

Statutory Licensing Sub-Committee

Minutes - 9 December 2021

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Keith Inston

Cllr Wendy Dalton

Applicant

Insp. Sophie Clement

PC. Ben Reader

West Midlands Police

West Midlands Police

Premises Licence Holder

Leo Charalambides

Peter Adkins

Paige Gillott

Adrian Ballard

David Lowry

Nikki Vinter

Patrick Noakes

Barrister

Solicitor – Knights Plc

Solicitor – Knights Plc

Casino 36

Casino 36

Casino 36

Casino 36

Responsible Authorities

Greg Bickerdike

Michelle Smith

Licensing Authority

Public Health

Employees

Debra Craner

Sarah Hardwick

Jacob Stokes

Jas Kaur

Licensing Section Leader

Senior Solicitor

Democratic Services Assistant

Democratic Services Manager

Observers

Nicola Palin

Public Health

[NOT PROTECTIVELY MARKED]

Item No. *Title*

1 Apologies for absence

There were no apologies for absence submitted.

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 relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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

An application for a review of a premises licence in respect of Casino 36, Temple Street, Wolverhampton, WV2 4AQ had been received from West Midlands Police (WMP), following an expedited review on 17 November 2021.

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.

After discussion, it became apparent that not all parties had seen the representations from Public Health as they were missing from their agenda pack. It was therefore agreed that the meeting be adjourned for ten minutes, allowing all parties time to consider the representations.

The meeting was adjourned at 10.11 hours.

The meeting reconvened at 10.21 hours.

Debra Craner, Licensing Section Leader, provided an outline of the application. Sophie Clement, WMP, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Ben Reader did so, as per the written evidence included in the Supplementary Agenda Pack. He stated the following:

1. On Sunday 14 November 2021 at around 02.00 hours, an incident occurred within the premises during a 25th birthday party, whereby a disorder had taken place which resulted in two males being stabbed.

2. There was an on-going police investigation and two males had so far been charged with offences relating to this incident.
3. Staff at the Casino had supported WMP with their enquiries and the overall response from the premises in terms of engagement had been pleasing.
4. WMP were satisfied that this was an isolated incident and that the premises was not a problematic one.
5. Eleven conditions had been submitted by WMP. These would be attached to the licence to ensure that the Licensing Objectives were upheld and both WMP and the premises had agreed to them.

The Chair invited the Responsible Authorities to make representations. Greg Bickerdike, Licensing Authority, did so. He noted that the Licensing Authority supported the application made by WMP and confirmed the conditions submitted were sufficient.

Michelle Smith, Public Health, also supported the application made by WMP and confirmed that the conditions were sufficient.

The eleven conditions were distributed to Sarah Hardwick, Senior Solicitor.

The Chair invited the Premises Licence Holder to make representations. Leo Charalambides, legal representative for Casino 36, did so. He stated the following:

1. The premises dealt with the incident quickly and took appropriate measures to secure and evacuate patrons.
2. CCTV of the incident was submitted to the police to assist in their investigation. The Head of Compliance provided a minute-by-minute account breakdown of the CCTV and cooperated with police on the night of the incident and at the hearing related to the interim steps.
3. The premises had replaced their security team and had agreed to the eleven conditions proposed by WMP.

He read out the eleven conditions in full to all those present at the meeting.

Responding to questions, he stated that the premises would employ a system of checks and searches to ensure that customers would not be able to bring in their own alcohol for consumption nor take it off the premises as per the modified conditions.

Responding to questions about training, he stated that the premises were satisfied that staff were adequately trained and reacted to the situation well. He strongly opposed any conclusion that poor management was a cause of the incident.

He emphasised that the appropriate measures had also been in place at the time of the incident and that the premises was able to secure the site and assist the police with their investigation because of this. He noted that the premises had subsequently refined their risk assessment to build upon existing good practice and that the security team had been replaced to prevent further incidents.

The Chair invited all parties to provide summaries of their arguments. All parties did so.

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

The meeting was adjourned at 11.03 hours.

The meeting reconvened at 11.45 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 West Midlands Police (WMP) for a review of the premises licence in respect of Casino 36, Temple Street, City Centre, Wolverhampton, WV2 4AQ.

At the hearing to review the premises licence, the Statutory Licensing Sub-Committee was asked to determine the review under Section 53A (2) (b) in accordance with Section 53C of the Act.

At this hearing to review the premises licence, the 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 considered written evidence from WMP and heard that:

1. On Sunday 14 November 2021 at around 02.00 hours, an incident occurred within the premises during a 25th birthday party, whereby a disorder had taken place which resulted in two males being stabbed.
2. CCTV footage shows three males entering the Champagne Lounge without wearing wristbands (bands which confirm they were invited to the party and were a condition of entry). An SIA operative can be seen tapping their wrist indicating the need to show the wristband, but the males ignore this and join the party prior to the disorder taking place. These persons were not searched.
3. During the party, an altercation took place.
4. Staff from the premises sounded the fire alarm in an attempt to remove patrons from the venue.
5. When police officers arrived at the venue, they found a male lying in Summer Row, at the rear of the venue, with stab injuries. He was bleeding heavily. The male was taken to hospital after receiving seven stab wounds in the back and chest area.

