

LICENSING SUB-COMMITTEE 1

Friday 22nd January, 2010 at 10.55am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillors Mrs Dunn and Tyler

Officers

Principal Solicitor (Legal Advisor), Mrs J Elliott (Licensing Officer) and
Miss K Wilson (Directorate of Law, Property and Human Resources).

26 APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of
Councillor Nottingham.

27 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Mrs Dunn had been appointed as a substitute
member for Councillor Nottingham, for this meeting only.

28 DECLARATIONS OF INTEREST

No member declared an interest in accordance with the Members' Code
of Conduct.

29 MINUTES

RESOLVED

That, the minutes of the meeting held on 5th January 2010, be
approved as a correct record and signed.

30 APPLICATION FOR EXPEDITED LICENCE REVIEW – ENVY, UNIT 32-34 WATERFRONT EAST, BRIERLEY HILL

A report of the Director of Corporate Resources was submitted on an
application received from West Midlands Police to consider a summary
licence review together with a certificate under section 53A (1)(b) of the
Licensing Act 2003 in respect of the premises licence for Envy, Unit 32-34
Waterfront East, Brierley Hill.

Mr D Campbell (Solicitor), Mr L Skelding (Designated Premises Supervisor), Mr S Watkins (Black Country Security Services) and Ms R Evans (Representative of Westfield) were in attendance at the meeting.

Also in attendance were Inspector S Bradbury accompanied by PC D Smith from West Midlands Police.

Following introductions, the Chairman outlined the procedure to be followed.

Mrs J Elliott, Licensing Officer, Directorate of Law, Property and Human Resources, presented the report on behalf of the Council.

Inspector Bradbury presented the representations of the West Midlands Police and in doing so stated that it was the opinion of West Midlands Police that the premises was associated with serious crime and disorder and provided details of an incident that had occurred on Saturday 16th January, 2010.

Inspector Bradbury confirmed that the offender had been charged for attempted murder, and that the door staff at the premises were aware of the arrival of two rival groups at the premises and confirmed that the offender was a member of a rival gang.

He further stated that during an inspection of the premises following the incident, a number of illegal substances had been found.

Reference was made to CCTV footage, which identified approximately 30-35 people entering the premises after 1.30 am on the night of the incident, which was a breach of condition of licence, and that two door supervisors had not registered their attendance.

It was noted that special events took place at the premises twice monthly, and it was the opinion of West Midlands Police that the events attracted gang members. Inspector Bradbury highlighted that notification of the events had not been submitted to the Police or the Landlord despite a previous agreement with the Designated Premises Supervisor.

Inspector Bradbury then provided details of previous incidents that had taken place resulting from the consumption of excessive amounts of alcohol at the premises, which had resulted in 34 police logs. He further stated that Mr Skelding had not cooperated with West Midlands Police during his management of the premises and provided details of Mr Skelding's past businesses.

It was noted that a meeting had taken place between Inspector Bradbury and Mr Skelding in September, 2009, to discuss various issues and measures that could be implemented to prevent any future incidents. Mr Skelding agreed to exchange glass bottles to plastic; to cease drink promotions; to use the resident DJ only and to hire a female member of staff in order to search female customers.

Inspector Bradbury highlighted the lack of management of the smoking area, and that he had suggested to Mr Skelding that the number of people in the smoking area be reduced to six, in order to enable the area to be managed effectively, however, Mr Skelding did not accept the request.

Inspector Bradbury also informed the Sub-Committee that West Midlands Police and the Landlord (Westfield) had been working together to implement one set of conditions for all premises located in the area to adhere too. He further stated that Mr Skelding had not attended pub watch or ad-hoc meetings to discuss the issues relating to all premises in the area.

It was noted that Mr Skelding had refused a request from West Midlands Police for the premises to be voluntarily closed from Friday 22nd – Sunday 24th January, 2010, in order for the Police to continue their investigation.

Arising from the representations made from Inspector Bradbury, Mr Campbell made reference to Mr Skelding's background and asked Inspector Bradbury why objections had not been submitted when Mr Skelding applied for a personal licence. Inspector Bradbury confirmed that West Midlands Police had not objected as it may have been considered that there were no significant issues relating to Mr Skelding's background that would give rise to the making of an objection.

In response to Inspector Bradbury's disclosure of incidents that had taken place at the premises, Mr Campbell provided Mr Skelding's account of the incidents and stated that there had not been any further incidents between September, 2009 and 16th January, 2010.

Mr Campbell referred to Inspector Bradbury's concerns in relation to the smoking area and stated that Mr Skelding was able to manage fifty people in the area. Inspector Bradbury stated that West Midlands Police were very concerned with the number of people and that the area should predominantly be a no-alcohol zone.

In response to Inspector Bradbury's statement that Mr Skelding had not attended pub-watch meetings, Mr Campbell confirmed that Mr Skelding had attended all pub-watch meeting, except for an extraordinary meeting relating to under-age parties.

Reference was made to security carried out by the door staff to customers. A metal wand was used to detect weapons and a cursory search was carried out. On occasions a female door supervisor had been employed to search female customers.

