

Licensing Sub-Committee

Minutes - 2 September 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Bishan Dass

Conservative

Cllr Patricia Patten

Employees

Linda Banbury
Rob Edge
Sarah Hardwick

Democratic Support Officer
Section Leader - Licensing
Solicitor

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of absence.

3 Licensing Act 2003 - Application for a Premises Licence in respect of Slaters Bar, 41 Queen Street

In Attendance

For the premises

Ms F Slater – Director, Slater's Bars Limited

Mrs V Slater – Director, Slater's Bars Limited (Designated premises Supervisor)

Mr A Slater – Director, Slater's Brewery

Responsible Authorities

WPC L Davies – West Midlands Police

E Moreton – Licensing Authority

Stefan Polatajko – Environmental Health (Commercial)

The Chair introduced the parties and outlined the procedure to be followed at the hearing.

Rob Edge, Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting.

At this juncture, Fay Slater outlined the application, which would be a craft beer bar catering to the over 30's and was the first of a newly formed pub group. It was also intended to serve light snacks and non-alcoholic beverages during the daytime. A manager with city pub experience would be employed at the premises.

Responding to questions, the applicants advised that:

- they had been in the pub trade for some thirty years;
- the majority of patrons would be leaving the premises between 10.30 and 11 pm;
- there will be no smoking area, off-sales or drinks allowed outside the premises;
- litter checks will be carried out throughout the day, and
- in addition to craft beers, there will be a selection of spirits and wines.

WPC Davies indicated that the application had been well presented, but that additional measures were required in order to fully promote the licensing objectives. She added that West Midlands Police were happy for the premises licence to be granted, subject to the addition of the proposed conditions agreed with the applicant.

Responding to questions, she advised that it was not necessary to insist on a female SIA door supervisor.

Elaine Moreton, on behalf of the Licensing Authority, advised that meetings had been held with the applicant and she supported the conditions proposed by the West Midlands Police.

Stefan Polatajko, on behalf of Environmental Health (Commercial), advised that he had made representations as the premises were in the Cumulative Impact Zone, had spoken to the applicant about litter and smoking issues and had no concerns regarding the premises.

All parties were afforded the opportunity to make a final statement.

4 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 item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the application for a new premises licence.

6 Re-admission of press and public

The parties returned to the meeting and were advised of the decision of the Sub-Committee as follows:

7 Announcement of decision

The Sub-Committee have taken note of all the written concerns raised in respect of Slaters Bar, 41 Queen Square, Wolverhampton. They have listened to the arguments of those who have spoken at this hearing, both for and against the application.

The Sub-Committee are satisfied that the Cumulative Impact Policy applies to the premises. They are further satisfied that sufficient evidence has been provided by the applicant to illustrate that the premises will not add to the cumulative impact already experienced and that the presumption of non-grant has been rebutted.

Having considered the views of all concerned, the Sub-Committee have decided that the application should be granted as applied for, subject to the following conditions agreed between the West Midlands Police and the applicant:

1.

- CCTV system with recording equipment shall be installed and maintained at the premises.
- CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to where public have access and the immediate vicinity outside the premises.
- Images/recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without undue delay.
- Images and recordings must be of evidential quality, must indicate the correct time and date and be kept for at least 31 days.
- All staff to be trained to use the CCTV system and at least one member of staff to be on duty who is trained to download the systems images should any member of a Responsible Authority make a request.

2. An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate the incident must be reported to the West Midlands Police. The incident log book should be produced to a member of a Responsible Authority upon request.

3. The premises shall adopt and ensure compliance with Challenge 25 and maintain a refusals book where any sale of alcohol is refused to persons who present themselves to be underage.

8 Licensing Act 2003 - Application for a review of a Premises Licence in respect of Prince Albert, Railway Street

In Attendance

For the premises

Mr A Potts – Legal representative

Mr R McGillicuddy – Director, Mansion Club Wolverhampton Limited
Miss S Hughes – Director, Mansion Club Wolverhampton Limited and DPS
Mr N Thacker – General Manager
Mr L Copping – Consultant, Freedom Security Limited
Mr J Hadley – Director, Freedom Security Limited

Responsible Authorities

Mr P Taheri – Legal Advisor, West Midlands Police
Sargeant Flannagan – West Midlands Police
WPC L Davies – West Midlands Police
Elaine Moreton – Licensing Authority
Stefan Polatajko – Environmental Health (Commercial)

The Chair introduced the parties and outlined the procedure to be followed at the hearing.

