

Licensing Sub-Committee

Minutes - 12 August 2016

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Rita Potter

Conservative

Cllr Patricia Patten

Employees

Joanne Till, Section Leader – Licensing
Sarah Hardwick, Senior Solicitor
Julia Cleary, Democratic Support Officer

Responsible Authorities

Elaine Moreton (Licensing Authority)
Sargeant Kevin Flanagan – West Midlands Police
WPC Lisa Davies, Licensing Officer – West Midlands Police

Representatives for the Premise

Mr Michael Jones – Representative of the Premise Licence Holder
Mr Balbinder Singh Gill – Premise Licence Holder and Designated Premise Supervisor
Mr Harjit Gill – Son of Premise Licence Holder

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 - Review Hearing for the Pegasus

An application had been made by West Midlands Police for a review of the premise licence in respect of the Pegasus Public House, Jackson Street, Whitmore Reans, WV6 0QQ.

The Licensing Officer provided an outline of the review application and the additional documentation that had been received in support of the premise licence holder, copies of the paperwork were made available at the meeting. West Midlands Police confirmed that they had no additional information to submit.

PC Davies introduced the case for the Police as follows:

1. On Friday 27th May 2016, a firearm had been discharged in the car park at the premises and two vehicles had received gunshot damage.
2. No 999 call had been made by the staff at the premises.
3. A member of the public notified the Police that they had heard what appeared to be gunshots.
4. The Premise Licence Holder had not informed the Police that there was to be an event (birthday party) at the premise.
5. When interviewed the Designated Premises Supervisor offered no explanation as to the events of the evening.
6. An investigation was on-going and the Sub-Committee were shown CCTV footage of the incident. Due to the on-going investigation the Police requested the press and public be excluded from the meeting for viewing of the CCTV. The CCTV evidence confirmed there had been a breach of licence conditions
7. There was Police concern relating to the response of the Designated Premises Supervisor/Premises Licence Holder to the incident
8. There was additional concern that Mr Harjit Gill had removed a damaged vehicle from the scene of the shooting, hindering the Police investigation.
9. There is no suggestion that the Premises Licence Holder or his son were connected to the individuals involved in the incident.
10. The Police confirmed that the licence had not been amended since 2005.

During this initial submission the Police stated they had considered recommending revocation of the licence but that they considered the Designated Premises Supervisor of good character and had therefore proposed conditions to be added to the licence.

The Panel questioned the Police on their submission.

There were no questions from the representative of the Premise Licence holder in relation to the CCTV and the Chair confirmed with both parties that they did not need to view the footage again.

The Licensing Officer questioned why the intelligence had only referred to the damage to the black range rover and the Police confirmed that at the time they had not been aware of the damage to another vehicle as this had been moved before they attended the scene. The Police confirmed that the other vehicle was thought to be collateral damage with the range rover being the target vehicle.

The Police stated that if they had been provided with the correct information at the time of the incident that the offender would probably have been caught.

The Sub-Committee questioned whether the Premise Licence Holder or his son could have known that this was going to happen; the Police stated that no but that they still should have informed the Police as soon as it had happened. The Chair queried whether the Premise Licence Holder could have been fazed by the incident and hence not related the information at the time; the Police agreed that this could have been the case but this did not account for the information not being brought to their attention days following the incident. The Committee questioned whether the Police were confident that if such an incident were to occur again that the Premise Licence Holder would act appropriately. The Police stated that no, they were not convinced of this, thus the need for additional conditions on the premise licence.

The representative of the Premise Licence Holder (Mr Jones) asked the Police whether they were suggesting that the Premise Licence Holder or his son were aware that gunshots had been fired. The Police confirmed that yes, this was what they were asserting and that if it was known why they were not informed.

The representative of the Premise Licence Holder outlined the case for the Premise which he stated had always been a quiet a well-run establishment. The Premise Licence Holder had been proactive since the incident and had approached a team of licensing experts to provide training for him and his staff.

