment Limited  
Director of DGW Entertainment Limited  
Designated Premises Supervisor

### Review Applicant

Sgt Steph Reynolds  
PC Michelle Churm

West Midlands Police  
West Midlands Police

### Officers

Debra Craner  
Richard Phillips  
Donna Cope

Section Leader Licensing  
Solicitor  
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        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 an Expedited Summary Review of a Premises Licence in respect of Banjul, 30 Queen Street, Wolverhampton, WV1 3JW**

An application for an expedited summary review of a Premises Licence in respect of Banjul, 30 Queen Street, Wolverhampton, WV1 3JW, 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.

Debra Craner, Section Leader Licensing Officer, provided an outline of the application. West Midlands Police confirmed that the summary was accurate.

The Chair invited West Midlands Police to present their application.

PC Michelle Churm, stated the grounds for review as per Appendix 3 of the restricted report and requested that the premises licence be suspended.

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

PC Michelle Churm and Sgt Steph Reynolds provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations.

Heath Thomas, Solicitor representing the Premises Licence Holder, made representations and requested that as an interim step, the premises licence conditions be modified.

The Chair reported that ten minutes prior to the Hearing, a document containing the proposed modified conditions had been submitted by Heath Thomas to the Democratic Services Officer.

West Midlands Police stated they had not seen the document and the Chair sought legal advice on whether the document should be accepted.

Following discussions, all parties agreed that the list of proposed modified conditions would be circulated, and the Hearing adjourned to allow all parties the opportunity to consider the document.

*The Sub-Committee adjourned at 11.38 hours.*

*The Hearing reconvened at 11:48 hours.*

The Chair invited all parties present to question Heath Thomas in relation to his submission.

Heath Thomas and his clients W Jones, D Jones and K Robinson provided responses to questions asked.

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

Heath Thomas presented a summary on behalf of the Premises Licence Holder.

PC Michelle Churm presented a summary on behalf of West Midlands Police.

All interested parties, with the exception of the Solicitor and the Democratic Services Officers, 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:

An application had been received from the West Midlands Police on 11 October 2019 for an expedited review of the Premises Licence in respect of Banjul, 30 Queen Street, Wolverhampton, WV1 3JW.

The Chief of Police had given a certificate under Section 53A (1) (b) of the Licensing Act 2003 (the Act), stating that in their opinion the premises were associated with serious crime and disorder and had requested that interim steps be applied to the premises licence pending a full review hearing.

The Sub-Committee heard and read from the applicant (West Midlands Police) that:

1. The Police had been unable to receive the co-operation of the Premises in vetting DJ's and carrying out risk assessments;
2. On Saturday 5 October 2019 at approximately 04:00 hours an incident had occurred within the premises where a man was hit across the head with a knife and slashed at his chest with what was believed to be a knife;
3. The injured man received hospital treatment for a cut above his eye and a laceration to his chest with a wound of approximately 15-20 cms in length and 5-6 cms deep;

4. This was the third incident which had occurred at the premises since it has opened;
5. On 29<sup>th</sup> September 2018 an incident occurred outside the venue involving patrons from within the Premises and gang nominals where multiple stabbings occurred;
6. In December 2018 another incident occurred whereby known gang members attempted to rush the door;
7. Following the incident on 29 September 2018, West Midlands Police attempted to mediate further conditions on the premises licence, in consideration of the Premises being relatively newly opened, however due to lack of co-operation from the Premises, the agreed mediated conditions were never added to the licence because the Premises didn't make an application to amend the conditions;
8. The Premises search policy of patrons was clearly defective;
9. Despite assuring West Midlands Police that beverages would only be served in plastic glasses, on entering the Premises on 8 October, empty glasses were present on the sides and the bar;
10. All of the incidents which had occurred were connected to known gang members;
11. Upon viewing the CCTV from within the Premises, it was clear that the area where the incident occurred, by the DJ Booth was not covered by CCTV with no indication as to why or how long the CCTV had not been working in this area;
12. The CCTV also showed that the Premises were not adhering to their stated dress code with people visible wearing t-shirts, trainers and man bags. The venue also had not closed on time; and
13. They request suspension of the licence because no other measures open to the Licensing Sub-Committee would be appropriate.

The Sub-Committee heard from Mr Thomas for the Premises that:

1. The incident on 5 October 2019 was an isolated incident and the Premises had operated successfully and upholding the licencing objectives for a period of 12 months;
2. The incident had appeared to all at the Premises as though there was some pushing and shoving on the dancefloor which had been effectively dealt with by the door staff;
3. Nobody realised a serious injury had occurred;
4. That the Police, after the first incident shortly after the venue had opened in 2018, had attempted to mediate and the Premises had worked co-operatively with them during that time, although because the Police didn't force the issue, the venue felt they were doing what they had been asked;
5. The Premises had been complying with their conditions and in fact well in excess of their own conditions;
6. The CCTV within the Premises was far better than that described by the Police but in any event the Premises had an engineer booked to come and install further CCTV which could, voluntarily, be to the satisfaction of the Police licensing team;

7. That the appropriate interim steps to take, reflecting upon the incident, would be the modification of the conditions on the licence to reflect the discussions which had taken place with the Police in the past;
8. That the venue had operated several times successfully since the incident and the licensing objectives had been upheld; and
9. Suggested that were the Licensing Sub-Committee not in agreement regarding simply modifying the conditions, to consider a suspension until such time as the CCTV modifications had been implemented to the satisfaction of West Midlands Police.

The Act and Home Office Guidance state that the tests to determine the kinds of conduct that amount to serious crime are set out in Section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. These tests include conduct which constitutes an offence for which a person could reasonably be expected to be sentenced to imprisonment for 3 years or more; and involves the use of violence.

The Licensing Sub-Committee had received the certificate from the Superintendent for Local Policing, Wolverhampton and confirmation at the Hearing that a serious crime had occurred at the premises. The Sub-Committee were satisfied that a serious crime has occurred at the premises.

Based upon the evidence presented, consideration had been given as to whether it was necessary to take interim steps pending determination of the review (s53C LA2003). The Sub Committee were satisfied that interim steps were necessary to uphold the licensing objectives and that the only suitable interim step was that in accordance with Section 53B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee was to suspend the premises licence pending the full review hearing.