

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Wednesday, 15 April 2015

Present:

Members: Councillor P Hetherton (Chair)
 Councillor A Andrews
 Councillor L Bigham

Employees (by Directorate):

People: D Blackburn, D Cahalin-Heath

Resources: U Patel, M Smith

In attendance: PC Bowes (West Midlands Police)
 Inspector Shigdar (West Midlands Police)

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Hetherton be elected as Chair for this meeting.

2. **Apologies**

There were no apologies for absence.

3. **Declarations of Interest**

There were no declarations of interest.

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

The Sub-Committee considered an application for the expedited review of the premises licence relating to Society Nightclub, Tower Street, Coventry. The review was called by West Midlands Police on the grounds that the premises are associated with serious crime and/or serious disorder. The licence is held by Mr Gurdeep Basi who is also the Designated Premises Supervisor.

The review application referred to a “significant and grave incident of crime and disorder” which occurred on 15 March 2016 and which resulted in one fatal stabbing, two further stabbings and other persons being injured. The Police also referred to another 15 incidents reported to them since March 2014 relating to thefts from customers, fighting and assaults. They also referred to a cannabis factory being found on the premises on 24 March 2015.

On 20 March 2015 an Interim Steps hearing took place at which it was decided to suspend the licence.

In addition to the Police, two other Responsible Authorities (Public Health and Safeguarding Children) have joined in on the review. Their representations concern a failure in the premises operator's system to protect children and concerns about public safety in the light of the 15 March incident.

No 'relevant representation' for the purposes of Section 52 of the Act was received from the Licensee.

The Premises Licence permits the premises to open between noon and 4.30am the following day and permits regulated entertainment and the sale of alcohol. The Police requested the revocation of the licence.

The Police attended the hearing and addressed the Sub-Committee. Safeguarding Children and Public Health were unable to attend. The Licensee did not attend and did not provide any reason for his absence. The hearing proceeded in the Licensee's absence and had to proceed given that Section 53A of the Act requires a hearing to be determined within 28 days of the application being received.

The Sub-Committee considered the review application and the oral representations made at the hearing by the Police and on reaching their decision were mindful of the following three main issues:

(i) Have the Police established, on the balance of probability, that the premises are associated with serious crime and/or serious disorder?

In the Sub-Committee's opinion the answer to this was 'yes'. The Police version of events concerning the incident that took place on 15th March has not been contradicted and that incident involved a murder and serious woundings which amount to "serious crime" for the purposes of the Act.

(ii) Have the premises been managed in a way that promotes the licensing objectives?

In the Sub-Committee's opinion the answer to this was 'no'. It heard evidence of issues relating to the mismanagement of the premises going back several years culminating in the particular failings on 15th March e.g. the reduction of the number of security staff, inadequate ID checks and inadequate weapon checks. It also heard evidence that the premises are associated with the production and distribution of controlled drugs i.e. cannabis.

(iii) What would be the appropriate measure to take?

The Sub-Committee considered and saw no reason to depart from the Secretary of State's Guidance:

Part 11.23: "...where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

Part 11.27: "There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: for the sale and distribution of drugs..."

Para 11.28: "Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further

crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.”

The Sub-Committee considered modifying the licence, removing the DPS and suspending the licence but did not feel it was appropriate to allow the venue to continue to operate in light of what it had heard and particularly in the light of the Police’s professional opinion that they had no faith in the premises’ management.

In the circumstances, the Sub-Committee felt that the appropriate step to take was to revoke the Premises Licence and for the Interim Step of suspension to continue pending the lodging/determination of any appeal against revocation.

RESOLVED that the premises licence be revoked.

5. Any Other Business

There were no other items of business.

(Meeting closed at 12.20 pm)