CITY OF WOLVERHAMPTON COUNCIL	**Statutory Licensing Sub-Committee** Minutes - 27 March 2019

Attendance

Cllr Alan Bolshaw (Chair)

Cllr Wendy Thompson

Cllr Rita Potter

Review Applicant

Sgt Steph Reynolds	West Midlands Police

Employees

Elizabeth Gregg	Senior Licensing Officer
Leonie Woodward	Lead Lawyer
Donna Cope	Democratic Services Officer
Kirsty Tuffin	Democratic Services Officer

Premises Licence Holder

Mac Kainth	Premises Licence Holder
Simeon Greene	Co-Owner of Society
Rakesh Kainth	Designated Premises Supervisor
Amrisha Parathalingam	Barrister on behalf of the Premises Licence Holder

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 Society, Townwell Fold, Wolverhampton WV1 4LB**

An application for an expedited summary review of a Premises Licence in respect of Society, Townwell Fold, Wolverhampton WV1 4LB, 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.

Elizabeth Gregg, Senior Licensing Officer, provided an outline of the application. West Midlands Police confirmed that the summary was accurate.

The Chair afforded all parties present the opportunity to question the report content.

No questions were asked.

The Chair invited West Midlands Police to present their application.

Sgt Steph Reynolds, West Midlands Police, 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 representation.

Amrisha Parathalingam, Barrister representing Mac Kainth, Premises Licence Holder, asked Sgt Steph Reynolds that if conditions were agreed would she change her request from a suspension of the licence to a modification of the licence.

The Sub-Committee agreed to a short adjournment to allow Sgt Steph Reynolds sufficient time to review the proposed conditions.

The Sub-Committee meeting was adjourned at 15:02.

The Sub-committee meeting re-adjourned at 3:17.

Sgt Steph Reynolds informed the Sub-committee that West Midlands Police were still seeking to suspend the Licence due to the on-going investigation.

The Chair invited the Premises Licence Holder to make representations. Amrisha Parathalingam made representations.

The Chair invited all parties present to question Amrisha Parathalingam in relation to her submission.

Amrisha Parathalingam, Mac Kainth, Simeon Greene, Co-owner of Society, and Rakesh Kainth, the current DPS of Society, provided responses to questions asked.

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

Amrisha Parathalingam presented a summary on behalf of the Premises Licence Holder.

Sgt Steph Reynolds 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 26 March 2019 for an expedited review of the Premises Licence in respect of Society, Townwell Fold, Wolverhampton WV1 4LB.

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 Licensing Sub-Committee have considered all information presented both written and oral.

The Licensing Sub-Committee have heard from the applicant (West Midlands Police) that:

1. The PLH of Society had contacted WMP in January 2019 to inform them of the event to be hosted on Saturday 23 March 2019 between 22:00 and 04:00. WMP advised the PLH that additional security measures would need to be implemented to ensure all licensing objectives were upheld. WMP requested that:
   - That at least 6 door staff would be required for up to 100 guests, if over that then to liaise with WMP.
   - All plastic cups, no bottles.
   - Strict search policy, wands and knife arch – if available, but minimum of wands, thorough person search and bag search.
   - Further search as detailed above if patrons exit and re-enter
   - As the party was an invite only event, to provide a list of invited persons
   - To ensure CCTV is working in all areas covering the party just before the event.

2. The PLH had confirmed with WMP that there would be 8 door staff as there would be 150-200 guests attending, that each guest would be searched and wands in place. All drinks would be sold in plastic cups except for VIP quests. They also confirmed that the smoking area was not accessible by anyone as it was fenced and gated off.

3. At 02:59hrs on Sunday 24 March 2019 the WMP were called via link radio to a large disorder at the premises involving 50 plus people, and a possible stabbing. During the disorder one individual was stabbed in the torso in the smoking area of the premises.

4. When WMP arrived at the premises there were only 5 door staff. A search of the smoking area was conducted once everyone had vacated the premises whereby 2 knives were found.

5. The PLH and management were present on the day and did nothing to follow up the WMP additional security measures knowing that it was a high-risk event.

6. These failings could have leaded to a fatality.

7. WMP recommend suspension of the premises licence pending the outcome of the final review hearing.

The Licensing Sub-Committee have heard from Amrisha Parathalingam, Barrister, representing the Premises Licence Holder that:

1. The security from Eagle Security were at fault for failing to act as they were briefed to do.

2. The PLH accept their failings and proposes the following conditions:
   - A knife arch to be implemented within 7 days.
   - Suspend future events until proposed conditions are applied.
   - Employ a council recommended security firm.
   - ID scanners to be in place within 7 days.

- A security ratio of one SIA to 50 guests. Six SIA minimum per event.
- Secure the smoking area with a mesh gate within 7 days.
- An hourly door staff count by the premises.
- A four-step security procedure at all events: initial pat down, pockets emptied into trays, no liquids over 100ml, knife arch and then final pat down.
- One female SIA prescent.

3. The premises have always co-operated with the police.

4. The premises have operated for two and a half years without incident.

5. Six security were paid for not eight as WMP had requested due to management oversight.

6. WMP attended the premises prior to the incident and saw no problems.

7. The Sub-Committee should consider the premises good history of the premises.

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 LSC have received the Certificate from the West Midlands Police and they have received confirmation at the hearing today 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 (s53C LA 2003). The LSC are satisfied that interim steps are necessary. In accordance with Section 53B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee is to suspend the premises licence pending the full review hearing.