

Attendance

Chair Cllr Alan Bolshaw (Lab)

Sub-Committee Members

Cllr Keith Inston
Cllr Patricia Patten

Review Applicant

Sgt Steph Reynolds	West Midlands Police
PC Michelle Churm	West Midlands Police
PC Kelly Fellowes-Hale	West Midlands Police
David Graham	Barrister representing West Midlands Police

Employees

Joanne Till	Section Leader Licensing
Elaine Moreton	Section Leader Licensing
Parpinder Singh	Community Safety Co-ordinator
Sarah Hardwick	Senior Solicitor
Chris Howell	Licensing Manager
Donna Cope	Democratic Services Officer

Premises Licence Holder

Derrick Minott	Director of Lorraine & Derrick LTD
Seama Kapoor	Solicitor representing the PLH

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 for Bond Street Tavern Public House, Bond Street, Wolverhampton, WV2 4AS

An application for a review of a Premises Licence in respect of Bond Street Tavern Public House, 13 Bond Street, Wolverhampton, WV2 4AS, had been received from West Midlands Police.

The Chair led round-table introductions and outlined the procedure to be followed.

Joanne Till, Section Leader, Licensing, provided an outline of the application and Mr David Graham, Barrister representing West Midlands Police, confirmed that the summary was accurate. Mr Graham asked the Sub-Committee if a supplementary evidence pack compiled by the Police had been received.

Donna Cope, Democratic Services Officer, confirmed that the supplementary evidence pack had been received and copies had been served on all relevant parties.

Mr Graham confirmed that the supplementary evidence pack contained exempt information relating to an ongoing police investigation and requested that the document, along with CCTV footage, be considered in a closed session. The Chair agreed.

Miss Seama Kapoor, Solicitor representing Derrick Minott, Premises Licence Holder, informed the Sub-Committee that she had only received instruction to represent Mr Minnott yesterday so hadn't had sufficient time to prepare for the Hearing. She requested an adjournment of 7 days to enable her to review the relevant paperwork.

The Chair sought legal advice from Sarah Hardwick, Senior Solicitor, City of Wolverhampton Council, who confirmed that, as per expedited review guidance, the case must be heard today.

Miss Kapoor questioned this, and a discussion took place between the legal representatives.

The Chair offered Miss Kapoor the opportunity to adjourn for 30 minutes but she stated that would not be sufficient.

Sarah Hardwick, Senior Solicitor, City of Wolverhampton Council, requested an adjournment for 5 minutes to enable her to review the relevant legislation. The Chair agreed.

*The Sub-Committee adjourned for 5 minutes.
The Hearing reconvened.*

The Senior Solicitor confirmed that it was not possible to adjourn the meeting for 7 days and stated the following:

S53A (2) (b) of the LA 2003 provides that within 28 days after receipt of an application for summary review, a licence must be reviewed under s53C and a determination must be reached. All parties are in agreement that this is day 28. Guidance issued under s182 of the Licensing Act 2003 provides at paragraph 12.22 that there can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. Further, the Hearing Regulations 2005, as amended, provide at regulation 13 (c) that an authority may not exercise its powers to adjourn to a specified date if it would then fail to reach a determination under s53A (2) (b).

The Chair invited West Midlands Police to present their application.

Mr David Graham, Barrister representing West Midlands Police, stated the grounds for review as per Appendix 4 of the report.

The Chair then closed the session and the press and public left the room.

Mr Graham presented CCTV footage, recorded on 25 March 2018, the night of the serious incident.

The Chair afforded all parties present the opportunity to question the Review applicant in relation to the CCTV footage and at the request of Miss Kapoor the footage was played again.

Mr Graham, Sgt Steph Reynolds, PC Michelle Churm and PC Kelly Fellowes-Hale provided responses to questions asked.

*The Sub-Committee adjourned for a short comfort break.
The Hearing reconvened.*

The Sub-Committee and Elaine Moreton, Section Leader Licensing, questioned the Review applicant on the weapon used during the incident, enquiring what it was made from and whether the knife arch should have detected it. PC Michelle Churm confirmed that the weapon had not been recovered so its material was not known. Following the discussions, it was acknowledged that if the weapon was ceramic it would be difficult to detect by the knife arch and therefore highlighted the importance of thorough body searches.

