

Statutory Licensing Sub-Committee

Minutes - 17 November 2021

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Keith Inston

Cllr Wendy Dalton

Applicant

Aimee Taylor

West Midlands Police

Premises Licence Holder

James Thomas Horton

David Lowry

Commercial Manager

Head of Compliance

Employees

Debra Craner

Sarah Hardwick

Jacob Stokes

Jas Kaur

Licensing Section Leader

Senior Solicitor

Democratic Services Assistant

Democratic Services Manager

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 of the Act.

4 Licensing Act 2003 - Application for an Expedited Summary Review of a Premises Licence in respect of Casino 36, Temple Street, City Centre, Wolverhampton, WV2 4AQ

An application for an expedited summary review of a Premises Licence in respect of Casino 36, Temple Street, City Centre, Wolverhampton, WV2 4AQ had been received from West Midlands Police.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed they understood the procedure.

Debra Craner, Licensing Section Leader, provided an outline of the application. Aimee Taylor, West Midlands Police (WMP), confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Aimee Taylor did so, as per Appendix 3 of the report. She stated the following:

1. Serious disorder involving the use of weapons had taken place at a private party at Casino 36 on Sunday 14 November at 02:00. Two males had been stabbed.
2. CCTV showed three males enter the party, without showing their wristbands or having their IDs checked.
3. Staff from the premises sounded the fire alarm to remove patrons from the venue.
4. Two males were rushed to hospital with stab wounds and there is currently an attempted murder investigation ongoing.
5. WMP are happy for the premises to remain open but wish to impose interim steps on Casino 36.

The Chair invited the representatives of the Premises Licence Holder to make representations. David Lowry, Head of Compliance, and James Thomas-Horton, Commercial Manager, did so.

They stated that the incident was an isolated, targeted incident, and the premises had an otherwise exceptional record. They stated that the premises was happy to work with WMP and accept the interim conditions.

Responding to questions asked, Aimee Taylor, WMP, clarified the conditions as follows:

1. Immediate Closure of the function room and Champagne Lounge and suspension of all parties booked for this room for 28 days.
2. Nobody will pass through the internal main doors into the casino, without being signed in, including anyone employed by the casino to conduct work. There should be a register kept of every person entering and leaving the casino, which can be provided to a member of responsible authority upon request.
3. All planned events in the sports bar or anywhere else on the premises shall be sent to West Midlands Police Licensing within 3 days of booking and, if so requested by West Midlands Police, shall be cancelled.
4. All new event bookings for the sports bar shall be sent to West Midlands Police Licensing before the booking is confirmed and shall not go ahead without the express written permission of West Midlands Police.

Councillor Page, Councillor Inston, Councillor Dalton, Sarah Hardwick, Senior Solicitor, and the Democratic Services Assistant, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 10.24 hours.

The Hearing reconvened at 10.50 hours.

Councillor Page, Councillor Inston, Councillor Dalton, the Senior Solicitor and Democratic Services Assistant re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

An Application was received from the West Midlands Police on 16 November 2021 for an expedited review of the Premises Licence in respect of Casino 36, Temple Street, City centre, Wolverhampton WV2 4AQ.

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

We have considered all information presented both written and oral.

We have heard from the applicant (West Midlands Police) that:

1. On Saturday 13th November 2021 a private 25th birthday party was held at Casino 36.
2. On Sunday 14th November at around 02:00 hours an incident occurred, within the premise, whereby a disorder had taken place which resulted in 2 males being stabbed.
3. A condition of entry to the party was that door staff were to check identification for each patron and ensure all guests had a wrist band. Anyone attempting to attend without a wrist band would be denied entry as this would indicate they had not been invited to the party.
4. CCTV footage shows customers have gained entry to the party without having their identification checked or the required wristband. The CCTV shows that 3 males who were involved in the disorder and they entered the private party by passing the two female staff on reception and members of door staff without being stopped. The footage does show the female member of door staff tapping her wrist as if indicating she needed to see their wrist band, however, the males carried on into the party without any further questions from the door staff or being stopped.
5. It is clear that at least three customers entered the venue without being subject to the required checks and two were in possession of weapons, that being two knives.
6. During the party an altercation took place. A bang was heard together with lots of screaming and shouting. Customers were running and hiding behind the bar area for safety and trying to escape through the main entrance of the club where another male was seen to exit with a slash cut across his face.
7. CCTV footage shows a flick knife during the disorder and a male quickly leaving the venue dropping a sheaf knife which has been recovered from the scene.
8. Staff from the premise sounded the fire alarm in an attempt to remove patrons from the venue.
9. When police Officers arrived at the venue, a male was discovered on the floor bleeding heavily. The male was taken to hospital after receiving 7 stab wounds in the back and chest area.
10. A second male has presented at Hospital with 4 stab wounds.
11. There is an on-going police investigation and likely to be a charge for the offence of attempted murder.
12. The premises have worked with West Midlands Police and provided good quality CCTV.
13. WMP are happy for the casino to remain open provided conditions proposed at the meeting are attached by way of interim steps.

We have heard from David Lowry, Head of Compliance, and James Thomas Horton, Commercial Manager, at Casino 36 who represent the Premises Licence Holder that:

1. This is the first time an incident has occurred at the premises.
2. This was a targeted, isolated incident that took place during a party and lasted only 2 minutes.
3. Staff at the premises ensured the premises were evacuated immediately after the incident occurred.

4. The premises have worked with the police providing CCTV which is of outstanding quality and are happy to continue working with West Midlands Police.
5. On behalf of the Premises Licence Holder the proposed conditions are accepted.

The Sub-Committee are satisfied that there is a causal link between the premises and the incident and that there have been failings at the premises which have led to the incident.

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 who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and which involves the use of violence.

The Sub-Committee have received the Certificate from the West Midlands Police and confirmation that serious crime and or disorder have occurred on the premises.

The Sub-Committee are satisfied that a serious crime has occurred at the premises.

They are further satisfied that serious disorder has occurred on the premises. Serious disorder is to be given its plain ordinary meaning.

Based upon the evidence presented, consideration has been given as to whether it is necessary to take interim steps pending determination of the review (Section 53C Licensing Act 2003). The Sub-Committee are satisfied that interim steps are necessary. In accordance with Section 53B (3) (a) of the Licensing Act 2003, the decision of the Licensing Sub-Committee is to modify the conditions of licence by adding the following, pending the full review:

1. Immediate Closure of the function room Champagne Lounge and suspension of all parties booked for this room.
2. Nobody will pass through the internal main doors into the casino, without being signed in, including anyone employed by the Casino to conduct work. There should be a register kept of every person entering and leaving the casino, which can be provided to a member of responsible authority upon request.
3. All planned events in the sports bar or anywhere else on the premises shall be sent to West Midlands Police Licensing within 3 days of booking and, if so requested by West Midlands Police, shall be cancelled.
4. All new event bookings for the sports bar shall be sent to West Midlands Police Licensing before the booking is confirmed and shall not go ahead without the express written permission of West Midlands Police.

There is a right of appeal against this decision.

[NOT PROTECTIVELY MARKED]