

Minutes of the Licensing Sub-Committee 1

Tuesday 2nd August, 2016 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor K Finch (Chair)
 Councillors J Baines and C Elcock

Officers:-

R Clark (Principal Solicitor – Chief Executive's Directorate),
 L Rouse (Licensing Clerk – Place Directorate) and K Buckle (Democratic
 Services Officer – Chief Executive's Directorate).

4. **Apology for Absence**

An apology for absence was submitted on behalf of Councillor P Miller.

5. **Appointment of Substitute Member**

It had been agreed that Councillor C Elcock be appointed to serve in place of Councillor P Miller to maintain the Members that previously considered the expedited licence review in respect of the premises.

6. **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

7. **Application for Expedited Review of Premises Licence – Rock Zombie, Plaza Malls, King Street, Dudley**

A report of the Strategic Director Place was submitted on an application for the expedited review of the premises licence in respect of the premises licence for Rock Zombie, Plaza Malls, King Street, Dudley.

The following persons attended the meeting in respect of the application:-

Mrs A Jinks – Premises Licence Holder and Mr K Jinks (spouse)
 Sergeant A Hands – West Midlands Police
 PC A Baldwin – West Midlands Police
 PC K Turley – West Midlands Police

Inspector Mason – West Midlands Police
A Collins – West Midlands Police
D Jenks – West Midlands Police
J Mason – West Midlands Police
Mr D Craig – Barrister representing West Midlands Police
Ms L Falconer – Rock Zombie
Ms L Lester – Core Security Solutions
B J Moore – Rock Zombie
Mr M Bowers – Rock Zombie

Following introductions, the Licensing Clerk presented the report on behalf of the Council.

Mr Craig presented the case on behalf of West Midlands Police and in doing so referred to the application made by the Police for an expedited licence review owing to the number of incidents that had occurred relating to serious crime and disorder. It was noted that at the interim steps meeting Members suspended the premises licence pending the full review.

Mr Craig referred to the previous review on 22nd March, 2016, advising of the fair and balanced view that had been taken by West Midlands Police referring to the nine conditions imposed on the premises licence at that review meeting.

It was noted that the above decision was subsequently appealed, with the appeal due to be considered by the Magistrates Court on 11th August, 2016. Mr Craig stated that the appeal had suspended the implementation of the conditions imposed.

Mr Craig referred to the statement of Police Sergeant Hands which detailed the incidents that had occurred on 2nd April, 19th and 26th June, 2nd and 9th July, 2016, advising that the incident on 9th July, 2016 had led to the current application for a review of the premises licence.

Reference was made to concerns that had been raised by West Midlands Police with the premises Licence Holder in relation to the change in type of music being played at the club and it was noted that still images of incidents and a video had been displayed to Members at the Interim Steps meeting.

Mrs Jinks then presented her case. It was stated that A4 posters were displayed on the doors at the premises advising customers that admittance would not be allowed after 1am and the last entry time had been advertised on facebook and pirate radio stations. Mrs Jinks advised that although not required to do so, the conditions imposed on the premises licence had been observed.

Representatives of West Midlands Police all expressed concerns that advertising methods in relation to the time of the last entry policy had been insufficient and had led to an escalation in incidents occurring outside the licensed premises.

Mrs Jinks advised that there were rare occasions when incidents occurred inside the licensed premises, with problems occurring with queues of customers forming outside the premises due to strict stop and search policies. Those queues formed following the closure of public houses in the town centre, with incidents occurring when customers were refused entry after 1am, although queueing had commenced some time earlier.

Mrs Jinks believed that by increasing the entry time to 2am would prevent future incidents occurring outside the licensed premises as queues could be managed more effectively given the extra time allowed for entry.

It was noted that Security Staff had been reluctant to provide witness statements to the Police and that had hindered prosecutions.

Mrs Jinks explained that the change in music policy had been introduced to attract more customers.

Mr D Craig summed up on behalf of West Midlands Police referring to the incidents that had occurred, two of which had resulted in arrests, with the situation becoming unmanageable and chaos occurring. Mr Craig stated that based on intelligence and the incidents that had occurred, the most appropriate decision that was proportionate and appropriate would be to revoke the premises licence given the real concern that an incident would occur that would end tragically.

Mrs Jinks summed up the case, stating that closing premises in Dudley would take away business from the town and transfer it to the Stourbridge area of the Borough.

