

Coventry City Council – Licensing & Regulatory Sub-Committee Hearing

Decision Notice - Expedited Hearing

Club M Hertford Place Coventry CV1 3JZ

Licensing Act 2003 – Application for a Summary Review

Members present: Councillors P Hetherton (Chair), A Lucas, G Crookes

Licence Holder: Westbourne Leisure Ltd

Responsible Authority: West Midlands Police

Parties in attendance:

For Responsible Authority

PS 20458 Nathan Witts

PC 1752 Simon Flowers

PC 7136 Karen Healy

For Licence Holder

Carl Moore

Karen Stevens

Jafric Kalinga (DPS)

David Gaine

Front Manager

Jevi Chan

Aaliyah Haynes

Other Persons: N/A

Date of Meeting: Wednesday 5 September 2018 in the Council House, Diamond Room 2

Coventry City Council Licensing Officers attending: Debbie Cahalin-Heath, Davina Blackburn, Rekha Masih

Fiona Samuda (Legal), Usha Patel (Governance Services)

Summary of the Hearing

The Police had served an application for Review (with Certificate) under Section 53A of the Licensing Act 2003 to the Licensing Authority on 3 September 2018. This section confirms that a local chief officer of police may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both).

The Licensing authority must consider thereafter whether it is necessary to take interim steps pending determination of the review of the premises licence. This was the purpose of today's hearing.

The range of options open to the licensing authority at the interim steps stage 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; and
- suspension of the licence.

Following the full licence review the Licensing Authority may do any of the above or may revoke the licence.

On 1 September 2018 a fatal stabbing occurred which resulted in the premises being closed on 1-2 September 2018. The circumstances as advised was that at approximately 05:20hrs on Saturday 1 September 2018 a large disorder was reported from Club M to the Police. It was indicated that a large group were fighting and weapons had been seen. Police attended and found a male with serious stab wounds a short distance away from the Club and a further male was found with serious stab wounds to the rear of the Club. This male subsequently died.

There were two disorders one inside the Club and then a second disorder in the street outside.

The premises had additional conditions placed on its Licence in August 2016 and an action plan was agreed and in place with the Police following a serious disorder in July 2018. It was also noted that the Licence holder had volunteered some minor conditions to make the Licence even more stringent.

There was information relating to a disorder in July 2018 where it was determined to hear details of this in 'private session'. For this reason, this information does not form part of this decision notice.

A short adjournment was allowed for the Committee to be provided with the Licence holder's up to date licence conditions for the premises. On recommencement it was noted by the parties that this was now a new management team and that a lot of progress had been made and further that the Licence holder and his team were cooperative and willing to work with the Police in an attempt to get things right. For example the Licence Holder had requested from the Police the loan of a panel for the knife arch at the premises due to the existing one being out of action and the Police had provided this.

CCTV footage was not available for this hearing however it was confirmed by the Police that the same should hopefully be available for the substantive review hearing.

A visit had been undertaken by the Police and Licensing on Friday 31 August 2018. This was because the Licence holder was holding a special event ("Mr Easy") on that day and had requested more knife wands from the Police. These were being delivered by the Police and the visit commenced about 11pm as a consequence with Licensing Officers. The Police left the premises at around 11.30 pm at which point people had started to queue for the venue and the knife arch was working.

The Police confirmed logs as follows:

03:08 call logged where a female states she is being threaten that she will be beaten up if she does not give up her phone. The phone is given up.

03:23 call logged from same female advising that her phone had been returned

04:18 report of a disorder of males trying to get into the Club.

04:24 Police arrive on site, are in pursuit, one man is arrested and there is damage to police car.

Log of a male swinging a bottle around and then multiple calls follow.

05:06 Report of a large disorder on junction street, which is the road that aligns the car Park of the Club. Large group outside Club unable to say if it is the Club however can say that at least 2 males from opposing groups were in the Club. Some door staff are present however it is hard to distinguish who they are due to them not wearing high visibility vests. The disorder continues to the rear of the Club outside and this relates to the fatal stabbing.

It is acknowledged by the Police that this was a meeting point for a group of people and the Police confirmed that upon their attendance that the knife wands and scanning arch were working.

Weapon debris found on site.

The Police confirmed that they were satisfied with the Licensing conditions in place and that there was issues with the locality of the premises. There was an amended Dispersal policy which had not been confirmed.

Licence Holder's Representations

It was confirmed that 2 calls had been made to the Police about the disorder and that it was the case that persons were attempting to get into the Club from the smoking area via the fence. The Police confirmed that there was one log received to them about this. There were 2 opposing groups involved in the disorder. The fence is wood one side and chicken wire on the other side and ran to the top; it was about 6 feet tall. The Club was closed for admittance at 03.30am and the entrance doors were locked when the disorder arose. There is an entry access/exit leading to the smoking area. It was confirmed that if entry was gained from the fence then entry to the Club was possible. It was indicated that the Licence holder had endeavoured to work with the Police and that the problem related to gangs and gang activity undertaking low level crime such as anti-social behaviour and drug dealing activity. It was indicated that the deceased was banned by the club.

The Front Manager advised that it was not the case that the group were trying to gain entry. The Club was closed. The group were in fact trying to vandalise the fence however there was no way that they could get through the fence as this was very secure. The Police confirmed that the phone call made to them clearly indicated that the perpetrators were trying to get into the Club and not vandalising the fence. It was thereafter inferred that the gangs and leaders were known to the Police which was why when the Police were called they turned up with 7 vehicles and a dog unit.

The Licence holder confirmed that it had carried out a risk assessment for the night's event as this was a special night. This was done in line with the Licence conditions.

The dispersal policy was queried and it was confirmed that at the end of the night the Club goers were directed off the premises however it was confirmed that the security staff had been instructed that they were not responsible for persons once they hit Junction Street as this was the public highway.

The Front Manager confirmed that he had endeavoured to keep the injured man alive by administering first aid to him before ambulance staff arrived. He further confirmed that the Police had not taken any witness statements from the DPS, from him or his staff.

Objectors' Representations

N/A

The Committee thereafter resolved to go into '**private**' session.

Decision

The Licensing and Regulatory Sub Committee, having considered the Licensing Act 2003 and in particular Section 53A of the said Act, the guidance relating to expedited reviews and the Section 182 Home Office Guidance, the licensing objectives (of crime and disorder, public safety, public nuisance and protection of children from harm) and the representations made today

Resolved to suspend the premises licence pending a full review hearing.

The Committee felt that the premises posed a serious risk and was a continuing threat to the public if it remained open.

The Committee acknowledged that additional licence conditions had been placed upon the premises in August 2016 and further that a police action plan was agreed in July 2018 following a serious violent incident. Despite this, a fatality occurred on 1st September 2018. The Committee therefore were of the view that if the premises remained open that further serious incidents would occur.

It was further noted that there had been breaches of the licence conditions attached to the premises which resulted in the Committees decision.

As such the decision was to:

Suspend the premises licence pending a full review hearing.

Reasons

1. The Sub Committee were not satisfied that if the premises remained open that it would not pose a risk to the public in terms of another incident serious or otherwise occurring.
2. The Sub Committee was of the view that the Licensing Objectives would not be met by the Licence holder given the current licence conditions in place which had been breached and the action plan agreed with the Police; hence its decision.

Right of Appeal

The premises holder may make representations against the interim steps decision taken by the licensing authority.

Fiona Samuda
Legal Advisor
Coventry City Council

5 September 2018