

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 5 January 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Phil Page (Chair)

Councillor Anwen Muston

Councillor Wendy Dalton

Applicant for Review – West Midlands Police

Sgt Steph Reynolds

Kayley Nixon

Premises Licence Holder

Christopher Reid (Business Partner)

Employees

Debra Craner

Angela Bernard

Donna Cope

Chris Howell

Section Leader Licensing

Solicitor

Democratic Services Officer

Commercial Regulation 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 to the Act.

4 Licensing Act 2003 - Application for an Expedited Summary Review in respect of Chicago Rock Cafe & Manhattans, 36 Pipers Row, Wolverhampton WV1 3JY

An application for an expedited summary review of a Premises Licence in respect of Chicago Rock Cafe & Manhattans, 36 Pipers Row, Wolverhampton, WV1 3JY, 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 that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader Licensing, provided an outline of the application. Sgt Steph Reynolds, West Midlands Police, (Applicant), confirmed that the summary was accurate.

The Chair invited West Midlands Police to present their application.

Sgt Steph Reynolds, West Midlands Police, outlined the application 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 West Midlands Police in relation to their submission. Sgt Reynolds responded to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Christopher Reid, representing the Premises, stated that he had no comment to make until the full investigation into the incident had taken place.

As no representation had been made by the Premises, no questions were asked.

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

No final summaries were made.

Angela Bernard, Solicitor, provided legal guidance to the Sub-Committee and reminded them of their available options.

All interested parties, with the exception of the Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 10.05 hours.

The Hearing reconvened at 10.34 hours.

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 3 January 2023 for an expedited review of the Premises Licence in respect Chicago Rock Café & Manhattans, 36 Pipers Row, Wolverhampton, WV1 3JY.

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 had been 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. In the early hours of Saturday 24th December 2022 there was a call over the link radio that stated there had been a possible stabbing at Chicago Rock Café and that a male was bleeding.
2. Police Officers and an Ambulance attended the scene and found an injured male outside the premises. Police Officers confirmed at 01.53hrs that the male had a 2-inch stab wound to his lower right abdomen.
3. The victim was treated by Ambulance staff and then taken to hospital in order to receive urgent treatment. Initial investigations showed that the victim was stabbed with what Police believed to be a bladed weapon inside the venue.
4. The victim was seen on CCTV having a physical disagreement with other males at the bar area before they were separated, and the victim then went onto the dancefloor. Some moments later the victim realised he was bleeding and alerted his friend, who in turn alerted door staff. This was when it was believed that door staff called for help over the link radio.
5. West Midlands Police held a meeting with relevant persons from the premises on the morning of Friday 30th December 2022. The Premises Licence Holder

stated to the Police, that they had a strict search policy and that all persons were thoroughly searched, however there were no wands or knife arch in place at the venue on that date. The Premises Licence Holder also stated that door staff informed venue staff that the victim had been stabbed with a key and therefore did not treat the incident as serious.

6. A closure notice was explained to the Premises Licence Holder, as West Midlands Police had serious and grave concerns regarding the fact that a serious offence had taken place inside the venue and was likely to occur again.
7. A Closure Notice under sec 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 was also issued at 13.05hrs on Friday 30/12/22 for 48hrs to legally ensure the premises remained closed.
8. West Midlands Police stated it was their priority to ensure the safety of the public, and to prevent crime and disorder and these actions were deemed necessary and proportionate in the circumstances.
9. This incident alone was a serious crime and as such undermined the licensing objectives of the prevention of crime and disorder as well as public safety.
10. The expedited review was brought due to the serious crime having taken place.
11. Sufficient measures were either not in place or not managed correctly for a bladed weapon to be brought into the premises resulting in a person being stabbed.
12. They requested suspension of the licence because no other measures open to the Licensing Sub-Committee would be appropriate.

The Sub-Committee heard from Christopher Reid for the Premises that he had no comment to make until the full investigation had been carried out.

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

The Licensing Sub-Committee had received the certificate from the Chief 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 had 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.