

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 30 January 2019

## Attendance

### Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Wendy Thompson

Cllr Rita Potter

### Review Applicant

PC Michelle Churm

Inspector Stuart Roberts

West Midlands Police

West Midlands Police

### Employees

Elizabeth Gregg

Sarah Hardwick

Donna Cope

Kirsty Tuffin

Senior Licensing Officer

Senior Solicitor

Democratic Services Officer

Democratic Services Officer (observing)

### Premises Licence Holder

Manjit Singh

Abdul Matli

Jake Flanagan

Premises Licence Holder

Business Owner

Consultant on behalf of the Premises 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            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 items of business as they involve the likely disclosure of exempt information falling within paragraph 7 of Schedule 12A to the Act.

**4            Licensing Act 2003 – Application for an Expedited Summary Review of a Premises Licence in respect of The Outback, 50 Queen Street, City Centre, Wolverhampton, WV1 3BJ**

An application for an expedited summary review of a Premises Licence in respect of The Outback, 50 Queen Street, City Centre, Wolverhampton, WV1 3BJ, 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 Officer, provided an outline of the application. West Midlands Police confirmed that the summary was accurate.

The Chair afforded all parties present the opportunity to question the report content.

No questions were asked.

The Chair invited West Midlands Police to present their application.

PC Michelle Churm, West Midlands Police, stated the grounds for review as per Appendix 3 of the restricted report and requested that the premises licence be suspended.

The Chair afforded all parties present the opportunity to question the Review applicant in relation to its representation. PC Michelle Churm and Inspector Stuart Roberts provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations. Jake Flanagan, Licensing Consultant representing the Premises Licence Holder, made representations.

The Chair invited all parties present to question Jake Flanagan in relation to his submission.

Jake Flanagan, Abdul Matli, Business Owner, and Manjit Singh, Premises Licence Holder, provided responses to questions asked.

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

Jake Flanagan presented a summary on behalf of the Premises Licence Holder.

PC Michelle Churm presented a summary on behalf of West Midlands Police.

All interested parties, with the exception of the Senior Solicitor and the Democratic Services Officers, 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 had been received from the West Midlands Police on 28 January 2019 for an expedited review of the Premises Licence in respect of The Outback, 50 Queen Street, Wolverhampton WV1 3BJ.

The Chief of Police had given a certificate under Section 53A (1) (b) of the Licensing Act 2003 (the Act), stating that in their opinion the premises were associated with serious crime and disorder and had requested that interim steps be applied to the premises licence pending a full review hearing.

The Sub-Committee considered all information presented both written and oral.

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

1. On 5 May 2017 an action plan was agreed between the premises and WMP which dealt with search procedures at the premises.
2. There was a log of issues in October/November 2018.
3. On 13 December 2018 a meeting was held at Wolverhampton Police Station. The DPS of the premises, Cheryl Davis, and the Manager, Abdul Matli, were present. A number of issues were raised by West Midlands Police to include concerns regarding to non-compliance with licence conditions such as failure to wear lapel cams, use link radio, brief door staff and report to the Police. In addition, the Manager agreed to send weekly emails to WMP regarding upcoming events at the premises, providing details of DJ's or other performers to perform at the premises in order that a full risk assessment could be conducted by WMP.
4. On 22 January 2019 PS Reynolds sent an email to Abdul, the Manager, expressing concern that he was not complying with requests made during the meeting in December 2018. No details of upcoming events had been sent to WMP.

5. On 23 January 2019 Abdul replied to WMP with a list of DJs who were to perform at the premises however Police intelligence revealed that he had failed to mention a specific performer deemed high risk and who was wanted by the Metropolitan police. Further police intelligence indicated that gang members from Birmingham would be attending the venue to see this particular performer.
6. At 04:22hrs on Saturday 26 January 2019 the WMP were called to a stabbing outside the premises. The victim suffered 3 stab wounds to the back. Four males to include 3 known to be affiliated with a Wolverhampton gang were arrested on suspicion of serious assault. Only the victim and his friends had been inside Outback.
7. WMP had serious concern that the premises had purposely withheld information from them, knowing the event to be high risk, which undermined the prevention of crime and disorder licensing objective which had resulted in a person being seriously harmed with a weapon.
8. Due to failings with search procedures there was evidence of a blade inside the premises being removed from someone's pocket seen on the premise's CCTV.
9. The incident could result in the Police charging the offenders with attempted murder or s18 grievous bodily harm with intent.
10. Appointing the DPS was a paper exercise.
11. WMP recommended suspension of the premises licence pending the outcome of the final review hearing.

The Sub-Committee heard from Jake Flanagan, representing the Premises Licence Holder (Mr Manjit Singh the freeholder) that:

1. The premises didn't underestimate the gravity of this incident.
2. An offender could be charged with s47 actual bodily harm which was a lesser offence.
3. The LA 2003 and associated guidance stated that crime and disorder should be positively linked to the premises and there had been a good natured crowd at the premises.
4. To notify the WMP of events or artists at the premises was not currently a condition of licence.
5. The premises had called emergency services and provided CCTV to WMP.
6. The premises did all they could to assist.
7. Censorship of events was not allowed under Guidance.
8. The premises would accept conditions relating to notifying the police of events and removal of the DPS.

9. The PLH had no involvement with running of the premises.

The Sub-Committee were satisfied that there was a causal link between the premises and the incident. There had been significant failings at the premises which meant the incident occurred outside the premises.

The Act and Home office Guidance stated that the tests to determine the kinds of conduct that amount to serious crime were set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. These tests included conduct which constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and which involved the use of violence.

The LSC had received the Certificate from the West Midlands Police and they had received confirmation at the hearing that serious crime and or disorder had occurred on the premises.

The Sub-Committee were satisfied that a serious crime had occurred at the premises.

They were further satisfied that serious disorder had occurred on the premises. Serious disorder was to be given its plain ordinary meaning.

Based upon the evidence presented, consideration had been given as to whether it was necessary to take interim steps pending determination of the review (s53C LA 2003). The LSC were satisfied that interim steps were necessary. In accordance with Section 53B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee was to suspend the premises licence pending the full review hearing.