Further questions were asked of the Review applicant regarding the CCTV footage; and Mr Graham, Sgt Steph Reynolds, PC Michelle Churm and PC Kelly Fellowes-Hale provided responses to questions asked.

Miss Kapoor advised that she had some additional documents regarding her client's record keeping and asked the Sub-Committee if she could present them as evidence.

Mr Graham agreed to view the documents when the Hearing was adjourned for lunch and decide whether or not to permit the request.

The Chair reopened the meeting and the press and public re-entered.

Further questions were asked of the Review applicant; and Mr Graham, Sgt Steph Reynolds, PC Michelle Churm and PC Kelly Fellowes-Hale provided responses to questions asked.

*The Sub-Committee adjourned for lunch at 13.00hours.
The Hearing reconvened at 13:30 hours.*

Mr Graham advised the Sub-Committee that during the adjournment he had not had sufficient time to review the additional papers submitted by Miss Kapoor and therefore was not willing to accept them.

The Chair invited the Premises Licence Holder to make representations and Miss Kapoor stated the following:

1. The PLH was not to blame for the incidents that had occurred at the premises.
2. The police had said it was difficult to know who was in possession of drugs. It was also difficult for the PLH to determine this.
3. The PLH had already made an effort to improve things.
4. How would the PLH know who, as a gang member, should be banned from the premises.
5. There were issues with the search policy, but clickers were used to control capacity.
6. There was no other entrance to the premises.
7. There were alternative options to revoking the licence.

The Chair invited all parties present to question the Premises Licence Holder in relation to his submission.

Miss Kapoor and Mr Minnott provided the following responses to questions asked:

1. The police had misidentified, on the CCTV footage, the individual working behind the bar who had made the emergency call.
2. Cannabis had a strong smell even when not being smoked.
3. The PLH had always sent the relevant paperwork to the police following suspicions of cannabis and had employed extra security to deal with the issue.
4. The PLH had not altered premises records.
5. The search policy in place was adequate.
6. The PLH was capable of the job but needed to be more pro-active.

7. The PLH had co-operated fully with the police and tried to improve things.
8. The Sub-Committee could determine to remove Mr Minot as Designated Premises Supervisor, but he was familiar with the requirements of the premises.

*Miss Kapoor and Mr Minnott left the room to discuss their case.
After 5 minutes they return.*

Mr Minnott advised the Sub-Committee that as Miss Kapoor was not familiar with the case he wanted the opportunity to represent himself. He stated the following:

1. He had cooperated fully with the police; implemented new measures at the premises and tried to improve things.
2. His previous solicitor had abandoned him and Miss Kapoor was hired at the last minute.
3. The Police had visited the premises several times and not had any concerns.

In response to questions asked, he stated the following:

1. Improvement was needed when implementing the policies.
2. Changes in security had taken place on 25 March 2018, the night of the incident.
3. His livelihood was now at stake. He accepted he was responsible for the premises and proposed to employ a new security firm and would install improved technology to assist with search procedures.
4. The police had never witnessed smoking of cannabis on the premises.
5. Maximum capacity of the premises had never been exceeded and the number provided to Licensing was misunderstood.
6. He had not tampered with the record books.
7. He carried out the security briefings each night.
8. Last permitted entry times were breached once, due to the clocks changing.
9. He was not SIA trained as requested in the policy.
10. He was not evasive when the police served papers on him; he was in London and his phone was broken.
11. The female at his address when papers served had been misidentified.
12. He was responsible for the security devices at the premises.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton did so as per Appendix 6 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 Public Health to make representations. Mr Parpinder Singh did so as per Appendix 7 of the report.

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

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

Mr Singh, Mrs Moreton, Miss Kapoor and Mr Graham made closing statements.

All interested parties, with the exception of the Senior 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 Senior Solicitor.

Resolved:

An application was made by the West Midlands Police for a review of the premises licence in respect of The Bond Street Tavern, Bond Street, City Centre, Wolverhampton WV2 4AS.

