

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 18 April 2019

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Wendy Thompson
Cllr Zee Russell

Premises Licence Holder

Jake Flanagan
Simeon Greene
Rakesh Kainth

Licensing Consultant
Shareholder of Society
Designated Premises Supervisor

Review Applicant

Sgt Steph Reynolds
James Rankin

West Midlands Police
Barrister for West Midlands Police

Responsible Authorities

Elaine Moreton

Licensing Authority

Officers

Elizabeth Gregg
Dave Abel
Donna Cope
Deb Craner
Ferne Lovell

Senior Licensing Officer
Solicitor
Democratic Services Officer
Licensing Section Leader (Observing)
Law Student (Observing)

[NOT PROTECTIVELY MARKED]

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Councillor Rita Potter.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Society, Townwell Fold, Wolverhampton WV1 4LD

An application for a Review of a Premises Licence in respect of Society, Townwell Fold, Wolverhampton WV1 4LD, 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. She reported that since the agenda had been published, supplementary information had been received from West Midlands Police and Jake Flanagan, Licensing Consultant representing the Premises Licence Holder.

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

James Rankin, Barrister representing West Midlands Police, queried the supplementary information that had been submitted by Mr Flanagan as it had not been seen by West Midlands Police.

Mr Flanagan confirmed that the additional documents submitted on behalf of his client were photographs of the outside of the premises and a google map print out.

The Chair asked all parties if they agreed to accept the supplementary documents. All parties agreed.

James Rankin, Barrister representing West Midlands Police, stated that the supplementary information that had been submitted by his client was a list of proposed licence conditions. He advised that the conditions had since been amended and asked the Sub-Committee to accept the updated document.

The Sub-Committee agreed to the request and copies of all supplementary documents were distributed to all parties by Donna Cope, Democratic Services Officer.

The Chair invited West Midlands Police to present their application.

James Rankin, Barrister representing West Midlands Police, questioned correspondence that had been received from Mr Flanagan prior to the Hearing, alleging that the paperwork for the expedited review had not been served correctly by West Midlands Police.

In response to this, Mr Flanagan confirmed that he wished to withdraw the allegation and continue with the Hearing.

The Chair again invited West Midlands Police to present their application.

Mr Rankin stated the grounds for review as per Appendix 2 of the report. He advised the Sub-Committee that prior to the Hearing a number of proposed licence conditions had been presented to Mr Flanagan and his client and that West Midlands Police were satisfied that the additional conditions would promote the four licensing objectives.

Mr Rankin outlined the proposed conditions and stated that the Licensing Consultant and his client had agreed to all of them, except for a condition that would allow the Police to veto future events.

The Chair sought legal clarification on this, and a discussion took place regarding whether adding the condition to the licence would be proportionate to the Licensing Objectives.

The Chair afforded all parties present the opportunity to question the West Midlands Police in relation to its representation.

Mr Rankin and Sgt Steph Reynolds provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations. Jake Flanagan, Licensing Consultant representing the Premises Licence Holder, stated the following:

1. An incident had occurred at a private party held at the club.
2. A fight had taken place in the smoking area outside the club.
3. The premises disagreed with the Police version of events and disputed that a stabbing had occurred and that knives had been found on the premises.
4. The design of the exit had contributed to the problems.
5. The venue had now sacked the Manager on duty at the time of the incident; had reviewed its policies and had replaced its SIA Accredited Security Firm.
6. The venue had now implemented search training and would no longer be holding private parties.
7. The premises had a good working relationship with the police and the disorder was an isolated incident.
8. The Premises did not agree that a proposed condition allowing the Police to veto future events was reasonable or proportionate.

The Chair invited all parties present to question Jake Flanagan in relation to his submission.

Jake Flanagan and Simeon Greene, shareholder of the premises, provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton did so as per Appendix 4 of the report.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mrs Moreton provided responses to questions asked.

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

Jake Flanagan and James Rankin made closing statements on behalf of their clients.

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 into the meeting and it was agreed by all that the Interim Steps currently in place would be removed.

The Chair outlined the decision of the Sub-Committee and the decision was read out in full by David Abel, Solicitor.

Resolved

An application had been made by West Midlands Police for a review of the Premises Licence of Society, Townwell Fold, Wolverhampton WV1 4LD.

At the hearing to review the Premises Licence, the Licensing Sub-Committee listened carefully to all representations made by the persons that spoke at the hearing and considered all the evidence presented.

The Sub-Committee heard from West Midlands Police that:

1. A serious incident of Crime and Disorder had occurred in the early hours of Sunday 24th March 2019 at Society Night-Club, where a male patron had been stabbed and a fight had broken out between patrons.
2. The Police had considered the event to be high risk as it was a private birthday party for a known gang member. West Midlands Police had requested appropriate conditions which had not been implemented by the venue. These included having eight SIA Registered door staff when only six were booked and the use of metal search wands which did not take place.
3. Police Officers attended but had to withdraw immediately due to large scale disorder. The injured man was taken away in an ambulance and the Club was closed by the Police. Three knives were found either at the premises or adjacent to the premises.
4. Inside the venue containers of Nitrous Oxide were found strewn across the floor.
5. The incident could have been avoided if the requests from West Midlands Police had been adhered to.
6. The venue did not uphold the Licensing objectives in that those attending were not searched, people were allowed entry without invitation and insufficient door staff were employed.

