

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 18 November 2020

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Keith Inston

Cllr Jonathan Crofts

Premises Licence Applicant

Clive Thomason

Responsible Authorities

Elaine Moreton

Michelle Smith

Andrew Parker

Sgt Steph Reynolds

Aimee Taylor

Licensing Authority

Public Health

West Midlands Police

West Midlands Police

West Midlands Police

Employees

Debra Craner

Sarah Hardwick

Donna Cope

Chris Howell

Licensing Section Leader

Senior Solicitor

Democratic Services Officer

Commercial Regulation Manager

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

Councillor Alan Bolshaw, Chair of the Statutory Licensing Sub-Committee, stated that shortly after the Hearing was adjourned on 11 November 2020, he received an email from the Applicant, Mr Clive Thomason. The Chair stated that he did not read the email and sent it to officers for them to deal with. He confirmed that receipt of the email had not prejudiced his decision in any way.

3 Licensing Act 2003 - Application for a Premises Licence in respect of Purity Club, 3 Pitt Street, Wolverhampton, WV3 0NF

An application for a Premises Licence in respect of Purity Club, 3 Pitt Street, Wolverhampton, WV3 0NF was considered following representations received from the Licensing Authority, Public Health and West Midlands Police.

The Chair stated that on 11 November 2020 all parties had agreed to adjourn the Sub-Committee Hearing to a specified date that being Wednesday 18 November 2020, to allow West Midlands Police more time to consider the amended Operating Schedule that had been proposed by the Licensing Authority.

The Chair stated the names of all those present at the Hearing and invited Debra Craner, Section Leader Licensing, to report any updates since the Hearing had been adjourned.

The Section Leader Licensing stated that since the last Hearing, West Midlands Police (WMP) had submitted a further amended Operating Schedule and that this had been circulated to all parties.

The Chair invited the Applicant to comment on the new proposals from West Midlands Police.

Mr Clive Thomason, Applicant, confirmed that he had seen the proposed amendments from West Midlands Police and was happy to accept them.

The Chair afforded all parties present the opportunity to question Mr Thomason. Mr Thomason responded to questions asked.

The Chair invited the Licensing Authority to make representations regarding the new proposals. Elaine Moreton, Section Leader Licensing, did so. She stated that the Operating Schedule submitted by West Midlands Police was very good and that it was an enhanced version of what she had previously submitted. She confirmed that she had no objections to the amended proposal but highlighted two potential mistakes within the document.

Mr Andrew Parker and Sgt Steph Reynolds acknowledged the two mistakes and agreed to rectify them.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. No questions were asked.

The Chair invited West Midlands Police to make representations regarding their proposed Operating Schedule. Mr Andrew Parker, Barrister representing West Midlands Police, did so. He confirmed that WMP were now satisfied as the Applicant had agreed to their proposed amendments and had confirmed that he had no intention to use the premises as a sexual entertainment venue.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Mr Parker responded to questions asked.

The Chair invited Public Health to make representations regarding the new proposals. Michelle Smith, Principal Public Health Specialist, did so. She requested that a condition regarding membership be added to the schedule to ensure that admittance to the premises could not be immediate upon obtaining membership.

The Chair afforded all parties present the opportunity to question Public Health in relation to her submission. Michelle Smith responded to questions asked and all parties agreed on a suitable condition that would be added to the Operating Schedule.

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

West Midlands Police, the Licensing Authority and the Applicant all made a final statement.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Senior Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 14.45 hours.

The Hearing reconvened at 15.28 hours.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

The Statutory Licensing Sub-Committee had taken note of all written concerns raised in respect of the application for a premises licence for Purity Club, 3 Pitt Street, Wolverhampton WV3 ONF. They had listened to the arguments of those who had spoken at the hearing, both for and against the application.

The Sub-Committee heard from the Applicant that:

1. He had run a Lesbian, Gay, Bisexual and Transgender (LGBT) club in Dudley for 13 years at which there had been no issues requiring police assistance;
2. The premises in Wolverhampton would offer a safe haven for this community with a person requiring membership to access facilities;
3. The premises would operate as a Café bar in the day and as a cocktail bar in the evening;
4. Many members and staff attending the club were from the LGBTQ+ community who felt safe in the environment offered by the premises who took the safety of those attending into account;
5. Elaine Moreton (Licensing Authority) and West Midlands Police had proposed conditions which could be attached to a licence, should it be granted, and which amend the Operating Schedule. These conditions were agreed by the Applicant.
6. The public bar and function room were now to be used as a games room which the fitness group would use.