Rob Edge, Section Leader (Licensing) outlined the report circulated to all parties in advance of the hearing.

Mr Taheri presented the request for review of the Premises Licence on behalf of the West Midlands Police and, in doing so, advised that there had been extensive engagement between the Police and the premises which had not led to any significant improvement. He pointed out the application to transfer the company into a new name did not change the personnel involved. There had been issues at the premises, prior to the incident on 14 June, which had led to the implementation of an action plan. Police intelligence reports had suggested the sale of ecstasy at the premises and a link between the premises and gang nominals. Mr Taheri went on to draw attention to various incidents at the premises as detailed in the police log, including:

- gang nominal in conversation with premises management;
- a male ejected from the premises, but returning with a knife;
- serious assault on New Year's Eve;
- forced entry to premises by Heath Town Crew (HTC) – Police called door staff wearing knife proof vests, but told by management that knife arch too costly to purchase);
- fight in March 2015 – 999 call;
- ambulance called because someone taken ecstasy;
- calls to emergency services due to fights;
- ambulance called, possible spiked drinks;
- male vomiting, struggle with door staff – taken drugs;
- 999 call log 0800 hours – fighting with bottles, and
- telephone call from Walsall hospital – male taken in with stab wound.

Mr Taheri stated that there had been a repeated pattern of calls to the emergency services, leading to serious concerns regarding safety. It was noted that the stabbing incident was the subject of an ongoing police investigation. He added that video evidence was to be shown, which would illustrate that staff at the premises observe what is happening but fail to respond, call the police or report the incident to the Designated Premises Supervisor. It would also illustrate that not all guests were scanned in or searched. He referred to page 90 of the police evidence which had

been signed by the Director who had ceased to fulfil this role twelve months previously. Supplementary paperwork had been circulated to all parties immediately prior to the hearing, which highlighted some of the issues raised by the police, including a breach in licence conditions regarding notification of use of non-house DJs. Mr Taheri concluded that the West Midlands Police believed that the Premises Licence should be revoked, but if this was not the decision of the Sub-Committee, further stringent conditions should be applied including:

- no use of the outside area after 9 pm;
- use of knife arch;
- 100% search;
- last entry change, and
- better ID scanner.

At this juncture, the press and public were excluded to enable the Police to play the CCTV footage obtained from the premises. WPC Davies answered questions raised by the Sub-Committee and other parties as appropriate.

The press and public were invited back into the meeting and Mr Potts made representations on behalf of the premises. He accepted that there had been problems at the premises during 2014, adding that Mr McGillicuddy was not there until the end of the year. He also referred to the appointment of the Designated Premises Supervisor (DPS), Sarah Hughes. As a result of the incident on 14 June 2015 steps had been taken to produce a new operating schedule, patrons would only queue one side prior to entering the premises and everyone would be fully searched. Agreements had been signed by staff in respect of incident reporting and the CCTV had been increased and enhanced. A new security risk assessment had been introduced and a new general manager appointed. An extension had been made to the fencing to ensure nothing could be pushed through and the premises licence had been transferred to a new management company to make accountability clear. Mr Potts stated categorically that there was no gang nominal having a financial interest in the premises nor were patrons let into the premises after 2 am. He added that in future the police would be given 3 months' notice of events. He believed that modifying the conditions on the Premises Licence would be an appropriate action for the promotion of the licensing objectives. He also referred to the financial constraints experienced by the Director, Mr McGillicuddy.

Mr Coppage advised that the DPS had now implemented a new community dispersal policy and ensured that SIA door staff looked after members of the public.

The DPS indicated that she was unaware of the incident on 14 June 2015 and had now implemented a search policy for premises and promotional staff, in addition to management briefings, female search policy and suspicious vehicle policy. A new ID scanner had been ordered. She acknowledged that it was her error in not advising the police of events. She stated that staff were not advised to turn a blind eye. She further advised that perimeter checks would be undertaken every thirty minutes in view of the location of the venue.

