

Minutes of Licensing Sub-Committee 2

19th June, 2017 at 10.00 am
at the Sandwell Council House, Oldbury

Members in attendance: Councillor Piper (Chair);
Councillors K Davies and White.

Matters Delegated to the Panel

1/17 **Application for the review of a Premises Licence in respect of Tipton General Store, 58-60 Laburnum Road, Tipton, DY4 9QS.**

Present: Mark Beasley (Sandwell MBC Trading Standards Representative);
Sarah Brookes (Licensing Officer);
Varinder Singh Sandhu (Designated Premises License Holder);
Stewart Wright (Local Authority Solicitor).

The Committee considered an application for the review of a Premises Licence in respect of Tipton General Store, 58-60 Laburnum Road, Tipton on the grounds of protection of children from harm.

The application for review was made by Trading Standards on the grounds of protection of children from harm.

Since the licence was granted on 29th September 2005, Rashvinder Singh Sandhu had been the Premises Licence Holder and Varinder Singh Sandhu the Designated Premises Supervisor.

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The hours permitted for licensable activities were on weekdays, other than Christmas Day, 8.00am to 11.00pm, on Sundays, other than Christmas Day, 10.00am to 10.30pm, on Christmas Day, 12 noon to 3.00pm and 7.00pm to 10.30pm, and on Good Friday, 8.00am to 10.30pm.

The Trading Standards Representative explained that on 30th September 2016 Tipton General Store was visited as part of an intelligence gathering operation and a test purchase was carried out during which alcohol was sold to the volunteer. A warning was issued that further test purchases would be carried out in the future.

On 3rd February 2017 Rashvinder Singh Sandhu, the Premises Licence holder (and father of the Designated Premises Supervisor) sold alcohol, a bottle of WKD Blue, to a sixteen-year-old volunteer. Both the seller and Designated Premises Supervisor were cautioned.

Trading Standards recommended that the following conditions be added to the licence:-

- Premises to operate a Challenge 25 proof of age scheme when selling alcohol whereby if a person looked under 25 they would be asked to provide a valid identification card as proof that they were over 18 years old instead of the under 21 proof of age scheme.
- Notices to be displayed on or near the door to the premises, where the alcohol was being offered for sale and near the checkout stating 'If you look under 25 please do not be offended if we ask for your proof of age when you buy alcohol'.
- The business was to become part of the Sandwell Trading Standards Responsible Business Scheme or another similar with accredited training for underage sales.

It was also recommended by the Trading Standards representative that there be a 5-day suspension of licence.

The Local Authority Solicitor highlighted to the committee that as well as the review being based on the grounds of protecting children from harm, the objective of crime and disorder was also engaged (Bassetlow District Council V Worksop Magistrates Court).

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The Committee was concerned that the focus was on 18 year old persons, however, the premises should not sell alcohol to anyone suspected to be under 21.

The Designated Premises Supervisor was concerned that any suspension would have a negative impact on the business as it was estimated that the percentage of alcohol sales amounted to approximately 30% of total sales made.

The Trading Standards Representative asked the Designated Premises Supervisor what the refusals book process was and whether it was regularly used. The Designated Premises Supervisor confirmed that the book was in place and being used since the recent incident.

With regard to training, the Designated Premises Supervisor confirmed that training had not been undertaken, however, since the incident he had signed up to the Sandwell Trading Standards Responsible Business Scheme.

The Chair noted that nine years had passed since the last review, and asked for clarification regarding other test purchases that had taken place. The Trading Standards Representative informed the Committee of the following:-

- 2011 - the premises passed a cigarette test purchase;
- 2011 - the premises passed an alcohol test purchase;
- 2015 - the premises failed an alcohol test purchase;
- 2016 - the premises failed an alcohol test purchase;
- 2017 - the premises failed an alcohol test purchase.

The Panel took advice from its legal advisor before adjourning to consider the matter.

Having considered the representations made by all parties and legal advice given by the Local Authority's Solicitor, members were minded to impose a five day suspension and add conditions to the licence in respect of Tipton General Store, 58-60 Laburnum Road, Tipton, DY4 9QS.