The Sub-Committee heard from the Licensing Authority as Responsible Authority that:

1. Representations were made in furtherance of the four licensing objectives.
2. The premises, the subject of the application, fell within a Special Consideration Area (SCA) under Wolverhampton City Council Statement of Licensing Policy as they were located within close proximity to the City Centre Cumulative Impact Zone.
3. The Statement of Licensing Policy provides that consideration would be given to the type of premises the application referred to and the Matrix Approach outlined suggested operating times for specific venue types.
4. The Applicant had requested licensable activity outside the approved hours of opening confirmed within the premises planning permission.
5. The application lacked clarity throughout. The venue was described as a “members only”, a “bar” and a “social club”.
6. West Midlands Police had linked the premises with Adult Entertainment however within the application at Section 16, Adult Entertainment had not been completed. This raised concerns for the Licensing Authority as to the intended use of the premises.
7. The proposed Operating Schedule lacked enforceable conditions and therefore was insufficient to uphold the Licensing Objectives.
8. However, proposed conditions which would amend the Operating Schedule submitted with the application, had been provided. These were detailed in an attachment to an email from the Licensing Authority as responsible Authority dated 10 November 2020 and at Appendix 7 of the revised agenda. The Applicant agreed to accept the proposed conditions at the hearing before the Licensing Sub-Committee on 11 November 2020.
9. Should the application be granted with the proposed conditions attached, the Licensing Authority would be satisfied that, although the premises were in a Special Consideration Area, they could operate without adding to the problems faced in these areas.
10. The West Midlands Police had now proposed conditions which expand and enhance those proposed by the Licensing Authority, who would be happy for the police conditions to be added to the licence in place of those proposed by the Licensing Authority, subject to slight amendments, as outlined.

The Sub-Committee heard from West Midlands Police and their representative, Mr Andrew Parker that:

1. Representations had been made in furtherance of the Prevention of Crime and Disorder and Public Safety Licensing Objectives. At the hearing on 11 November reference was also made to Public Nuisance linked to the location of the venue.
2. The Operating Schedule within this application was not fit for purpose.
3. The floor plan provided with the application differed from the floor plan in the original planning application that was granted in 2019. There were concerns relating to safety for persons within rooms at the premises, which had not been addressed in the application. West Midlands Police and their representative therefore questioned the Applicant during the Sub-Committee hearing on 11 November in order to ascertain the intended use and whether this had changed. The Applicant had failed to document the intended use of the function rooms and what activity would take place in them and therefore the police were concerned to understand the suitability of the current application. At Hearing the Applicant confirmed that the function room to the right had once been divided into cubicles with shower facilities which members would use if they wanted privacy however, he made it clear there would be no further activity of a sexual nature taking place on the premises.
4. At the Hearing on 18 November 2020 conditions were proposed (attached to the email from WMP dated 18/11/20) which, if added to the Operating Schedule, would promote the Prevention of Crime and Disorder and Public Safety Licensing Objectives.
5. The Applicant had confirmed that he agreed to these proposed terms.

The Sub-Committee heard from Public Health as Responsible Authority that:

1. The proposed application undermined the Prevention of Crime and Disorder Licensing Objective.
2. The application had omissions in relation to alcohol especially given the proximity to the City Centre Cumulative Impact Zone.
3. Commissioned drug and alcohol services were nearby.
4. There was no reference in the application to a refusals log or CCTV recording being available for 30 days and for viewing upon request.
5. Conditions proposed by West Midlands Police and the Licensing Authority were welcomed but Public Health would also wish to see a condition dealing with a time limit so that admittance to the premises could not be immediate upon obtaining membership.

The Sub-Committee heard that the West Midlands Fire Service had not made a relevant representation however, they had proposed terms dealing with fire safety and the Applicant had agreed a voluntary undertaking with the fire service with regard to this. Details of the undertaking were at Appendix 6 on page 39 of the agenda pack.

Special Consideration Areas (SCA) surround and border existing Cumulative Impact Zone's in the City.

Premises within the SCA would be subject to the presumption of refusal, but operators would be expected to pay special attention when drawing up their

Operating Schedules and to make positive proposals to ensure that their operation would not add to the problems faced in these areas.

The Sub-Committee were satisfied that the premises were within a SCA. However, they were further satisfied that the Applicant had made positive proposals to ensure that their operation would not add to the problems faced in these areas.

The Sub-Committee had had regard to both the written and oral evidence that had been presented and attached appropriate weight.

The Licensing Sub-Committee were taking no moralistic view or pre-determining any future application that may be made for a sex establishment but would always be concerned with the safety of employees or visitors to such a venue and therefore, invited/encouraged continued discussion to deal with the proper form of regulation.

