

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 7 November 2019

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw  
Cllr Jonathan Crofts  
Cllr Asha Mattu

### Premises Licence Holder

Heath Thomas  
Wayne Jones  
Derick Jones  
Kerry Robinson

Solicitor  
Shareholder of DGW Entertainment Limited  
Director of DGW Entertainment Limited  
Designated Premises Supervisor

### Review Applicant

Sgt Steph Reynolds  
PC Michelle Churm  
Aimee Taylor

West Midlands Police  
West Midlands Police  
West Midlands Police

### Responsible Authorities

Elaine Moreton

Section Leader Licensing

### Officers

Elizabeth Gregg  
Richard Phillips  
Donna Cope  
Lisa Wycherley

Senior Licensing & Compliance Officer  
Solicitor  
Democratic Services Officer  
Trainee Solicitor

*Item No. Title*

**1 Apologies for absence**

There were no apologies for absence.

**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 Banjul, 30 Queen Street, Wolverhampton, WV1 3JW**

An application for a review of a Premises Licence in respect of Banjul, 30 Queen Street, Wolverhampton, WV1 3JW, 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 & Compliance Officer, provided an outline of the application. She reported that since the agenda had been published, Kerry Robinson had withdrawn her consent as Designated Premises Supervisor (DPS).

West Midlands Police confirmed that the summary was accurate.

The Chair invited West Midlands Police to present their application.

Sgt Steph Reynolds explained that prior to the Hearing, West Midlands Police and Mr Heath Thomas, Solicitor representing the Premises Licence Holder, had attempted to mediate and reach an agreement on the matter. She stated that Mr Thomas wanted to continue mediating and resolve the matter between them themselves, but West Midlands Police wanted to go ahead with the Review Hearing.

*Under Paragraph 1 of Schedule 12A of the Local Government Act 1972, the Press and Public were excluded from the meeting at 10:30am.*

Sgt Reynolds enquired whether Kerry Robinson should withdraw from the Hearing as she was no longer the DPS. Richard Phillips, Solicitor and legal advisor to the Sub-Committee, gave advice on the matter and all parties agreed they were happy for Ms Robinson to stay.

Sgt Steph Reynolds stated the grounds for review as per Appendix 2 of the report and exempt supplementary police evidence pack. During her submission CCTV video footage was presented and she outlined the mediation that had taken place between West Midlands Police and Mr Thomas. She explained that despite mediating with Mr Thomas, West Midlands Police had concerns with his proposals.

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

Following questions from the Chair, Mr Thomas requested an adjournment to allow for further mediation between himself and West Midlands Police.

All parties agreed to the request.

*The Sub-Committee adjourned at 11.23 hours.*

*The Hearing reconvened at 12.26 hours.*

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

Sgt Steph Reynolds provided responses to questions asked and stated that West Midlands Police requested revocation of the licence as they had failed to reach an agreement with Mr Thomas.

*The Sub-Committee adjourned at 12.45 hours.*

*The Hearing reconvened at 13.22 hours.*

The Chair invited the Premises Licence Holder to make representations.

Heath Thomas, Solicitor representing the Premises Licence Holder, made representations. During his submission the CCTV footage was presented again, and he requested that the Sub-Committee considered the following actions as an alternative to revocation of the licence:

1. A temporary suspension of the licence until new management were put place;
2. The current management would play no part in the operation of the premises going forward;
3. Amendment of the licence conditions as agreed with the police; and
4. To add a further condition allowing the police to have a veto over events.

Ms Robinson made a further submission on behalf of the premises.

The Chair invited all parties present to question Heath Thomas and his clients in relation to their submissions.

Heath Thomas and his clients W Jones, D Jones and K Robinson provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton, Licensing Section Leader, 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. No questions were asked.

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

Heath Thomas 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 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:

An application had been made by the West Midlands Police for a review of the premises licence in respect of Banjul, 30 Queen Street, Wolverhampton, WV1 3JW.

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

The Sub-Committee heard and read from the applicant (West Midlands Police) that:

1. On Saturday 5 October 2019 at approximately 04:00 hours an incident occurred within the premises. A male became involved in an altercation leading to a serious injury which amounted to wounding with intent;
2. The injured man received hospital treatment for a cut above his eye and a laceration to his chest with a wound of approximately 15-20 cms in length and 5-6 cms deep;
3. This was the third incident which had occurred at the premises since it had opened;
4. On 29<sup>th</sup> September 2018 an incident occurred outside the venue involving patrons from within the Premises and gang nominals where multiple stabbings occurred;
5. On 27 December 2018 another incident occurred whereby known gang members attempted to rush the door and when the Police attended some 3 minutes after the 999 call, the security staff denied any disorder had taken place;
6. All of the incidents which had occurred were connected to known gang members;
7. The CCTV showed management seeing the disorder and the injured parties but not calling 999;
8. None of the parties involved with the PLH or as DPS were suitable persons to run the premises and there were significant relevant previous criminal convictions involving gangs, drugs and serious violence; and
9. They request revocation of the Licence.

The Sub-Committee heard from Mr Thomas for the Premises that:

1. The incident on 5 October 2019 had appeared to all at the Premises as though there was some pushing and shoving on the dancefloor which had been effectively dealt with by the door staff and that nobody realised a serious injury had occurred;
2. The whole incident took five minutes from start to finish;

3. That there was an acceptance that the Police's concerns meant that the Directors and Shareholders of the Premises Licence Holder could not play a role going forward;
4. The Premises had been complying with their conditions;
5. That the licence conditions could be amended to be far more stringent to include ID scanning for all patrons, the police to have a veto over events and a condition ensuring that current management would play no part in the operation of the premises going forward;
6. That the former DPS would be a suitable person to take over the premises as PLH and had relevant experience and was of good character; and
7. That the Sub-Committee should consider amending the licence conditions as suggested above and temporarily suspend the licence.

The Sub-Committee heard from Elaine Moreton, Licensing Authority (as Responsible Authority), that the Committee should consider revocation on this occasion.

The Licensing Sub-Committee were satisfied on the evidence that there had been breaches of licence conditions, failure to comply with provisions of the Licensing Act and serious crime and disorder at the premises. These actions did not promote the 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 the prevention of crime and disorder, public safety and the prevention of public nuisance Licensing Objectives.

An appeal could 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.

Section 53D makes provision for the review of 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 had determined that the current interim steps should remain, that being suspension of the premises licence.

In accordance with Section 53D(5) of the Licensing Act 2003, the interim steps put in place following the hearing on 15 October 2019 would cease to have effect from the coming into effect of the decision today. A decision under section 53D may also be appealed.