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The reasons for the decision were as follows: -

- The Committee heard that alcohol had been sold to a person under 18 on 3 February 2017, 30 September 2016 and May 2015.
- The Committee recognised that they had to carry out their functions with a view to promoting the licensing objectives for the prevention of crime and disorder and protection of children from harm.
- The Committee was of the view that the conditions were appropriate and that the suspension could have been up to 3 months, but felt five days was an appropriate time, as recommended by Trading Standards.

Resolved:-

- (1) that the Premises Licence in respect of Tipton General Store, 58-60 Laburnum Road, Tipton, DY4 9QS be suspended for a period of five days;
- (2) that the following conditions be applied to the Premises Licence in respect of the Tipton General Store, 58-60 Laburnum Road, Tipton, DY4 9QS:-
 - Premises to operate Challenge 25 proof of age scheme, whereby if a person looks under 25 they must be asked to provide one of the following forms of identification: Passport, Photo Driving Licence or a PASS approved proof age card, as proof that they are over 18 years old;
 - Notices to be displayed prominently including the following locations - on or near the entrance to the premises, where alcohol is being offered for sale on general display and near to the checkout. The notices will state "If you look under 25 please do not be offended if we ask for your proof of age when you attempt to buy alcohol";

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- The business at the premises shall be registered with the Sandwell Trading Standards Responsible Business Scheme or a similar scheme which includes accredited training for underage sales.

All parties were advised of their right of appeal.

2/17

Application to renew a sexual entertainment licence in respect of Angels Gentleman's Club, 303 High Street, West Bromwich, B70 8ND

Present: Stewart Wright (Local Authority Solicitor);
Sarah Brookes (Licensing Officer).

The Panel considered an application to renew the sexual entertainment licence in respect of the Angels Gentleman's Club, 303 High Street, West Bromwich.

The premises had traded as a licensed sex establishment at the premises since 2012. Approval was sought to a twelve month licence, commencing 1st April 2017 and expiring on 31st March 2018.

No objections had been received to the application.

The Committee took advice from its legal advisor before adjourning to consider the matter.

Having considered all of the information before them, members were minded to renew the licence in respect of Angels Gentleman's Club, 303 High Street, West Bromwich.

Resolved that the sexual entertainment licence in respect of Angels Gentleman's Club, 303 High Street, West Bromwich, B70 8ND be approved, with effect from 1st April, 2017 for a period of 12 months.

**Application for the review of a Premises Licence in respect of
The Bing, 2 Victoria Street, West Bromwich, B70 8ET**

Present: Mick Boyd (Licensing Officer, West Midlands Police);
Sarah Brookes (Licensing Officer);
Stewart Wright (Local Authority Solicitor);
Avi Pawar (Representative for the Premises);
Henry Nandra (Representing Business Owners);
Shavir Singh (Representing Business Owners);
Sarah Brookes (Licensing Officer);
Stewart Wright (Local Authority Solicitor).

The Committee considered an application for review of the Premises Licence in respect of Bing, 2 Victoria Street, West Bromwich, B70 8ET on the grounds of the prevention of crime and disorder, public safety, and the protection of children from harm.

Mr Shanvir Singh had been the Premises Licence Holder since the licence was granted on 12th December 2014. Donna Carmody was specified as Designated Premises Supervisor, however she removed herself as DPS on 13th March 2017.

Shanvir Singh made application on 13th April 2017 to vary the premises licence to specify Tarlaz Dosanjh as Designated Premises Supervisor with immediate effect.

The hours permitted for licensable activities and premises opening are 9pm to 2am Sunday to Wednesday, 9pm to 3am on Thursday and 9pm to 5am Friday and Saturday.

The Licensing Officer, West Midlands Police, advised that Shanvir Singh had confirmed that the Designated Premises Supervisor, (Donna Carmoy) had left the premises in 2015. Mr Singh knew he should have applied to vary the Designated Premises Supervisor at that time but had not. When Ms Carmody was traced she was shocked to hear that her name was still on the licence as she had left in July 2015. On 9th March 2017, she confirmed in writing to the licensing authority that she wished for her name to be removed from the premises licence.

In December 2016 there was a disagreement in the business arrangement. Shanvir Singh stated that he had been barred from managing the premises by Henry Nandra. Mr Nandra stated that he had been in charge since December 2016.