Having considered the views of all concerned, the Sub-Committee decided that the application for a premises licence should be granted, as applied for, subject to the terms and conditions detailed below in accordance with section 18 of the Licensing Act 2018.

That the hours should be granted, as applied for, subject to the following amendments and that the conditions, listed below, should replace the steps proposed by the Premises Licence Holder to promote the four Licensing Objectives within the application.

Opening Timings:

From: Friday 10:00 to 03:30

To: Friday 10:00 to 01:00

From: Saturday 10:00 to 03:30 hours

To: Saturday 10:00 to 01:00 hours

Live Music (Indoors):

From: Friday 20:00 to 01:00 Hours

To: Friday 20:00 to 00:30 Hours

From: Saturday 20:00 to 01:00 hours

To: 20:00 to 00:30 hours

Recorded Music (Indoors):

From: Thursday 12:00 to 01:00 Hours

To: Thursday 12:00 to 00:30 hours

From: Friday 12:00 to 03:00

To: Friday 12:00 to 00:30 Hours

From: Saturday 12:00 to 03:00

To: Saturday 12:00 to 00:30

Late Night refreshments (Indoors):

From: Friday 23:00 to 02:30 Hours

To: Friday 23:00 to 00:30 Hours

From: Saturday 11:00 to 02:30 hours

To: Saturday 23:00 to 00:30 hours

Supply of alcohol for consumption on the premises

From: Friday 11:00 to 02:30 Hours

To: Friday 11:00 to 00:30 Hours

From: Saturday 11:00 to 02:30 hours

To: Saturday 11:00 to 00:30 hours

Non-standard timings

To be removed throughout the application.

Prevention of Crime and Disorder

- There shall be no entertainment of an adult or sexual nature other than in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982 or any authorization granted thereunder.
- A digital CCTV system with recording equipment is installed and maintained at the premises.
- CCTV will cover all licensable areas including entry and exit points of the premise, all function rooms, staff areas and the rear car park including smoking area.
- The system will be installed and maintained in working order at the premises during all times when licensable activities are authorised by the licence. The system's recorded images and video will be of court-evidential quality, indicate the correct date and time and be kept for at least 31 days unedited. Signs will display that CCTV is in operation.
- Images/recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request.
- All managerial staff to be trained to use the CCTV system and at least one member of staff will be on duty who is trained to download systems images should any member of a Responsible Authority make a request.
- An electronic or written incidents log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises. The incidents log will be produced to an officer of a responsible authority upon request. Where a crime is believed to have been committed, the incident will be reported to the West Midlands Police. The incidents log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
- An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service of alcohol. The refusals log will include the basis of a refusal; the person making the decision to refuse; the date and time of refusal. The refusals log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
- When Wolverhampton Wanderers football matches are at home the management of the premises will liaise with West Midlands Police in regard to any additional measures required to be implemented by the premises.
- A daily register must be completed for all persons entering and exiting the premise. The register will be made available to West Midlands Police upon request.
- A list of all members' details will be documented and made available to West Midlands Police upon request. This will include name, date of birth and address.
- Alcohol must only be purchased on site. Customers will not be permitted to bring their own alcohol to consume on the premise.

- No drinks or containers are permitted to leave the premises.
- The toilet facilities will be regularly checked and recorded outlining the member of staffs' name, date, time and signature.

Public Safety

- At least one member of staff who is first aid trained to be on sight at all times when the premise is operating.
- Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised.
- Toilet and outside security checks conducted hourly and recorded on daily control sheet(s) to assist with the detection of any substance or personal abuse.
- A weekly meeting with staff regarding risk assessments, safety procedures and security measures will be recorded and available to any member of a Responsible Authority upon request.
- Any person frequenting the premises shall be a registered member prior to entering.
- Immediate entry membership is not permitted. The usual waiting period for membership approval is 24 hours.
- A fire alarm system will be installed and commissioned to the standards required by West Midlands Fire Service.
- Emergency lighting will be installed and maintained to the satisfaction of West Midlands Fire Service.

Prevention of Public Nuisance

- Signage shall be displayed at exit points throughout the premises requesting patrons respect residents.
- All external doors and windows shall be kept closed except for entry and egress.

Protection of children from harm

- All staff will receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. Training to be documented and shown to members of a Responsible Authority upon request.
- Persons under the age of 18 shall not be permitted entry to the premises.
- The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
- The premises shall display prominent signage indicating that the Challenge 25 scheme is in operation.

Finally, any further conditions as are specified on/or consistent with the Operating Schedule would be attached to the licence, together with any mandatory conditions required by the Act.

A written copy of the decision would be forwarded to all parties forthwith.

All parties had a right of appeal to the Magistrates Court within 21 days of receipt of this decision.