Mr McGillicuddy left the business for financial reasons and his partner had been hospitalised. The only reason he met with the Police was at the request of his partner. He added that Sarah Hughes had previously worked for him and took over

as DPS. She had asked him to return to the business and a decision had been made to re-brand and refurbish. He would be applying for his Personal Licence. He pointed out that revocation would lead to bankruptcy for those who had invested in the premises. He believed that the strengthened management team would ensure the success of the venue.

Responding to questions the premises representatives advised that:

- the business would be unable to continue if the outside area could not be utilised after 9 pm;
- all findings of the Fire Service inspection had been fully rectified and fire marshall training implemented;
- the premises had a good relationship with the local hotel and all noise issues had been addressed.

Issues raised regarding the outside licensed area were confusing due to the variations made to the licence conditions and could not be clarified without site of the plans to the premises.

Responding to a question from the Council's Solicitor in regard to the proposed operating schedule, the DPS advised that no conditions had been deleted from the current operating schedule.

Stefan Polotajko advised that Environmental Health had collated noise complaints over a three year period, adding that there had also been issues of fly posting. He indicated that the officer time spent with the Prince Albert was disproportionate with that spent with other venues in the City. He indicated that a noise plan had been agreed in 2013 but further complaints had been received.

Elaine Moreton, on behalf of the Licensing Authority, indicated that she supported the application for review of the Premises Licence in light of the lack of management at the premises.

All parties were afforded the opportunity to make a closing statement.

9 **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 item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

10 **Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the review of the premises licence

11 **Re-admission of press and public**

The parties returned to the meeting and were advised of the decision of the Sub-Committee as follows

12 **Announcement of decision**

The parties returned to the meeting and were advised of the decision of the Sub-Committee as follows:

An application has been made by the West Midlands Police for a review of the Premises Licence in respect of Prince Albert, Railway Street, Wolverhampton.

At this hearing to review the Premises Licence, the Licensing Sub-Committee have listened carefully to all representations made by the persons who have spoken at the hearing. They have considered all the evidence presented and have found the following facts:

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

1. there have been numerous issues at the premises during 2014 and into 2015 to include –
 - door and ID scanners not being used properly,
 - weapons at the premises and
 - drugs at the premiseswhich had led to an action plan being agreed;
2. on New Year's Eve 2014, there was a serious assault on a female who had her nose and face bitten;
3. police intelligence has indicated the presence of gang nominals at the premises;
4. on 14 June 2015 a serious incident occurred where a male was stabbed in the neck directly outside the front of the premises. The Sub-Committee were shown CCTV footage of the event. The victim of the assault had clearly been inside the premises before the attack. Not all patrons at the premises were adequately searched/ scanned on entering the premises and this included the person committing the assault. It was also clear that the staff at the premises should have been aware of the incident, but failed to act or get assistance from the emergency services;
5. a supplemental document was also submitted to indicate several further issues with the premises since August 2015;
6. despite a re-brand, management change and an action plan, the premises were still failing to adhere to basic licence conditions. There had been no significant improvement in the premises. There was a repeated pattern of behaviour and despite a transfer of the Premises Licence Holder the persons running of the business remained the same, and
7. the West Midlands Police are of the opinion that revocation of the Premises Licence is required.

The Sub-Committee have heard from the premises Licence Holder that:

1. they accept the incident on 14 June 2015 occurred, but it is unclear where the knife originated from and staff present did not report an issue to the Designated Premises Supervisor, Sarah Hughes;
2. following this incident, steps have been taken to include use of a new ID scanner, implementation of a suspicious vehicle policy, the use of searching wands and mitts, an increased search area at the front of the premises, the addition of new bamboo fencing around the perimeter preventing weapons being passed through, and
3. the premises are happy to accept additional conditions on the licence which were contained within the proposed new operating schedule (although the West Midlands Police did not believe the conditions would be adequate to control crime and disorder at the premises).

The Sub-Committee have also heard from Environmental Health (Commercial) about some complaints of nuisance at the premises and from the Licensing Authority about lack of effective management at the premises.

Based upon the above and having regard to the application and relevant representations made, the Sub-Committee have decided to revoke the Premises Licence.

The above action is considered appropriate for the promotion of the prevention of public nuisance, prevention of crime and disorder and public safety licensing objectives.

Written notice of this determination will be given to the holder of the Licence, the applicant, any other person who has made a relevant representation and the Chief of Police.

An appeal may be made to the Magistrates' Court against this 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.