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In the 18 months, which proceeded Sunday 5th March 2017, the premises was rarely brought to the attention of the police; only a few low level incidents had arisen, the nature of which were not uncommon at a late night venue. Due to this and the late opening hours, the premises had not been the subject of any routine licensing visits.

At 2.33am on Sunday 5th March 2017 a fight had broken out in the club. It was believed that customers had started to become over familiar with dancers resulting in an intervention by two door supervisors. These events had escalated into a large-scale disorder on the premises when the door staff had tried to eject those involved.

The altercation resulted in one of the door supervisors becoming armed with a stick that had been concealed behind the bar. It had allegedly been passed to him by a female member of bar staff. As customers had been exiting the venue, a male, aged approximately 28 years old received an injury from being struck on the back of the head by the aforementioned stick. The force of the blow had knocked him down the stairs. It had been initially believed that the injury was a laceration, but in the ambulance his condition had deteriorated. He was treated for a fracture to the skull and his condition was declared critical, but stable when he reached hospital. A doorman suffered a minor cut to the head and refused any medical treatment.

As police enquiries into the incident were ongoing, CCTV evidence was shown only to the Committee and the representative for The Bing. The CCTV evidence showed part of the disorder where the customers were trying to exit the premises. One of the door men was seen to be holding a stick and struck the victim on the back of the head causing him to fall down the stairs.

Police investigations had been ongoing since the incident and Mr Singh had been interviewed. He confirmed that due to a disagreement between himself and Henry Nandra he had not been involved with the premises since December 2016. Shanvir Singh also confirmed that Donna Carmody had left employment at the premises and that he had neglected to put a new Designated Premises Supervisor in place.

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Mr Nandra stated that on the night of the incident he had not been present and advised that it had been Tarloz Dosanjah, a business partner. Mr Nandra stated that there had been two female members of staff running the bar, another female on reception, and up to nine female lap dancers. Mr Nandra confirmed that none of these staff had any licensing experience.

Information had been produced that included identification documents of women that worked as dancers. It had not been possible to establish whether any of these women had been on duty on the night of the incident. The club had not advertised for dancers and all of the dancers had been recruited on an informal basis and were all Romanian. It was found that the premises had failed to undertake any checks on the working status of these women as no record of National Insurance could be produced. The dancers were required to pay the premises a fee per night to work at the club, meaning that they kept the fees of their customers. There were no rules of the premises or prices for services displayed, nor was there any system in place. The police had passed details of this part of the operation on to Immigration Services.

Mr Nandra had advised the police that all but two of these women within the documentation worked at the premises. He believed that nine of them were present on the night of the incident, but was unable to confirm which. There were no contracts of work between the premises and any of the employees. In addition, no documentation was produced to show that these women have the right to work in the United Kingdom.

Two pieces of photographic identification were Romanian Passports, one was a United Kingdom provisional driving licence and ten were Romanian identity cards. Two of the cards had dates that had expired, and these related to women who were employed at the premises over this time. It was noted that it was not possible to easily determine the dates of birth as information was encrypted and could only be determined by an immigration official. It was considered that no steps had been taken by the premises to prevent human trafficking or child sexual exploitation.

It was noted that the premises had several very dark areas in the form of small rooms on the second floor, even with existing CCTV in place the potential for prostitution was great.

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The Licensing Officer, West Midlands Police, had been given permission by Mr Nandra whilst on a visit to the premises on 10th March 2017 to test for drug use with narcotic wipes. This test had come back as positive for cocaine on the cistern in the men's toilets.

West Midlands Police requested that the premises licence be revoked, under the prevention of crime and disorder, public safety, and protection of children from harm licensing objectives, such as the risk of human trafficking and child sexual exploitation. If the Committee failed to agree with this recommendation, West Midlands Police would request the following:-

- Any new Designated Premises Supervisor to be installed only with the full satisfaction of West Midlands Police;
- The licensable activities were amended to show recorded music only;
- Licensable activities to be reduced to 11.00pm Monday to Sunday, with a closing time of 11.30pm. Consideration would be given to the premises opening earlier in the day;
- Accredited SIA door staff to be placed from 7.00pm to closing time every Friday and Saturday night;
- A full upgrade of CCTV which was currently regarded on examination as poor, to the satisfaction of West Midlands Police. The system was to be able to be digitally recorded for up to 31 days and would be made available on request to all licensing authorities. There was to be a member of staff on duty who was trained and able to show and download images from the system during opening hours. It was to be in recording operation during opening hours and will cover all licensable activity areas of the premises;
- Adequate lighting to be installed to the satisfaction of the West Midlands Police and to be turned on at all times the premises is open to the public. The current lighting arrangements ensured only semi-darkness, such is the nature of such a venue.