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

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

Resolved

- (1) That, following consideration of the information contained in the report submitted and presented at the meeting, the premises licence in respect of Rock Zombie, Plaza Malls, King Street, Dudley be revoked, for the reasons given below.
- (2) That the interim step of the suspension of the premises license in respect of Rock Zombie, Plaza Malls, King Street, Dudley, continue.

The applicant was informed on her right of appeal.

Reasons for Decision

This is an application brought by West Midlands Police, for a review of the premises license, on the grounds of crime and disorder. This follows an application for an expedited review of the premises license dated 12th July 2016 and an interim review held on 14th July 2016. At that interim review, at which Mrs. Jinks was not present, the committee took the step of suspending the premises license pending the full hearing today.

In attendance today were Amanda Jinks Premises License Holder and Mr. Jinks and a senior female security guard. Mrs. Jinks is also the Designated Premises Supervisor.

Inspector Mason, Police Sergeant Collins and Police Sergeant Hands attended for the West Midlands Police. Mr Craig, barrister, represented the police.

The premises license was reviewed on 22nd March 2016, and a number of conditions were attached to the premises license, in order to address the issues of crime and disorder reported at the premises. This review followed an application for an expedited review. The Premises License Holder has appealed two of the conditions and the appeal has been listed in the Magistrates court on 11th August 2016 on the grounds that the conditions were unreasonable and disproportionate. In particular the club objects to the 1.00am closure time. The conditions attached by the committee are therefore suspended pending appeal. The police asserted that they are not currently operative.

The statement of Police Sergeant Aiden Collins refers to customers being allowed into the club at 2am, which would not have happened under the conditions imposed in March 2016. Mrs. Jinks stated that this was not correct and that signs on the doors and adverts on pirate radio and face book were clear that the premises closed at 1.00am. The police asserted that this was insufficient advertisement.

The statement of Police Sergeant Alan Hands records incidents at and immediately outside the premises (persons waiting to gain entrance) between April and July 2016.

In 2015 there have been 14 crimes recorded and 42 calls for service. In 2016 there have been 13 crimes recorded and 32 calls for service. These incidents involved members from gangs from Birmingham and Wolverhampton and Inspector Mason was particularly concerned about the gang related element and a real possibility of a death occurring at the premises.

Police intelligence from Birmingham reveals that similar gang related power struggles have taken place over licensed premises, and one such struggle has resulted in a death by shooting. There are reports around Rock Zombie that weapons are being carried but no weapons have been recovered by police from the premises.

Since 26th June 2016 there have been 7 violent crimes of assault and one of criminal damage. On Saturday 9th July the premises were stormed by 20-30 persons in a violent manner, and on advice from police voluntary closure was agreed. Police intelligence indicates that the club has been targeted by 2 gangs, one from outside Dudley, and that the venue has changed from one playing rock music, to one that plays reggae and R&B, which tends to attract gang members.

Since the review on 22nd March 2016, there have been 13 calls to the police.

Mrs Jinks stated that the premises had operated to the conditions imposed in March 2016. The female security staff member gave evidence that persons do not attend the club until 12.30am when local pubs close and so that the police did their "walk throughs" too early. The problem, in their view, was that persons arrived at the club at or after 1.00am and that refusing them entry was often the cause of disorder at the doors. She also stated that extending the hours to 2.00am would give more time for the door staff to search persons thoroughly on entrance.

The police submitted that if the conditions of March 2016 were being complied with they were not sufficient to prevent crime and disorder.

The committee is not satisfied that putting the closure hour back to 2.00am would prevent the crime and disorder that has occurred at these premises. This would return the hours closer to those which existed before March 2016, and gave rise to serious concerns then. The Sub-Committee has some grounds to believe that the security arrangements have improved, but it perceives a lack of clear direction and communication from the management of the premises in terms of them communicating their opening and closure times to their audience, a lack of clear communication with the police and poor choice of music at the club. The music being played does attract gang members.

The Sub-Committee did consider amending the closing hours and other steps available but concludes that these would not address the long standing problems of crime and disorder at the premises.

The Sub-Committee therefore revokes the premises licence.

The Sub-Committee was asked to make a determination as to whether the interim step taken on 14th July 2016, of suspending the premises license, was to continue. The committee confirmed that the suspension was to continue.

The meeting ended at 12.15 pm

CHAIR