At the hearing to review the Premises Licence, the 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 from the West Midlands Police that:

1. Following a serious crime relating to a serious incident which occurred on the dance floor inside the premises in the early hours of the morning on 25 March 2018 the West Midlands Police applied to the Licensing Authority for an expedited summary review of the premises licence. The hearing took place on 29 March 2018. Due to the serious nature of the incident, the Licensing Sub-Committee determined to suspend the premises licence pending a full review of the licence, in accordance with Section 53 of the Licensing Act 2003. This was the reason the Sub-Committee was convened today.
2. CCTV footage was shown of the incident on 25 March 2018. This related to the wounding which occurred on the premises. Written and oral evidence from West Midlands Police together with the CCTV footage revealed that a male wearing a Nike jacket arrived at the premises, pushed passed a security guard, passed through a knife arch, resisted search at a second point and entered the premises. He then removed an item from his footwear which was believed to be a weapon and sometime later became involved in an altercation with a second male which led to the wounding of an innocent female and the second male.
3. In February 2017 the West Midlands Police applied to review the premises licence of the Bond Street Tavern on the basis they believed there was crime and disorder at the premises. The LSC heard that A Misuse of Drugs warrant was obtained and on attending the premises in February 2017 the police seized 17 different types of drugs and two weapons. Based upon the evidence presented the Sub-Committee determined to revoke the premises licence.
4. The premises appealed the decision to revoke to the Wolverhampton Magistrates Court and the matter was listed for hearing before the Court on 18

October 2017. At Court terms were agreed between the parties and a Consent Order signed, which detailed modified conditions of licence which essentially required the premises to maintain several policies, to include one relating to search procedures, and submit these to the Licensing Authority and West Midlands Police.

5. A summary of continuing issues outlined by the police today included concern relating to:
 - Cannabis on the premises. During numerous visits by West Midlands Police between January 2017 and March 2018 there had been a strong smell of cannabis on the premises.
 - There had been breach of licence conditions to include failure to display SIA badges (Jan 2017), failure to monitor patron numbers on the premises (Jan, Feb, March 2017), operating outside licensable hours, inadequate record keeping (March 2017), entries over written in record books, failure to record in incidents book, inadequate searching of patrons when entering the premises, hostility and obstructive behaviour whilst dealing with the police and during the incident on 25.3.18 the head of security refused to tell police officers what was going on.
 - Three instances of disorder in 2017 and the incident of wounding in March 2018.
 - Problems had continued despite continued advice and support from West Midlands Police.
6. There was concern about inadequate search procedures which had led to the violent incident on the premises.
7. There was evidence that gang nominals had been at the premises.
8. There had been repeated failings at the premises. There was no confidence in the management structure. In accordance with the Guidance under s182 LA 2003, where serious crime had occurred on the premises and the crime prevention licensing objective was being undermined, revocation should be considered on a first occasion. Therefore, in promoting the prevention of crime and public safety licensing objectives, revocation of the licence was appropriate.

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

The Sub-Committee heard from Parpinder Singh, Public Health (as Responsible Authority), that he had attended this hearing to support the application made by the West Midlands Police.

The Sub-Committee heard from the Premises Licence Holder (PLH) and his legal representative, that:

1. A knife could be made of metal or ceramic material and if not metal it would be difficult to detect.
2. The police had said it was difficult to know who was in possession of drugs. It was also difficult for the PLH to determine this.
3. How would the PLH know who, as a gang member, should be banned from the premises.
4. The PLH had cooperated fully with the police and his livelihood was now at stake. He accepted he was responsible for the premises and proposed to employ a new security firm and would install improved technology to assist with search procedures.
5. It was believed the drugs policy did work.
6. The Sub-Committee could determine to remove Mr Minot as Designated Premises Supervisor, but he was familiar with the requirements of the premises.

The Licensing Sub-Committee was 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. Search procedures were inadequate.
3. There had been serious crime on the premises (wounding), and it was likely other criminal activity had occurred on the premises to include allowing patrons to smoke and use drugs.

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 and public safety 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.

Representations had been invited in relation to the Interim steps currently in place. The West Midlands Police had stated that if there was a different business model in place with restricted trading hours, not requiring such extensive search procedures, then the current steps may not be necessary. However, there is no such business model.

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 have 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 29 March 2018 will cease to have effect from the coming into effect of the decision on review today. A decision under section 53D may also be appealed.