The Licensing Sub-Committee heard from Elaine Morton on behalf of the Licensing Authority, a Responsible Authority, that they supported the Police application and that Public Safety must not be compromised.

The Licensing Sub-Committee heard from Mr Flanagan, Licensing Consultant representing Society that:

1. An incident had occurred at a private party held at the club.
2. A fight had taken place in the smoking area outside the club.
3. The premises disagreed with the Police version of events and disputed that a stabbing actually occurred; the amount of people attending the venue; and that knives were actually found in relation to the premises.
4. The design of the exit had contributed to the problems.
5. The venue had now sacked the Manager on duty at the time of the incident; had reviewed its policies and had replaced its SIA Accredited Security Firm. They had now implemented search training and would no longer be holding private parties.
6. The Premises did not agree that a proposed condition allowing the Police to veto future events was reasonable or proportionate as the mischief complained of was dealt with by other proposed conditions and may interfere with the commercial interests of the venue.

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

1. A fight and a stabbing had occurred at the venue and that Nitrous Oxide cannisters were found at the premises.
2. There had been serious management failings at the premises.
3. The recommendations of West Midlands Police had not been implemented as agreed.
4. The Licensing Objectives had not been upheld.

Therefore, the Decision of the Licensing Sub-Committee was, as stated under section 6.5 (a) at page 5 of the Report, to Modify the Conditions of the Premises Licence as follows:

1. An SIA Registered Security Firm to be employed for all events.
 - a) A minimum of six Door Staff, one of whom will be female, to be employed at any event and a ratio of 1:50 to be applied thereafter.
 - b) All Door Staff to wear High Visibility Jackets.
 - c) The Risk Assessment for each event to be shared, in full, with the security team for that night, including any correspondence / requests by any Responsible Authority and the conditions on the premises licence.
 - d) A written briefing to all door staff to be completed only by the DPS/PLH and will be documented and signed by all parties.
 - e) A documented hourly check that all security were present and in the correct areas conducting their duties as instructed will take place.
 - f) All bags will be searched on entry to the venue.
2. A knife arch will be in place and used at all events as part of a condition of entry for anyone entering the venue.
3. A four- step security protocol will take place as a condition of entry for anyone entering the venue:
 - a) All pockets will be emptied

- b) Patrons will be required to walk through the knife arch
 - c) There will be a full body pat- down from head to toe of anyone entering the venue
 - d) A metal detecting wand will be used to scan from head to toe anyone entering the venue
4. An ID Scanner will be implemented and used as a condition of entry for anyone entering the venue.
 5. The Smoking area will be fully secured whilst the premises is closed to ensure that no items can be secreted.
 6. There will be a full sweep of the premises both inside and out within one to two hours prior to opening to ensure that no weapons or illegal contra-brand is present.
 7. CCTV is to cover all areas were the public have access, save for the toilets, and is to cover all areas where the door staff conduct the search procedure.
 8. All communication regarding arrangements for events to be held at the venue with any Responsible Authority, and with particular reference to West Midlands Police, shall be undertaken by the DPS/PLH only, who will then be responsible for ensuring all actions and that the licensing objectives are upheld.
 9. Any reasonable recommendations made by West Midlands Police with regard to any event at the premises that will satisfy the four licensing objectives shall be adopted and complied with by the DPS/PLH.
 10. When a high-risk event is proposed to take place at the premises, West Midlands Police will have a right of veto over any such event should they decide that by holding the event the PLH/DPS will not be promoting the Licensing Objectives. The premises will notify West Midlands Police at least twenty-one days prior to any event taking place, and if no objections or veto are received from the Police within ten working days from the notification being given to the Police, then the event will be deemed suitable to take place subject to no new information coming to the attention of the Police. Any Police recommendations or veto must be communicated to the PLH/DPS at least ten working days prior to the event. If the Police recommendation or veto is that the event must not take place because of a serious risk to the Crime and Disorder or Public Safety Licensing Objectives, then a Police Officer of the rank of Inspector or above from West Midlands Police will provide a written explanation of the reasons for the veto at the same time as the recommendation is made or as soon as is reasonably practicable thereafter. This condition is made at the suggestion of and with the full agreement of West Midlands Police.

The Licensing Sub-Committee imposed these conditions as they believe them to be necessary and proportionate for the upholding of the licensing objectives.

Therefore, based upon the above and having regard to the Application and relevant representations made, the Licensing Sub-Committee have decided to Modify the Conditions of the Licence as stated in accordance with Section 53C of the Licensing Act 2003.

An Appeal may be made to the Magistrates Court against the decision, by the Applicant, the Holder of the Premises Licence, or any other person who has made a Relevant Representation, within 21 days from the date of receipt of written notice of this decision.

Representations have been invited in relation to the Interim Steps currently in place. The premises Licence Holder and West Midlands Police have stated that the Suspension of the Premises Licence which was previously imposed should be lifted.

Section 53D of the Licensing Act 2003 makes provision for the Review of the 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 be lifted.

In accordance with Section 53D (5) of the Licensing Act 2003, the Interim Steps put in place following the Hearing on 27th March 2019 will cease to have effect from the coming into effect of the decision of Review. A decision under Section 53D may also be appealed to the Magistrates Court.