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28 JAN 2019

LICENSING

15:41 PM

**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 Outback Queens Street	
Post town Wolverhampton	Post code (if known) WV1 3BJ

Name of premises licence holder or club holding club premises certificate (if known) 1878 Pub Co Ltd 140 High Street Smethwick B66 3AP

Number of premises licence or club premises certificate (if known) 18/05340/PRE

Part 2 - Applicant details

I am WPC 2467 Churm

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 WPC 2467 Churn West Midlands Police Wolverhampton Police Station Bilston Street Wolverhampton WV1 3AA
Telephone number (if any) 01902 649085
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

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

Police are defined as a responsible authority under the Licensing Act 2003 and as such have a statutory obligation to ensure that the licensed premises comply with the requirements of the act and the operating schedule relating to that venue.

Outback is a prominent building in the middle of Queens Street which is mainly business premises around but there are a small amount of flats/residencies above businesses on the street.

In December 2018 PS Reynolds held a meeting with the PLH, DPS and Abdul (the manager) to discuss the running of the venue and lack of responsibility taken by Abdul and the DPS Cheryl. There were numerous licence breaches and concerns around the safety of patrons attending and who had control of the premises.

It was agreed by Abdul that he would send weekly emails detailing events with performers and their full details in order for a risk assessment to be conducted.

Sgt Reynolds stressed that the venue were responsible for the patrons from their venue when outside and that the DPS needs to take a more active role in the running of the venue and upholding the licensing objectives.

It was agreed by all parties concerned that all issues raised would be adhered to.

Sgt Reynolds informed all parties that future breaches of their licence would result in action being taken against them.

PS Reynolds emailed Abdul on 22/1/19 outlining that her requests from the meeting in December were not being adhered to. No details of events planned had been communicated. PS Reynolds specifically requested details of the events being held the weekend of 25/26th January.

On 23/1/19 Abdul replied, listing DJ's, however failed to mention a specific performer that was deemed as high risk.

On Friday 25th January 2019 West Midlands Police received information that a performer from London would be at the venue and was "wanted" by police, and would need to be arrested.

WPC Churm emailed Abdul on 25/1/19 and enquired whether the performer was attending. It was only then that Abdul confirmed he would be at the venue at [REDACTED] hrs with 3 members of his team.

Police Intelligence checks conducted, show that the performer would be classed as a 'risk' artist as he is an affiliated gang member in London.

Intelligence received by West Midlands Police indicated that gang members from Birmingham would be attending the venue to see the performer.

At 0422hrs on Saturday 26th January 2019 Police were called to a stabbing outside the venue.

The victim was from Birmingham, suffered 3 stab wounds to the back.

Four males, of which 3 are known to be affiliated to a Wolverhampton gang have been arrested on suspicion of the serious assault.

All parties involved had been inside Outback, which clearly shows that the information received by West Midlands Police to be correct. This raises serious concerns that the venue had purposely withheld this information from police, knowing it to be a high risk event. This completely undermines the licensing objective of preventing crime and disorder and has resulted in someone being seriously harmed with a weapon on the streets of Wolverhampton.

Please provide as much information as possible to support the application (please read guidance note 3)

On 5 May 2017 the manager Abdul and the DPS Cheryl attended Bilston Street Police Station whereby a meeting was held and an action plan was agreed.

Action plan details;

To fully cooperate with the police when they attend the venue to carry out licensing checks and carry out their duties.

Knife arch in full working order at all times and this is to remain outside of the venue until ALL licensable activities are concluded.

All persons who re enter the venue must be re-searched including the Arch and the wand.

All persons to be searched with use of both a wand and must walkthrough the Knife arch

The doorstaff are to remain outside until the concourse is clear, This is anytime where there is licensable activities and not just Friday and Saturday nights.

A female member of doorstaff must be on duty in order to search female patrons.

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

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

Meeting held at Wolverhampton Police Station on 13th December 2018 whereby DPS Cheryl and Manager Abdul were present.

Issues raised were regarding non compliance of the licence conditions, no lapel cams are used, no briefing to door staff, no link radio, no reports to Police etc.

Sgt Reynolds asked for cameras to be placed onto the street outside the venue as the venue is responsible for their patrons when outside, although this was disputed by Abdul.

Abdul agreed to send weekly emails regarding upcoming events, with details of DJ's or other performers with full names and dates of birth in order for full risk assessments to be conducted by WMP.

Sgt Reynolds made it clear that Cheryl needs to be more authoritative regarding the running of the venue and ensuring that the licensing objectives are upheld. Abdul and Cheryl stated they were aware of what was on the licence as they had been there for 3 years. It was detailed that Abdul clearly makes all decisions and when Officers attend and ask for the DPS he presents himself.

