

Minutes of the Licensing Sub-Committee 3

Tuesday 22nd March, 2016 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor D Russell (Chair)
Councillors J Cowell and A Taylor

Officers:-

R Clark (Principal Solicitor – Resources and Transformation Directorate),
S Smith (Interim Licensing Manager – Place Directorate) and M Johal
(Democratic Services Officer – Resources and Transformation Directorate).

5 **Appointment of Substitute Member**

It had been agreed that Councillor D Russell be appointed to serve in place of Councillor D Perks 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 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 12th January, 2016 be approved as a correct record and signed.

8 **Application for 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 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 this 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
Mr D Craig – Barrister representing West Midlands Police
Ms L Falconer – Rock Zombie
Ms L Lester – Core Security Solutions

Following introductions, the Interim Licensing Manager 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 during a short period of time. At the interim steps meeting Members imposed eight interim conditions on the premises licence pending the full review hearing this day. Since implementation of these conditions there had been no further incidents at the premises with the exception of a call log on 5th March, 2016 where former door staff had forced their way past security into the premises to retrieve their belongings. Implementation of the interim conditions had significantly reduced further incidents and therefore the police were now seeking for these conditions to be made more specific and strengthened with a view to applying to the premises licence. The police expressed their concerns about particular issues such as identifying security people whilst on duty and the need for detection of metal objects on persons entering the premises. It was considered that attire for security personnel should include hi-visibility garments.

Mr and Mrs Jinks then presented their case. It was stated that following the expedited review meeting in February, 2016, new door staff had been recruited and the club had not experienced any further problems since. There were a minimum of six door staff on duty at all times and they were very thorough in conducting the search on entry policy. However, since implementation of the conditions that had been imposed on the premises licence the business had financially suffered due to restrictions placed on the club, including the last entry policy which had resulted in a reduction in customers. Also, due to the strict search policy, queues of customers tended to form outside the premises and as the last entry was at 01.00 am some customers had to be turned away. It was also considered six door staff to be excessive given the small number of customers attending the club. It was explained that Core Security Solutions carried their own personal cameras, kept logs of staff on duty and filled in incident sheets which were available for inspection on request. With regard to hi-visibility garments it was commented that this type of clothing impacted on the quality of CCTV images as it gave a blurred vision.

Current carbonated log books were circulated to Members and the police for inspection.

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

That, following consideration of the information contained in the report submitted and presented at the meeting, the following conditions be applied to the premises licence in respect of Rock Zombie, Plaza Malls, King Street, Dudley; as follows:-

1. There shall be a minimum of 6 door staff, including one female, at all times the premises are open. All door staff must be clearly identifiable as door staff, with a Security Industry Authority (SIA) number visible and must wear attire that is identifiable to the public and on Closed Circuit Television (CCTV).
2. All customers entering the premises shall be subject to a bag and body search including a search with a metal detecting device.
3. The premises are to use door staff from a company after prior approval of West Midlands Police.
4. The premises shall maintain a record of full details of all door staff on duty at the premises, including SIA number and the signatures of door staff upon start and finish of duty, countersigned by the Designated Premises Supervisor. The premises shall also maintain an incident log. Both the duty records and the log book (or a full copy of) shall be kept at the premises.
5. No new customers shall be allowed entrance to the premises after 01.00 am, regulated entertainment shall cease by 03.30 am and all other licensable activities shall cease by 03.00 am. The premises shall be vacated by 04.00 am and at least 2 door staff shall remain on duty for at least 15 minutes after closing.
6. The barrier around the smoking area at the entrance to the premises shall form a single barrier that cannot be easily broken up or used as a weapon.
7. The wheelie bins from the premises are kept in the loading bay behind roller shutters at all times during which the premises are open.

8. The premises shall maintain CCTV which records for 31 days, and footage shall be available at all times to an officer of a responsible authority.
9. The number of CCTV cameras on the premises shall be 14, including one outside.

The applicant was informed on her right of appeal.

Reasons for Decision

This is an application for an expedited review of the premises licence of the Rock Zombie night club, made on 25th February 2016 and brought by West Midlands Police. A certificate under S53A (1) (B) was completed on the grounds of serious crime and serious disorder.

An interim steps meeting was held on 29th February, 2016 to decide whether any interim steps were necessary to uphold the licensing objectives. The decision was that conditions were placed on the premises licence pending the full review today provided that the premises license holder, Mrs. A.T. Jinks agreed to implement those conditions immediately. The premises licence was therefore not suspended. The conditions were focussed on the quality and management of the door staff, entrance arrangements and closing procedures.

The review is brought further to a number of incidents highlighted by the police, involving alleged crime and disorder.

Mrs. A Jinks and her husband Mr. K. Jinks attended today, with Ms. Lester (Rock Zombie) and a member of Security Solutions.

The Police were represented by Mr. Craig, barrister. PC A. Baldwin and K. Turley attended from the police.

A number of incidents had occurred at the premises prior to February 2016, particularly on 25th December 2015 when a serious incident occurred. But then a number of incidents occurred on 6th, 7th, 20th and 21st February 2016. In particular on 21st February a victim sustained serious injuries, and door staff appeared to ignore the injured man prone on the ground, as illustrated on CCTV stills presented to the Sub-Committee.

On 5th March 2016, a former door staff member forced their way into the premises to retrieve some of their property. This is the only new evidence before the Sub-Committee today. This appears to be the only incident since the interim steps meeting on 29th February. The police therefore submitted that their application today was to ask the committee to tighten the interim conditions imposed on the license to allow the premises to continue trading.

The premises license holder broadly agreed with the conditions and some tightening of those imposed at the interim steps hearing, but was concerned that the premises was losing trade by effectively closing to new customers at 1.00am.

The Sub-Committee was sympathetic to the commercial concerns of the premises, but was very concerned about the significant incidents occurring at the premises over a number of months. The conditions imposed in February 2016 had stopped further incidents of crime and disorder, and therefore the Sub-Committee decides not to alter the hour for last customers from 1.00am or reduce the number of door staff required. The Sub-Committee does note however that an application can be made in the future to vary the conditions, if the premises remain free from concerns around the licensing objectives.

The Sub-Committee therefore imposes the conditions detailed above upon the premises licence which will replace those imposed on 29th February 2016.

The meeting ended at 12.40 pm

CHAIR