The Chair expressed concern that dancers' ages had not been verified and that it was not clear who had been performing on the night of the incident. The Licensing Officer, West Midlands Police, confirmed that they did not know who worked on this night.

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The Chair asked whether the licensing objective of protecting children from harm could be pursued. The Licensing Officer, West Midlands Police, explained that 13 pieces of identification had been provided, though it was extremely likely that more women would have worked there previously. Though clear evidence of underage women could not be provided, the potential for its occurrence was huge.

The Local Authority Solicitor asked whether the premises management structure still remained confused. The Licensing Officer, West Midlands Police, explained that this was still the case.

The representative for the premises confirmed that Mr Nandra was the owner of the lease and Shanvir Singh held the Sexual Entertainment Venue Licence and was a Personal Licence holder. Though a dispute had taken place the premises was run jointly, the dispute had been resolved. The premises had a potential buyer who had begun to work there to gain experience. Unfortunately, this business exchange was unable to move forward due to the review.

Both Mr Nandra and Mr Singh acknowledged that mistakes had been made in the way the business had been run, and the fact their dispute had not helped matters. They apologised to the committee for these failings, and accepted full responsibility. The policies they had in place were not robust enough and problems had arisen. Neither party had been on the premises on the night of the incident in March.

It was highlighted that the door staff had been out sourced from an external company and, as far as Henry Nandra and Shanvir Singh were aware, they had been fully licensed.

It was agreed that staff records had not been kept accurately, but it had since been rectified. Mr Nandra and Mr Singh had closed the premises voluntarily for a period of six weeks to take steps to put effective policies and procedures in place. In addition, a membership book was now kept at the door and customers had to sign in.

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Mr Singh was confirmed to be back on the premises and two members of staff were Personal Licence Holders. The Committee were assured that rules and prices of services were prominently displayed. All staff had been issued with self-employment contracts and provided with the rules.

The representative for the premises stated that whilst no dancers had been aged under 18, further steps had been taken to ensure there could be no element of doubt in the future.

A number of improvements had been made to the premises, which included:-

- A new fire alarm had been installed at the cost of £3500.00.
- A new fire wall had been erected at the cost of £1,500.00.
- An updated fire risk assessment had been completed.
- A new CCTV system had been installed to increase quality of filming and area of coverage.

Mr Singh explained he had been at the club for ten years, and in his experience people making telephone calls to the police was not uncommon. Calls were particularly likely after customers had been removed from the premises for getting over familiar with the dancers or other inappropriate behaviour. The drug issue related to the private cubicle was impossible to manage as there was no way to install CCTV.

The Chair enquired why a bat had been concealed behind the bar, however, Mr Singh denied this had been the case, and whatever had appeared on the CCTV must have been a stick or a table leg – there had not been a bat on the premises that he had been aware of.

The Licensing Officer, West Midlands Police, asked, since the Sexual Entertainment Venue Licence had been reinstated, who had been in charge of the premises. Mr Singh confirmed that he had no control over the premises and that Tarloz Dosanjah had been in charge. The Licensing Officer, West Midlands Police, drew the committee's attention to the fact that the premises Sexual

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Entertainment Licence had been expired for a period of twelve months.

When prompted by the Committee, Mr Singh was unable to state the four licensing objectives.

The Licensing Officer, West Midlands Police, asked Mr Nandra if he could demonstrate how he managed the premises when he had been in control. Mr Nandra stated that he had ran the premises on a day to day basis. He ensured staff were on the premises and he managed the stock.