It was made clear that the licence conditions need to be abided by and failure to do so would result in enforcement action. This was agreed by all persons present.

yes

Please tick ✓

- 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



Date 28th January 2019

Capacity West Midlands Police

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.



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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: **Outback**
Postal address of premise: **Queen Street, Wolverhampton**
Post Town: **Wolverhampton**
Post Code (if known): **WV1 3BJ**

2. Premises Licence details :
Name of premise licence holder (if known): **1828 Pub Co Ltd**
Number of premise licence (if known): **18/05340/PRE**

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

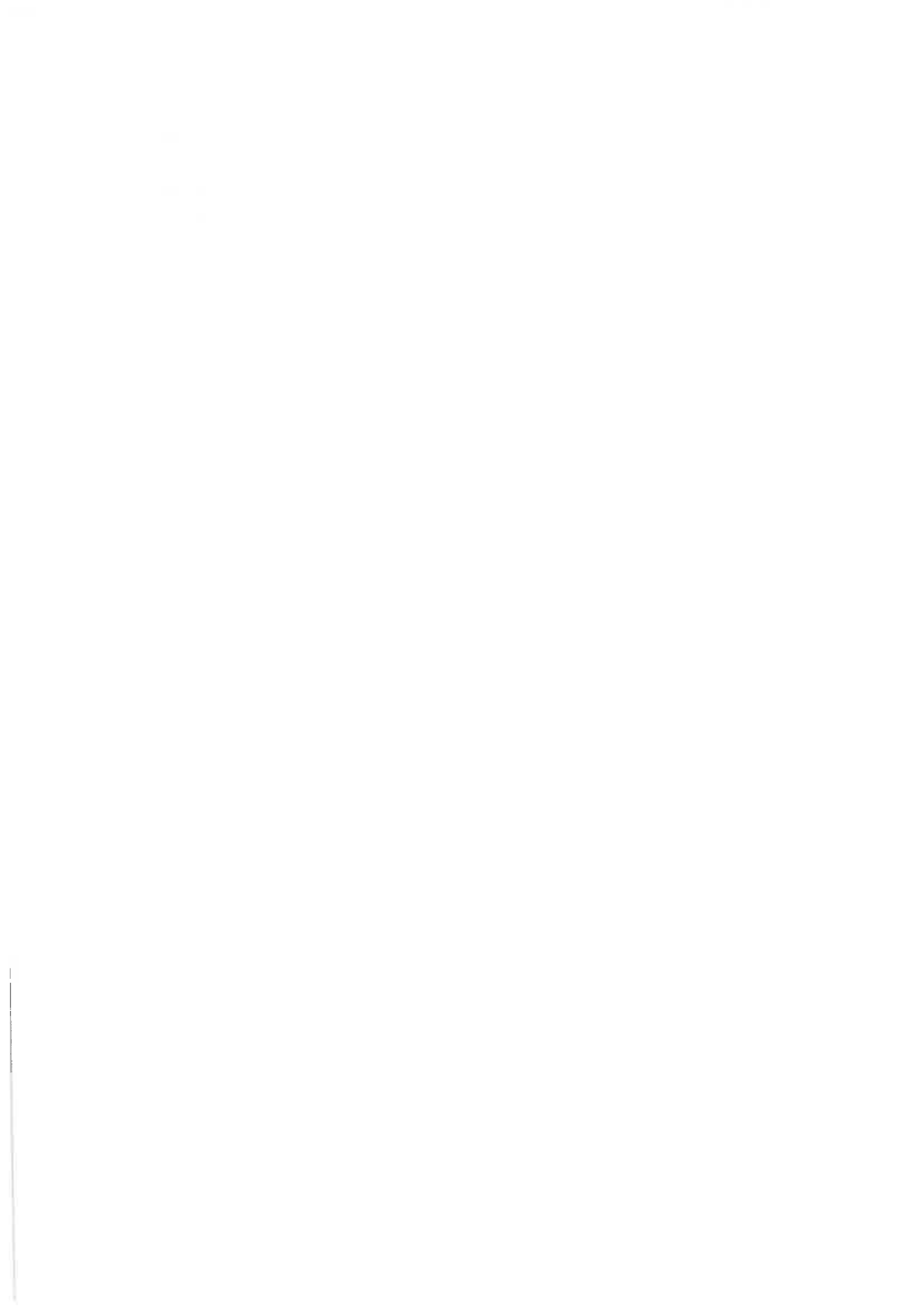
I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(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)

In December 2018 PS Reynolds held a meeting with the PLH, DPS and Abdul (the manager) to discuss the running of the venue and lack of responsibility taken by Abdul and the DPS Cheryl. There were numerous licence breaches and concerns around the safety of patrons attending and who had control of the premises. It was agreed by Abdul that he would send weekly emails detailing events with performers and their full details in order for a risk assessment to be conducted. Sgt Reynolds stressed that the venue were responsible for the patrons from their venue when outside and that the DPS needs to take a more active role in the running of the venue and upholding the licensing objectives. It was agreed by all parties concerned that all issues raised would be adhered to. Sgt Reynolds informed all parties that future breaches of their licence would result in action being taken against them.