6. At approximately 02.04 hours, WMP received a further report of a stabbing with a second male presenting at New Cross Hospital, Wolverhampton, with stab injuries. Police confirmed there were two victims with serious injuries linked to this incident. The second male had four stab wounds.
7. CCTV evidence secured from the venue shows two groups of males involved in two incidents of disorder; the first being in the Champagne Lounge, where one male received stab wounds and then in the road running behind Casino 36, where a second male was repeatedly stabbed having run from the Champagne Lounge. A blood-stained Rambo knife was dropped by one male as he was running out of the Casino (disarmed by security staff), and two knives were recovered from the alleyway where the second disorder took place.
8. There is an on-going police investigation and two males have so far been charged with offences relating to this incident.
9. Staff at the Casino have supported WMP with their enquiries and the officer in the case wished to point out that officers were able to secure high quality CCTV footage which has assisted the investigation. The officer said staff supported the investigation without delay.
10. Inspector Clement of WMP visited the premises on Monday 6 December 2021 to engage with staff and to understand the layout of the premises. Management were keen to engage and answer questions.
11. An agreed position has been reached in terms of conditions that are effective, proportionate and allow the business to trade.

The Sub-Committee heard from Greg Bickerdike, Licensing Authority (as Responsible Authority), that:

1. They support the application made by WMP.
2. This was an isolated incident.
3. The premises have engaged with the police.
4. They endorse the conditions proposed to be added to the licence and agreed between WMP and the premises.

The Sub-Committee heard from Michelle Smith, Public Health, that:

1. They support the application made by WMP.
2. When the incident occurred, the Licensing Objectives were not upheld.
3. However, the premises have engaged with the police.
4. They endorse the conditions proposed to be added to the licence and agreed between WMP and the premises.

The Sub-Committee heard from Leo Charalambides, legal representative for Casino 36, that:

1. Paragraph 11.20 of the section 182 guidance provides that parties are encouraged to look into causes and find remedies.

2. On the night of the incident, the premises took appropriate measures and evacuated those at risk.
3. CCTV from the premises was used to assist the investigation. The Head of Compliance at the premises provided a minute-by-minute account of what happened from the CCTV and cooperated on the night with police and at the hearing relating to interim steps.
4. The premises have refreshed their agreement with their security firm and have agreed with WMP to accept the eleven new conditions of licence.
5. This would provide the remedy referenced in paragraph 11.20 of the s182 guidance.

The Licensing Sub-Committee are satisfied on the evidence that:

1. There had been serious crime on the premises (the stabbing of two males) on the 14 November 2021 and there had been failings at the premises which led to the incident.
2. However, the premises have worked with WMP and attaching the agreed conditions will allow the premises to trade effectively and further the Licensing Objectives.

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

The modified conditions to be attached to the licence are as follows:

1. Alcohol must be purchased on site; customers are not allowed to bring their own alcohol for consumption onto the premises.
2. All bookings for external events in the Champagne Lounge at the premises, and events of more than 50 in the Sports Bar, that intend to use an external promoter or is a booking for a private event, (together 'Notifiable Events') will be subject to a risk assessment. The premises licence holder or their nominated person will risk assess events and put them into a low, medium, or high-risk category. The PLH must give 28 days' notice of all events classified as medium or high-risk to West Midlands Police Licensing at wv_licensing@west-midlands.pnn.police.uk. Notification to the police will include organisers' details and a risk and security assessment. Any additional security measures identified in the assessments will become conditions for that event. The risk assessment will include consideration as to the use of enhanced search methods such as knife arches and security wands. It will also consider whether security staff will be issued bodycams.
3. Signs informing patrons of a zero-tolerance policy to all drugs shall be placed at key locations, including all entrance areas and toilets. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or a single designated role-holder at the business, shall have access. All controlled drugs (or items suspected to be) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to WMP for appropriate disposal.

4. Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
5. An electronic or written incidents log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises; all ejections of patrons; any complaints received; seizures of drugs, offensive weapons, fraudulent ID, or other items; any faults in the CCTV system, searching equipment or scanning equipment; any visit by a relevant authority or emergency service. The incidents log will be produced to an officer of a responsible authority upon request. Where a crime is believed to have been committed, the incident will be reported to West Midlands Police. The incidents log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
6. For all notifiable events, the booking form shall contain a notice that it is a condition of entry that the venue reserves the right to implement a search policy, that attendees agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons. The Premises Licence Holder shall determine as part of the risk / security assessment whether a search policy needs to be implemented for any particular event. Should a decision be made to implement a search policy, all persons wanting to enter, or re-enter the event will be subject to that search policy. This is to include all guests, performers, DJ's and any other entertainment and entourage.
7. All staff to receive training before their first shift and refresher training every six months on their responsibilities with regard to licensing legislation, underage and proxy sales. Training will also cover Challenge 25, conflict management, recognising signs of drunkenness, how to refuse service, the premises' duty of care, safe evacuation of the premises, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this licence. This training must be documented and produced to an officer of a responsible authority upon request.
8. The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.
9. No alcoholic drinks to be taken by customers for the consumption off the premises. Open containers must be surrendered prior to leaving the premises.
10. The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age. Proof of age will only comprise a passport, photo card driving licence, an EU/EEA national ID card, a card bearing the PASS hologram or Government issued ID for armed forces and emergency services.
11. An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service, including the sale of alcohol. The

refusals log will include the basis of a refusal; the person making the decision to refuse; the date and time of refusal. The refusals log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.

The above action is considered an appropriate and proportionate action for the promotion of the licensing objectives.

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

Representations had been invited in relation to the interim steps currently in place following the hearing held on 17 November 2021 and which were made in accordance with Section 53B (3) (d) of the Licensing Act 2003. WMP and the Premises Licence Holder have said they believe the interim steps have now been superseded.

Section 53D makes provision for the review of interim steps that have been taken by the relevant Licensing Authority under section 53B before a decision under section 53C comes into effect. Having considered whether interim steps were appropriate for the promotion of the Licensing Objectives and any relevant representations, the Licensing Authority have determined that the current interim steps should cease to have effect.

A decision under section 53D may also be appealed.