Mr Campbell confirmed that Mr Skelding had agreed to voluntarily close the premises following the incident on Saturday 16th January, 2010, and that he had been informed by the Police that the premises could open as usual the following weekend.

Mr Campbell then informed the Sub-Committee of modified conditions that Mr Skelding had proposed in order to reduce the risk of serious crime.

At this juncture, CCTV pictures highlighting the front of the premises were submitted to the Sub-Committee.

ADJOURNMENT OF MEETING

At this juncture, the Committee adjourned until 1.45 pm.

Mr Campbell (Solicitor) then presented the case on behalf of Mr Skelding (Designated Premises Supervisor), and in doing so highlighted Mr Skelding's background, and referred to the incidents that had occurred at the premises. He further stated that there had been no incidents between September, 2009 and 16th January, 2010.

It was noted that the night club's licensable hours were 3.00 am, and that Mr Skelding had refused to close the premises at 1.30 am following a request from Inspector Bradbury as it was anticipated that the loss of earnings would significantly affect the business.

Mr Skelding confirmed that the maximum number of people in the smoking area could be 75, and that reducing the number of customers accessing the smoking area to six would be difficult to enforce. He also confirmed that the door staff were aware that customers were not allowed entry after 1.30 am, as stated on the conditions of licence.

In responding to Inspector Bradbury's statement regarding the lack of notification of special events, Mr Skelding confirmed that he had notified the West Midlands Police of the dates of the events via e-mail, and that there was a special event due to take place on 30th January, 2010.

Reference was made to the incident on Saturday 16th January, 2010, where Mr Skelding believed that the weapon could have been given to the offender through the railings at the smoking area, and agreed that this was an issue that needed to be addressed.

Mr Skelding informed the Sub-Committee that toilet attendants were stationed in both the female and male toilets, and that if any problems occurred then they would report immediately to the Head of Security.

In responding to Inspector Bradbury's statement relating to the door staff register, Mr Skelding confirmed that responsibility for the register was that of the Head of Security.

In responding to a query from Inspector Bradbury, Mr Skelding confirmed that staff members were aware of the procedure for refusing customers alcohol if the customer was too intoxicated.

It was noted that although Mr Skelding had changed the majority of glasses to plastic, he had continued to sell glass bottles. Mr Skelding stated that plastic bottles were not readily available and that there had not been any problems with glass bottles.

Reference was made to the illegal substances identified at the premises, Mr Skelding informed the Sub-Committee that regular checks were made in the toilets by door staff every 40-50 minutes, and that if any had been identified, they would be disposed of.

In responding to a query from the Chairman, Mr Skelding agreed that the toilet attendants could regularly check the toilet cubicles for any substances.

Reference was made to the equipment used to search people entering the club and it was suggested that it would be beneficial for a door supervisor to search people returning to the premises from the smoking area.

The Chairman informed Mr Skelding of the importance of the door staff registering their attendance immediately, and to record all minor incidents that may occur.

Reference was made to the positioning of the CCTV cameras and Mr Skelding agreed to work together with West Midlands Police to ensure that the cameras were positioned correctly.

Mr Skelding informed the Sub-Committee that there were seven door supervisors on the night of the incident on 16th January, 2010.

In summing up, Inspector Bradbury informed the Sub-Committee that it was the opinion of West Midlands Police that the premises were associated with serious crime and disorder and asked the Sub-Committee to suspend the licence in view of the evidence submitted and the apparent lack of management of the premises by Mr Skelding. He also stated that the interim measures proposed by Mr Skelding would not prevent another incident taking place.

Inspector Bradbury then described interim measures, which Mr Skelding could implement, should the application to suspend the premises licence be refused.

In summing up, Mr Campbell on behalf of Mr Skelding informed the Sub-Committee that the proposals suggested by Mr Skelding were sufficient and asked that the Sub-Committee consider the impact on Mr Skelding's livelihood should the Sub-Committee suspend the licence.

The parties then withdrew from the meeting in order to enable the Sub - Committee to determine the application.

The Sub-Committee, having made their decision, invited the parties to return and the Chairman then outlined the decision.

RESOLVED

That, having considered the application for the summary licence review together with a certificate under section 53A (1)(b) of the Licensing Act 2003 in respect of the Premises Licence for Envy, Unit 32-34 Waterfront East, Brierley Hill, the premises licence be suspended immediately for the following reasons: -

This is an application by the West Midlands Police for a summary review of the Licence for Envoy Night Club (recorded as Envy on the Licence). The West Midlands Police seek immediate suspension of the premises licence and state that all other measures, including modification of conditions, would not meet the Licensing objectives of preventing serious crime and disorder. The Designated Premises Supervisor has put forward a number of modified conditions which he states will meet the concerns of the risks of serious crime.

The Sub-Committee accepts the evidence of the Police that modifications or imposition of new conditions will not protect the safety of the public or prevent likely serious crime occurring at these premises and therefore takes the decision, having considered all of the possible steps, to suspend the licence pending a full review. This decision will come into force immediately.

The meeting ended at 4:00 p.m.

CHAIRMAN