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Signature of applicant: [REDACTED]

Date: 28th January 2019

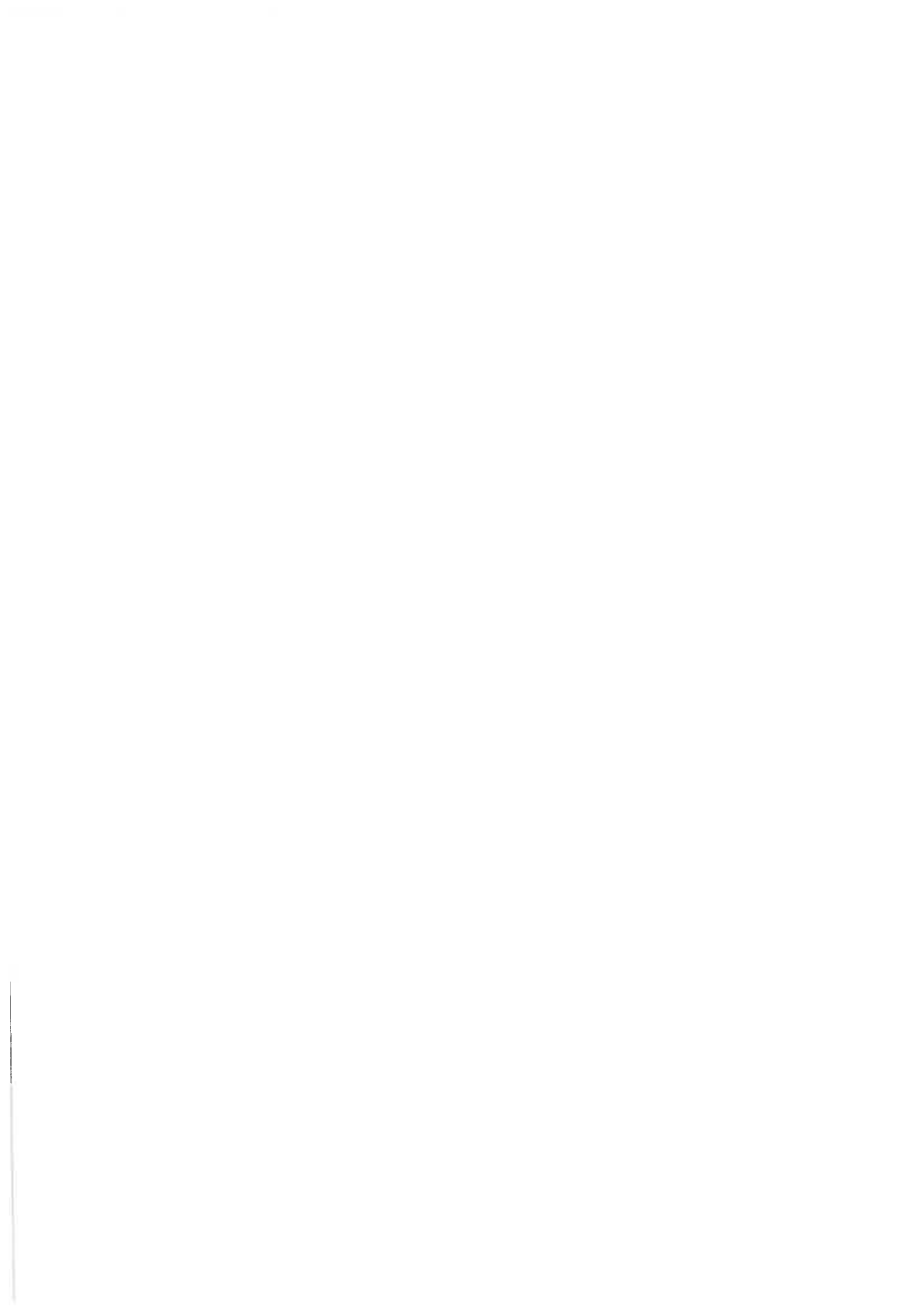
Rank/Capacity: **Superintendent for Local Policing, Wolverhampton NPU**

