

LICENSING SUB-COMMITTEE 2

Tuesday 13th October, 2009 at 10.40am
in The Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Woodall (Chairman)
Councillors Mrs Aston and Vickers

Officers

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

6 DECLARATIONS OF INTEREST

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

7 MINUTES

RESOLVED

That the Minutes of the Meeting of the Sub Committee held on 2nd June 2009, be approved as a correct record and signed.

8 EXCLUSION OF THE PUBLIC

Arising from consideration of the decision as to whether to exclude the public, reference was made to the presence of Miss KR at the meeting.

Following submissions on this point the parties then withdrew from the meeting in order to enable the Sub-Committee to determine whether Miss KR should be excluded from the meeting.

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

The Sub-Committee has been asked to consider the exclusion of Miss KR from the Sub-Committee on the grounds that she is a member of the public with no direct connection to the business. Miss KR has given evidence that she is a director of the company concerned and also holds a personal licence and plays a 50% role in running the business, so the Sub-Committee accepts this evidence and finds that Miss KR is a party to this hearing and that she has a direct interest in the issues being considered. It therefore does not exclude her from the hearing.

RESOLVED

That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated below; and that in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Item</u>	<u>Paragraph Number</u>
Notice of Temporary Event	1

9 NOTICE OF TEMPORARY EVENT

A report of the Interim Director of Law, Property and Human Resources was submitted to consider Police objections to the Notice of Temporary Event served on the Council by a Mr SS.

Mr SS (Designated Premises Supervisor and Owner) was in attendance at the meeting, together with Miss KR (Director of the Company).

Also in attendance and objecting to the application were Inspector H Khatar, accompanied by Ms K Richards (Legal Advisor) from West Midlands Police.

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

Inspector Khatar then presented the representations of West Midlands Police, which had been sent to the Sub-Committee Members and applicant prior to the meeting in accordance with the Licensing Act 2003. Details were given of incidents that had taken place in January 2009 and September 2009.

Inspector Khatar raised the concern of the venues main events, which were called 'bashments'; these events were usually attended by people who do not arrive until 1 a.m. She confirmed that the two notices of temporary event to be considered by the Sub-Committee were for bashment events.

Concerns was raised regarding the extent to which the door staff search persons entering the premises, the lack of security to the fire doors and the smoking shelter which adjoins the main building and the positions of CCTV cameras. Inspector Khatar highlighted the absence of signage at the front of the premises to inform persons entering the premises that CCTV is in operation.

A number of risk assessments had been carried out by the police in conjunction with Mr SS which had calculated the venue to be a medium to high risk category in respect of a serious incident, and it was the opinion of West Midlands Police that the premises would continue to be a risk to public safety.

Mr SS responded to comments made about the concerns of the CCTV and signage, and in doing so explained that following a meeting with the Police the suggestions that had been made have been implemented. Miss KR confirmed that there were sixteen CCTV cameras in total, and a TV screen showing people entering the premises and inside the venue.

Mr SS informed the Sub-Committee that 'bashment' events take place twice per month and the police were notified beforehand in case of any disturbance.

In responding to a question from the Legal Advisor, Inspector Khatar confirmed that the two notices of events being considered by the Sub-Committee were risk assessed as being in the medium-high category.

Mr SS then presented his case, and in doing so informed the Sub-Committee that from the past twenty-five events at the premises there had been one incident that had been proven, and gave his account of the incidents highlighted by Inspector Khatar.

Mr SS stated that further co-operation was needed with West Midlands Police in order to improve security at the premises. He also confirmed that there were ten door staff employed including two female staff and one dog-handler to allow the fire door and the smoking area to be monitored.

Mr SS informed the Sub-Committee of the benefits if the police attended the premises to act as a deterrent to the persons attending.

In responding to a question from a Member, Mr SS confirmed that the dog used by a dog-handler was not trained.

In responding to a query from a Member, Mr SS confirmed that the premises were open to the public and not for members only.

In summing up, Inspector Khatar informed the Sub-Committee that the objection was not personal but due to the seriousness of previous incidents. She confirmed that she would like to work together with Mr SS in the future to try to reduce the risk to public safety.

In summing up, Mr SS stated that he was committed to working with the police, but that he had already implemented everything that the police had suggested, and that there had been one incident proven at the club. He felt that it would be beneficial for the Police to attend certain events to act as a deterrent to members of the public.

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, arising from consideration of the Notice of Temporary Event served by Mr SS, the Notice for Events on 17th October and 25th October, 2009 be approved for the following reasons:-

The Sub-Committee has heard evidence of some undoubtedly serious incidents either in or around the nightclub between January and September 2009.

A conviction was obtained for a serious assault in January, and additionally, police obtained CCTV photos of a man in the car park on 11/1/09 at 2.20 a.m. with a gun. The police have now identified this man, but have known of the incident since January 2009.

There was a more recent serious incident in September when a man alleged to have been shot, inside the club, but CCTV evidence has not corroborated this.

The Committee has been made aware that 4 temporary event notices have been sought on 27/2, 21/3, 31/8 and 12/10/09 and no objections have been raised, and no serious incidents have been updated on these nights.

The police have deemed the risk on each of these occasions to be medium / high and stated that the risk on 17 and 18 October is medium/high too. The police have not brought any evidence to suggest that these two events present a higher risk than the previous events which they have not objected to.

Therefore, although the Sub-Committee has concerns about the nature of some of the issues raised in the police objections, it does not find that the evidence is sufficient for it to conclude that the risk to the health and safety of the public is any different to that across the period from February to 12th October 2009. It does not consider that the objections are sufficient to prohibit the planned events proposed for 17th and 25th October, 2009.

The meeting ended at 1:17 p.m.

CHAIRMAN