

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Friday, 28 September 2018

Present

Members: Councillor J Birdi
 Councillor P Hetherton
 Councillor A Lucas

Employees (by Directorate):

Place: D Blackburn, D Cahalin-Heath, R Masih,
 U Patel, A Wright

In Attendance: West Midlands Police
 PC K Healy
 Inspector M Teago
 Mr H Waller (Counsel)
 PS N Witts

Westbourne Leisure (Licence holder)
J Barrett (Proposed Designated Premises Supervisor)
Miss S Clover (Counsel)
C Moore (Licensing Consultant)
K Stevens (Westbourne Leisure)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor P Hetherton be appointed Chair for the hearing.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Exclusion of Press and Public**

RESOLVED that the Sub-Committee agrees to exclude the press and public under Sections 100(A)(4) of the Local Government Act 1972 relating to the private report in Minute 17 below headed “Licensing Act 2003 – Application to Review a Premises Licence” on the grounds that the item involves the likely disclosure of information as defined in Paragraph 7 of Part 1 Schedule 12A of the Act, as it contains information relating to the any action taken in connection with the prevention, investigation or prosecution of crime and in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. **Licensing Act 2003 - Application to Review a Premises Licence**

The Sub-Committee considered a summary review application for the premises licence in respect of Club M, Hertford Place, Coventry. The application was submitted by West Midlands Police following an Interim Steps hearing held on 5th September 2018 where the Premises Licence was suspended pending a full review hearing.

To date, no representations had been received from Westbourne Leisure, the Premises Licence holder, against the interim steps imposed by the Sub-Committee on 5th September 2018.

Under Section 53C of the Licensing Act 2003, the Licensing Authority is required to hold a full review of the Premises Licence and determine the review within 28 days after the day of receipt of the chief officer's application, during which the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives, taking into account any change in circumstances since any interim steps were imposed. The Licensing Authority is also required to consider any relevant representations, and review the interim steps already taken.

In making its final determination, the steps the Licensing Authority may take are:

- modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- removal of the designated premises supervisor from the licence;
- suspension of the licence for a period not exceeding 3 months; and
- revocation of the licence

At the beginning of the hearing, Mr Waller indicated that he wished to present some CCTV evidence and a plan of the premises to the Sub-Committee. As this evidence had not been served in advance of the hearing, it had not been viewed by Miss Clover or the Licence Holder. It was therefore suggested that the parties be allowed some time to consider and discuss the same.

When the hearing reconvened, Miss Clover indicated that the parties had engaged in a positive and productive dialogue which they would like more time to explore, in order to present a picture as conducive and productive as possible to the Sub Committee. It was noted that there had initially been some polarised positions, but the Licence Holder wished to present to the Police a business model that was a radical departure from that which was currently in place, in terms of style and model.

The parties requested more time in the expectation that they could reach a position that they could present to the Sub Committee for consideration. This was granted by the Sub-Committee.

Following a short break, the parties came forward with a mutual proposal that they stated completely changed the operating style for the premises. The proposal was

for a crazy golf themed indoor premises, which was described as “a novelty concept”.

The premises would be run by John Barrett who is a well-known licensee in Coventry. The parties acknowledged that the style would need to be fixed in some way so that it could not be changed, and it was agreed that the way to do this would be to include conditions in the operating plan. Miss Clover indicated that the premises would not be able to trade for at least 8 weeks owing to the need to refurbish.

Inspector Teago confirmed that the Police had now been presented with a completely different model which would mean the closure of Club M and a new opening with a new Designated Premises Supervisor. As a result, he confirmed that an agreed set of modified conditions on the licence would be adequate to promote the licensing objectives.

The agreed wording of the proposed conditions was mutually prepared by the parties and passed to the Sub-Committee for consideration.

The Sub-Committee wished to make clear that Club M no longer exists.

The Sub-Committee attended the hearing having considered the voluminous documentation provided by West Midlands Police in support of their application to review the premises licence. This included upsetting and distressing information surrounding the tragic death of a young man, Fidel Glasgow, in the early hours of 1st September 2018.

