

Statutory Licensing Sub-Committee

Minutes - 30 January 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)
Cllr Anwen Muston
Cllr Wendy Dalton

Applicant for Review – West Midlands Police:

Sgt Steph Reynolds
Kayley Nixon
PC Dudgeon

Premises Licence Holder

John Aust	Director
Christopher Reid	Business Partner
Vikki Sorrell	Duty Manager
Monica Harrington	Designated Premises Supervisor

Responsible Authorities

Amitabh Singh	Licensing Authority
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Employees

Debra Craner	Section Leader Licensing
Angela Bernard	Solicitor
Donna Cope	Democratic Services Officer
Elizabeth Gregg	Senior Licensing Officer

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 a Review of a Premises Licence in respect of Chicago Rock Café & Mannhattans, 36 Pipers Row, City Centre, Wolverhampton, WV1 3JY

An application for a review of a Premises Licence in respect of Chicago Rock Café & Mannhattans, 36 Pipers Row, City Centre, Wolverhampton, WV1 3JY had been received from West Midlands Police.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader Licensing, provided an outline of the application. Sgt Steph Reynolds, West Midlands Police, (Applicant), confirmed that the summary was accurate.

The Chair invited West Midlands Police to present their application.

Sgt Steph Reynolds, West Midlands Police, stated the grounds for review as per Appendix 2 of the report and supplementary police evidence packs. During her submission CCTV video footage of the incident was presented and she requested on behalf of West Midland Police that the premises licence be revoked.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to their submission. Sgt Reynolds responded to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr John Aust, Premises Licence Holder, did so. He stated that he had been involved in the

industry for a long time and had never had a premises licence reviewed. He stated that he was unaware of the police's concerns regarding the premises and that he had been let down by his management team. He outlined a proposed plan that would be implemented at the premises to prevent further incidents and asked the Sub-Committee to put their trust in him.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to his submission. Mr Aust responded to questions asked.

The Sub-Committee adjourned for lunch at 12:55 hours.

The Hearing reconvened at 13:43 hours.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader, did so as per Appendix 5 of the report. He stated that the Licensing Authority supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. He stated that additional measures were needed, including the removal of the current management team and the suspension of the licence for two months, however, if that was not a suitable option, there was no alternative but to revoke the premises licence.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mr Amitabh Singh responded to questions asked.

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

The Premises Licence Holder and West Midlands Police made a final statement.

Angela Bernard, Solicitor, provided legal guidance to the Sub-Committee and reminded them of their available options.

All interested parties, with the exception of the Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 13:50 hours.

The Hearing reconvened at 15:52 hours.

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 Solicitor.

Resolved:

An application had been received for a review of the Premises Licence in respect of Chicago Rock Café & Manhattans, 36 Pipers Row, Wolverhampton, WV1 3JY from West Midlands Police on the grounds that actions at the premises had undermined the Licensing Objectives.

This was following the expedited review hearing on 3 January 2023 where the Licensing Sub-Committee were satisfied that a serious crime had occurred at the premises and had suspended the premises licence pending a full review hearing.

Representations had been received from West Midlands Police, the Licensing Authority and Premises Licence Holder.

At the hearing on 30 January 2023 to review the premises licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made by persons who had spoken at the hearing.

The Licensing Sub-Committee heard from Sgt Reynolds of West Midlands Police, the applicant for review, that:

