

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 12 August 2019

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw  
Cllr Jonathan Crofts  
Cllr Asha Mattu

### Review Applicant

Rebecca Keeves

Barrister for West Midlands Police

### Responsible Authorities

Elaine Moreton  
Andy Johnston

Section Leader Licensing  
Senior Environmental Health Officer

### Officers

Debra Craner  
Richard Phillips  
Donna Cope

Section Leader Licensing  
Solicitor  
Democratic Services Officer

*Item No.*     *Title*

**1            Apologies for absence**

Apologies were received from Sgt Steph Reynolds, West Midlands Police.

**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 the Dog & Partridge, Broad Street, Bilston, Wolverhampton, WV14 0BU**

An application for a review of a Premises Licence in respect of the Dog & Partridge, Broad Street, Bilston, Wolverhampton, WV14 0BU, 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.

Debra Craner, Section Leader Licensing, provided an outline of the application. West Midlands Police confirmed that the summary was accurate.

The Chair questioned why the Sub-Committee Hearing was still necessary as the premises licence had been surrendered.

Richard Phillips, Solicitor and legal representative for the Sub-Committee, explained that for a period of 28 days following the surrender, an application could be made to transfer the licence, so therefore it was technically still active.

Elaine Moreton, Section Leader Licensing, asked Ms Craner if the official premises licence document had been surrendered to the authority. Ms Craner stated that it had not. Ms Moreton confirmed that therefore the licence had not been surrendered correctly and was still active.

All parties agreed.

The Press withdrew from the meeting.

The Chair invited West Midlands Police to present their application.

Rebecca Keeves, Barrister representing West Midlands Police, stated the grounds for review as per Appendix 2 of the report and the supplementary police evidence pack. During her submission, social media video footage was presented, and she requested on behalf of West Midland Police that the premises licence be revoked.

The Chair afforded all parties present the opportunity to question the Review applicant in relation to its submission.

Rebecca Keeves provided responses to questions asked.

The Press returned to the meeting.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton, Section Leader Licensing, did so as per Appendix 5 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 Environmental Health to make representations. Mr Andy Johnston, Senior Environmental Health Officer, did so as per Appendix 4 of the report.

The Chair invited all parties present to question Environmental Health in relation to its submission. Mr Johnston provided responses to questions asked.

The Chair reported that since publication of the agenda papers, a letter had been received from Pat McFadden MP asking for revocation of the premises licence on behalf of his constituents.

Copies of the letter were tabled by the Democratic Services Officer and the Chair confirmed that the submission would be considered by the Sub-Committee.

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

Elaine Moreton presented a summary on behalf of the Licensing Authority.

Rebecca Keeves presented a summary on behalf of West Midlands Police.

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.

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

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

The Sub-Committee heard from the West Midlands Police that:

1. Following the decision on 12 July 2019 to refuse a TEN for a family fun day and BBQ on Saturday 13 July 2019, the premises had decided to go ahead with the event;
2. During the course of Saturday 13 July 2019 and the early hours of Sunday 14 July, the Police had received 11 separate emergency phone calls from members of the public and guests within the premises;
3. The reports ranged from noise complaints of loud shouting and screaming in the car park, anti-social behaviour including guests urinating up neighbouring

- properties, reports of knives and firearms within the venue and that gunshots had been fired;
4. At 00:30hrs an incident on the dance floor had occurred between two females and a meat cleaver was used to assault one female, leading to an open cut to the skull and a laceration to her cheek;
  5. Bottles were being thrown and flying everywhere, forcing the female to seek refuge under a chair;
  6. A male inside the venue had a gun and threatened someone with it;
  7. A firearm was discharged outside the venue and shell casings had been found;
  8. Armed police had been dispatched to the venue but after speaking to the door staff, who seemed unaware of gunshots, they had left;
  9. Firearms and a substantial number of weapons had been taken into the premises;
  10. The CCTV had not been working;
  11. Videos from inside the venue showed a fight and a meat cleaver being wielded;
  12. Social media videos showed a very scantily clad woman riding what could best be described as a giant bucking penis;
  13. West Midlands Police had successfully applied for a Closure Order pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 which had made it an offence for any person to enter the premises;
  14. They request revocation of the licence and the re-imposition of new interim steps, namely suspension of the licence pending any appeal.

The Sub-Committee heard from Elaine Moreton, Licensing Authority (as Responsible Authority), that she had attended the hearing to support the application made by the West Midlands Police and that the premises licence should be revoked.

The Sub-Committee heard from Andrew Johnston, Environmental Health (as Responsible Authority), that there had been significant noise nuisance caused by the premises on numerous occasions and that he supported the review application.

The Sub-Committee did not hear anything from representatives of the premises, and nobody was in attendance.

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

1. There had been significant breaches of licence conditions and failure to comply with provisions of the Licensing Act;
2. There had been serious crime, disorder and anti-social behaviour on the premises; and
3. The premises and relevant persons had failed to uphold the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm licensing objectives.

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

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

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 made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

As the interim steps previously put in place at the expedited review must now cease to have effect, the Sub-Committee also decided to re-impose fresh interim steps to maintain the suspension of the licence pursuant to s53D of the 2003 Act to ensure the licensing objectives were promoted. There is also a right of appeal against these interim steps.