Owing to the discussions that took place between the parties, and the agreed position that had been presented to the Sub-Committee, they considered that they did not have the opportunity to address a number of points causing deep concern and which, on the face of the documentation, left a question hanging as to whether the young man’s death could have been prevented had an earlier review of the licence taken place. The Sub-Committee expressed hope that their concerns would be addressed through the relevant legal processes.

There is a young, vibrant residency of people in Coventry and the Sub-Committee are aware of their responsibility to ensure that they at all times feel protected and safe through the licensing regime.

The Sub-Committee heard from West Midlands Police that their position on the continuation of the Premises Licence has changed owing to the fact that Club M has closed its doors for the final time and an entirely new business model had been presented, with an entirely new Designated Premises Supervisor on board.

In reaching its decision, the Sub-Committee had regard to both national guidance and the Council’s own policy.

In particular, the Sub-Committee attached the appropriate weight to Guidance point 9.12 namely that the Police should be the Licensing Authority’s main source of advice on matters relating to the promotion of the crime and disorder objective. It was noted that the Licensing Authority should accept all reasonable and

proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.

The Sub-Committee noted the position of West Midlands Police, namely, that the imposition of the conditions agreed with the Licence Holder, would meet their concerns.

The Sub-Committee wish to express their deepest sympathy and condolences to the family of Fidel Glasgow and all those affected by this tragedy.

RESOLVED that the Sub-Committee having considered the representations made by both parties at the hearing, allowed the Premises Licence to remain in place with the addition of the following conditions:-

- 1. The Licence Holder shall not operate until an operating plan addressing the matters set out below is submitted to, and agreed to in writing by, West Midlands Police and the Licensing Authority acting as Responsible Authority:**
 - a. Operating style for the premises.**
 - b. Door security policy on a risk assessed basis.**
 - c. Dispersal policy.**
 - d. Maximum capacity policy.**
 - e. Drugs policy.**
 - f. Entry and search policy.**
 - g. Training policy.**
 - h. Music policy.**
 - i. Refusals and incidents log book policy.**
 - j. CCTV policy.**
- 2. The Licence Holder is to operate in accordance with the agreed operating plan;**
- 3. The operating plan must not be amended except with the agreement of the West Midlands Police and Licensing Authority, in writing;**
- 4. All licensable activities on the premises are to commence at 1200hours and terminate at 0200hours;**
- 5. The premises is to be closed to the public at 0230hours.**

Review of the interim steps under Section 53D of the Licensing Act 2003

To ensure that there are appropriate and proportionate safeguards in place at all times, the Sub-Committee were also required to review any interim steps currently in place. On 5th September 2018, the decision was taken by a Sub- Committee to suspend the premises licence pending the full review.

The Sub Committee resolved to modify the licence conditions as follows:

1. The Licence Holder shall not operate until an operating plan addressing the matters set out below is submitted to, and agreed to in writing by, West Midlands Police and the Licensing Authority acting as Responsible Authority:
 - a. Operating style for the premises.
 - b. Door security policy on a risk assessed basis.
 - c. Dispersal policy.
 - d. Maximum capacity policy.
 - e. Drugs policy.
 - f. Entry and search policy.
 - g. Training policy.
 - h. Music policy.
 - i. Refusals and incidents log book policy.
 - j. CCTV policy.
2. The Licence Holder is to operate in accordance with the agreed operating plan;
3. The operating plan must not be amended except with the agreement of the West Midlands Police and Licensing Authority, in writing;
4. All licensable activities on the premises are to commence at 1200hours and terminate at 0200hours;
5. The premises is to be closed to the public at 0230hours.

Right of Appeal

There is a right of appeal against the interim steps decision, and the final review decision. Any appeal is to be made within 21 days.

6. **Any Other Business**

There were no other items of public business.

7. **Licensing Act 2003 - Application to Review a Premises Licence**

This was no longer required.

(Meeting closed at 3.40 pm)