1. In the early hours of Saturday 24th December 2022 at 01.42hrs there was a call over the link radio stating there had been a possible stabbing at Chicago Rock Café& Manhattans.
2. Police Officers and an ambulance attended the scene and found an injured male outside the premises.
3. The victim was seen on CCTV having a physical disagreement with another male at the bar area. Some little time later the victim realised he was bleeding and alerted his friend, who in turn alerted door staff.
4. The victim was treated by ambulance staff and taken to Queen Elizabeth hospital in order to receive urgent treatment.
5. Initial investigations showed that the victim had been stabbed with what Police believed to be a bladed weapon inside the venue.
6. West Midlands Police held a meeting with relevant persons from the premises on the morning of Friday 30th December 2022 and also on a later date in January 2023. The Premises Licence Holder had stated to the Police they had a strict search policy and that all persons were thoroughly searched, however there had been no wands or knife arch in place at the venue on that date. The Premises Licence Holder also stated that door staff had informed venue staff that the victim had been stabbed with a key and therefore they had not treated the incident as serious.
7. A Closure Notice under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 had been issued on 30/12/22 for 48hrs to legally ensure the premises remained closed.
8. Sufficient measures were either not in place or not managed correctly for a bladed weapon to be brought into the premises resulting in a person being stabbed.
9. It was the Police's priority to ensure the safety of the public, and to prevent crime and disorder and these actions were deemed necessary and proportionate in the circumstances.
10. Further instances of violence had occurred within the premises.
11. There had been 10 separate incidents at these premises between 25th September and 25 December 2022 showing that the premises has had a number of violent incidents occur since September.
12. West Midlands Police also gave an example to show Chicago Rock Café and Manhattans had breached their licence conditions.
13. The Licensing Objectives of the Prevention of Crime and Disorder and Public Safety had been undermined by the way in which the Premises operates and therefore the Premises Licence should be revoked.
14. In summary West Midlands Police said:
 - There was no quality control or supervision at the premises
 - There was no search policy in place

- There was no policy on the search of females
 - There was no monitoring of what the door staff were doing
 - There was a complete disregard for the seriousness of the incident by door staff
 - The management had not looked at the CCTV footage when meetings were held with the police after the incident
 - There had been a failure of management to control customers acting in the capacity of Security staff
 - There had been an increase in criminal incidents at this venue
15. They sought revocation of the licence because no other measures open to the Licensing Sub-Committee would be appropriate and removing the DPS would still leave the licensee in place.

The Sub-Committee heard from the Premises Licence Holder, Mr John Aust, that:

1. He had been the licensee for many years and accepted everything the Police had said.
2. He proposed changes to his business, involving retraining staff and employing a new security agency.
3. He visited the premises at least once a month and had believed the manager and DPS could manage the premises without his close intervention/supervision.
4. He felt let down by his team at the Chicago Rock & Manhattans, but he ultimately accepted responsibility for its failures.

The Sub-Committee heard from the Licensing Authority that they supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. They had initially proposed additional conditions to modify the licence, but believed that additional measures were needed, including the removal of the current management team and the suspension of the licence for two months. However, if that was not a suitable option, they felt there was no alternative but to revoke the premises licence.

The Licensing Sub-Committee had applied The Act and Home Office Guidance to determine the kinds of conduct that amounted to serious crime as set out in Regulation of Investigatory Powers Act 2000 and were satisfied that a serious crime occurred at the premises.

The Sub-Committee had considered the evidence presented and had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy. The Sub-Committee had, on the balance of probabilities, found that in order to promote the licensing objectives, and the options open to it under s52(4) Licensing Act 2003, the premises licence of Chicago Rock Café & Manhattans should be revoked.

The Licensing Sub-Committee had concerns that the Premises Licence Holder, Mr Aust, and the Designated Premises Supervisor were not upholding the licensing objectives of the Prevention of Crime and Disorder and Public Safety which had been undermined by the way in which the Premises operated, putting the public at risk.

The Sub-Committee were satisfied that a serious crime had occurred inside the venue and had grave concerns that a similar incident may occur again inside the

premises. They were satisfied that to allow the premises licence to continue would undermine the licensing objectives of the prevention of crime and disorder as well as public safety.

The Premises Licence Holder had breached his licensing condition, and measures proposed by the Premises Licence Holder were insufficient.

For those reasons, the Sub-Committee deemed it inappropriate to modify conditions and/or suspend the licence for 2/3 months.

Written notice of the determination would be given to the holder of the licence, the applicant, and any other person who made relevant representations.

An appeal could 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 the decision.

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 determined that the current interim steps should remain, that being suspension of the premises licence.

In accordance with Section 53D(c) of the Licensing Act 2003, the interim steps put in place following the hearing on 3rd January 2023 interim steps taken at the review hearing apply until:

- (a) the end of the period given for appealing against a decision made under section 53C (21 days)
- (b) if the decision under section 53C is appealed against, the time the appeal is disposed of.