The Licensing Officer, West Midlands Police, pointed out that it had been stated that the running of the premises had been left to Tarloz Dosanjh, who had recently obtained his licence. He had been on duty the night of the incident, however, there were no records to prove this had been the case. The representative for the premises confirmed that two members of staff were always on duty who had personal licences and Mr Nandra added that since he had obtained his licence Tarloz Dosanjh was there all the time.

The Licensing Officer, West Midlands Police, asked who had control over the dancers. Mr Singh explained that the dancers were monitored via CCTV which was observed by a female member of staff behind the bar. Mr Nandra added that Tarloz Dosanjh also monitored the dancers. The Licensing Officer, West Midlands Police, expressed concern as he felt it would not be possible to adequately monitor the dancers whilst also serving at the bar, especially concerning as there were dark areas of the premises. Mr Nandra advised that the lighting had been improved.

The Licensing Officer, West Midlands Police, enquired whether the premises had a female individual employed that was able to monitor the wellbeing of the dancers and, although there was not, Mr Singh agreed it would be a good idea to have such a staff member in place.

The Chair asked whether the new records system had been shown to Licensing Officers. The representative for the Premises stated that this had not yet been done and no information was available for the Committee.

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The Committee asked how many door staff had been on duty the night of the incident. Mr Singh explained that he had not been present, but generally three door staff were on duty. The Licensing Officer, West Midlands Police, stated that he had felt at least three door staff should be on duty at one time, since this had been a Sexual Entertainment Venue which had greater potential for things to go wrong than a standard venue. He considered the CCTV system to be an adequate option to work alongside the three door staff.

The Local Authority Solicitor asked how the management could have been certain that none of the dancers were under 18. Mr Singh explained that any identification provided had been photocopied and retained in a folder, and to his knowledge none of the girls had been underage. The Local Authority Solicitor enquired about the steps that had been taken related to human trafficking since the incident, and whether any policies had been in place before. Mr Singh stated that advice had been taken and he had been informed that proof of address and a contact number should be included with any identification. Other gentlemen's clubs had also been consulted about their working practices. The Licensing Officer West Midlands Police confirmed that the identification he had seen had shown that the women had been over 18, but more women would have passed through the premises than these.

The Licensing Officer, West Midlands Police, stated that these premises had been run for over a year without a Designated Premises Supervisor and had been neglectful. In addition, no records had been kept of the dancers and incidents had rarely been reported to the police. He also felt that there was a lack of knowledge and experience of this industry.

The Panel took advice from its legal advisor before adjourning to consider the matter.

Having considered the Police report, representations made by all parties and legal advice given by the Local Authority's Solicitor, members were minded to suspend the Premises Licence in respect of The Bing, 2 Victoria Street, West Bromwich, B70 8ET for a period of one month and to impose conditions on the licence.

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The reasons for the decision were as follows:-

- (1) The Sub-Committee noted a disturbance at the premises in March 2017. It was considered that this was due to poor management. There was also evidence of poor record keeping. The disturbance was very serious and resulted in a member of the door staff causing a serious head injury to a member of the public. This incident amounted to the management of the premises showing to the Committee that they had failed to promote the licensing objectives of the prevention of crime and disorder and public safety.
- (2) The Committee was not satisfied that the management knew that the dancers were over 18, failing to promote the licensing objective of the protection of children from harm.
- (3) The Committee considered that the conditions imposed, together with a short period of suspension is appropriate and proportionate response.

In making its decision, the Committee considered the Licensing Act 2003 and Section 182 Guidance. Members recognised that they must carry out their functions with a view to promoting the licensing objectives for the prevention of crime and disorder and public safety.

Resolved:-

- (1) that the Premises Licensing in respect of The Bing, 2 Victoria Street, West Bromwich, B70 8ET be suspended for a period of one month;
- (2) that the following conditions be placed upon the Premises License in respect of the The Bing, 2 Victoria Street, West Bromwich, B70 8ET:-
 - Any new Designated Premises Supervisor to be installed only with the full satisfaction of West Midlands Police.
 - Licensable activities to remain as per the existing licence.