Contact details for matters concerning this application: **WPC 2467 Churm**

Address: **Wolverhampton Licensing**

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

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



Notes for guidance:

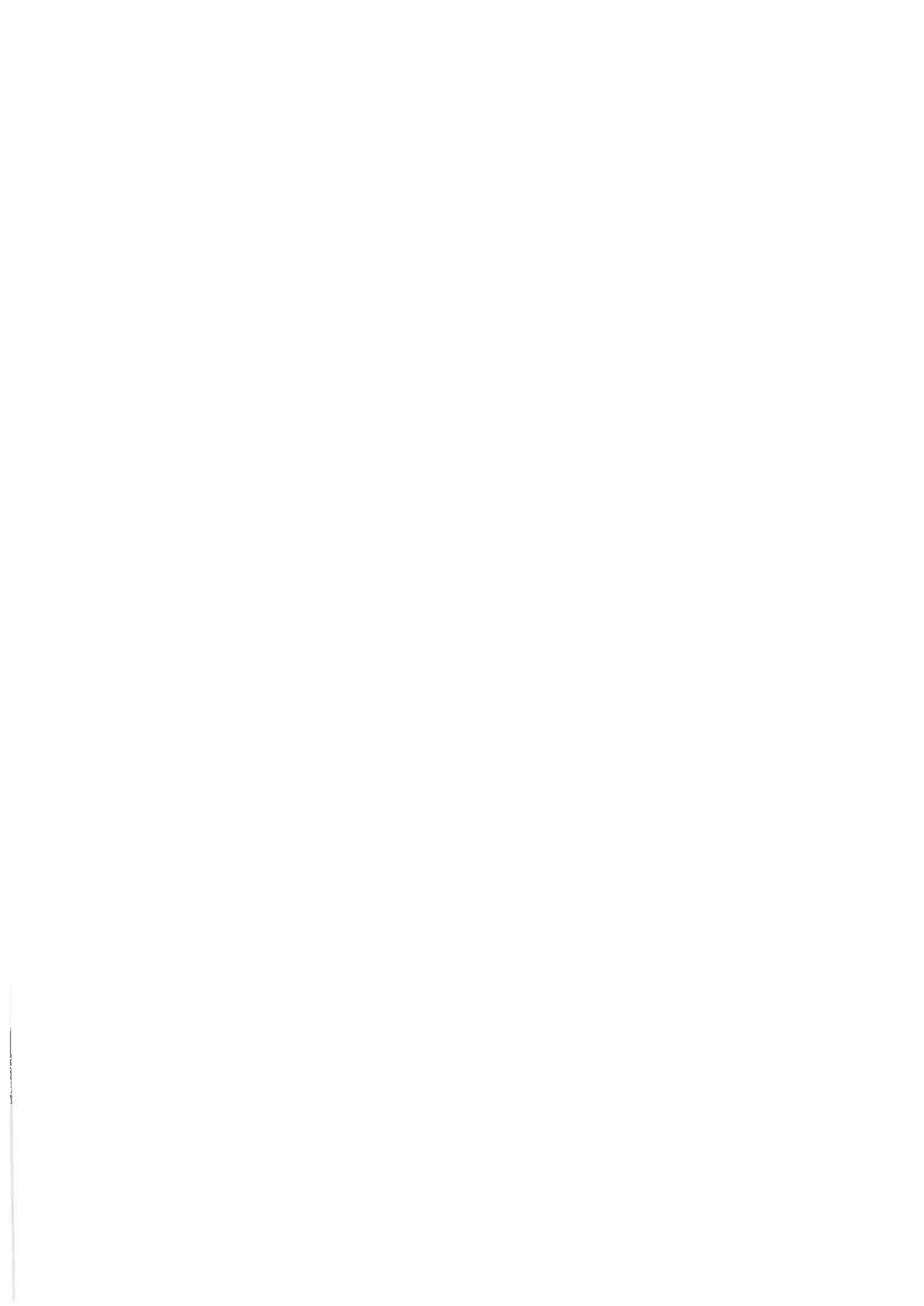
1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder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



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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 disorder

Premises: **Outback**

Premise Licence Number: **18/05340/PRE**

Premise Licence Holder: **1878 Pub Co Ltd**

Designated Premise Supervisor: **Cheryl Davis**

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 crime, and the serious management failings of the premises concerned.

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 level of investigation that West Midlands Police have committed to this, shows that the licensing objectives are seriously being undermined uncovering entrenched serious crime.

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: **28th January 2019**

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