Mr Jones stated that at the time of the incident the Premise Licence Holder nor his son were aware that a fire arm had been discharged. There was awareness that the range rover belonging to the party holder had been damaged and the vehicle owner had asked Mr Harjit Gill to remove the vehicle to avoid it sustaining any further damage. Mr Jones stated that the Premise Licence Holder nor his son could have known about the incident or done anything to prevent it and that any number of additional support staff would not have made any difference. Mr Jones confirmed that the Premise Licence Holder was prepared to accept the proposed conditions except for the first conditions that related to door staff and with an additional condition relating to the car park being suitably lit.

Mr Jones provided some alternative wording regarding the use of door staff which included removing reference to Thursday nights and having door staff for functions only or on a risk assessed basis or upon a reasonable request from the Police.

The Sub Committee queried whether the suggested conditions would mitigate against such as incident occurring again. The Police stated that the use of a robust door policy was an enforceable and recognised way to deal with such issues.

The Sub Committee considered the suitability of Mr Gill as the Designated Premises Supervisor and took into consideration that he had held that position for 33 years. Mr Gill stated that he understood that he must contact the Police whether there was a major or a minor issue at the premise and that he wanted to cooperate with the Police.

The Sub Committee voiced concerns regarding the response Mr Gill and his son had shown when confronted with the incident and asked again whether they were sure that they were not aware that the incident had involved gun fire and at what point they became aware that fire arms were involved. Mr Gill and his son reiterated that they were not aware at the time that firearms were involved and that they had been any gun fire. Mr Gill confirmed that he had not been pressured or asked not to report the incident to the Police. The first time Mr Gill was aware of the nature of the incident was when he was informed by the police when they arrived at the premise.

The Police requested clarification as to Mr H Gills role at the premise and confirmed that he had identified himself as the DPS on the night of the incident. Mr H Gill recalled this and confirmed that he was the DPS at another premises and was aware of the licensing objectives. Mr H Gill confirmed that he thought he had heard glasses breaking and that the disorder outside of the premise had led to the damage to the range rover and that he had moved the vehicle following a request from the owner to avoid it sustaining any additional damage.

As this evidence was presented during the hearing, the Police concluded that the actions of Mr Harjit Gill should be questioned. He was not the Designated Premises Supervisor however; his actions were interchangeable with Mr Gill the Designated Premises Supervisor. Before attending the hearing, the Police were prepared to believe that the Premises Licence Holder and his son were victims and that working with them to attach conditions to the licence was appropriate. However, due to the evidence presented, the Police questioned who knew what and when and whether the Premises Licence Holder/Designated Premises Supervisor or his son knew that there were firearms on the premises and whether they had deliberately hindered the Police investigation. The Police considered that because of the culture and honesty issue within management at the Premises a more robust action should be considered.

The Sub Committee considered a representation from Elaine Moreton, Licensing Authority (responsible authority) that supported the actions of the West Midlands Police, Mrs Moreton stated that on hearing the evidence today the Licensing Authority would also question whether the management of the premises was effective and therefore recommended revocation of the licence or removal of the Designated Premises Supervisor.

4 **Exclusion of press and public**

Resolved:

That the press and the public be excluded.

5 **Deliberations and decision**

The Sub-Committee considered the evidence that had been submitted.

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

The press and the public were readmitted.

7 **Announcement of decision**

On hearing the evidence the Sub-Committee were satisfied that:

1. The Premises Licence Holder and Harjit Gill were aware that a firearm had been discharged at the premises prior to being informed by the Police and that moving the vehicle from the scene of the shooting was done to remove evidence which hindered the Police investigation
2. The response to the incident by the premises was inadequate. It was the job of those in control of the premise to flag up, not cover up an incident and even if it believed that they did not realise shots had been fired, they still failed to notify the Police of damage to vehicles on their premises.
3. There had been a breach of licence conditions.

Therefore, based upon the above and having regard to the application and relevant representations made, the Sub-Committee has decided to revoke the licence in accordance with Section 52 of the Licensing Act 2003.

The above action was considered appropriate and proportionate action for the promotion of the prevention of crime and disorder and public safety licensing objectives.