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- Licensable activities to be reduced to 2300hrs Monday to Sunday, with a closing time of 2330 hrs.
- Accredited SIA door staff to be in place from 2100 hrs to closing time every Friday and Saturday. The door staff to wear bodycams to be agreed with the West Midlands Police.
- A full upgrade of CCTV to the satisfaction of West Midlands Police. This in the view of the Police is currently regarded as, poor quality. It will be digitally recorded for up to 31 days and will be made available on request to all responsible authorities. There will be a member of staff on duty who is trained and able to show and download images from the system during opening hours. It will be in recording operation during opening hours and it will cover all licensable activity areas of the premises.
- Adequate lighting to the satisfaction of West Midlands Police to be installed to be on at all times the premises is open.
- A personal licence holder to be on the premises at all times the premises is open.
- All staff to be trained on signs of drug abuse and how to recognise signs of use on the premises. Training provided on signs of persons drinking to excess and how to deal with it. A record will be kept of all training and will be available to any responsible authority. The nature of the training to be agreed with West Midlands Police.

All parties were advised of their right of appeal.

Application to renew a sexual entertainment licence in respect of The Bing, 2 Victoria Street, West Bromwich, B70 8ET.

Present: Mick Boyd (Licensing Officer, West Midlands Police);
Sarah Brookes (Licensing Officer);
Stewart Wright (Local Authority Solicitor);
Avi Pawar (Representative for the Premises);
Henry Nandra (Representing Business Owners);
Shavir Singh (Representing Business Owners).

Further to Minute No. 3/17 above, the Committee considered an application made by West Midlands Police for the Council to use its powers to revoke the sexual entertainment venue licence in respect of The Bing, 2 Victoria Street, West Bromwich.

The sexual entertainment venue licence was granted by the Licensing Panel on 1st February 2017, expiring 31st January 2018.

The licence was held by Mr Shanvir Singh and Mr Kamaljit Singh Dhiman as a partnership. The premises had previously held sexual entertainment venue licences. The licences had been held by Shanvir Singh between April 2012 and December 2015. Mr Singh allowed the licence expiring in December 2015 to lapse.

The Personal Licence Holder was Mr Shanvir Singh. Last year Mr Singh had entered a business partnership arrangement with Henry Nandra in respect of the running of the club.

The Licensing Officer, West Midlands Police, advised that The Bing was classed as a gentleman's club and, as well as a Premises Licence, held a sexual entertainment licence. The current licence had been issued in February 2017, as the previous licence had lapsed having expired in December 2015.

In December 2016 there was a disagreement in the business arrangement. Shanvir Singh stated that he had been barred from managing the premises by Henry Nandra. Mr Nandra stated that he had been in charge since December 2016.

On Sunday 5th March 2017 a fight had broken out in the club. It was believed that customers had started to become over familiar with dancers resulting in an intervention by two door supervisors. These events had escalated into a large-scale disorder on the premises when the door staff had tried to eject those involved.

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The altercation resulted in one of the door supervisors becoming armed with a stick that had been concealed behind the bar. It had allegedly been passed to him by a female member of bar staff. As customers had been exiting the venue, a male, aged approximately 28 years old received an injury from being struck on the back of the head by the aforementioned stick. The force of the blow had knocked him down the stairs. It had been initially believed that the injury was a laceration, but in the ambulance his condition had deteriorated. He was treated for a fracture to the skull and his condition was declared critical, but stable when he reached hospital. A doorman suffered a minor cut to the head and refused any medical treatment.

As police enquiries into the incident were ongoing, CCTV evidence was shown only to the Committee and the representative for The Bing. The CCTV evidence showed part of the disorder where the customers were trying to exit the premises. One of the door men was seen to be holding a stick and struck the victim on the back of the head causing him to fall down the stairs.

Police investigations had been ongoing since the incident and Mr Singh had been interviewed. He confirmed that due to a disagreement between himself and Henry Nandra he had not been involved with the premises since December 2016.

Mr Nandra stated that on the night of the incident he had not been present and advised that it had been Tarloz Dosanjah, a business partner. Mr Nandra stated that there had been two female members of staff running the bar, another female on reception, and up to nine female lap dancers.

With the exception of the door staff, none of the staff employed signed into the premises, nor was there any evidence that there was an established system, contrary to regulations on Sexual Entertainment Licences. In addition, there was no customer membership system in place.

Information had been produced that included identification documents of women that worked as dancers. It had not been possible to establish whether any of these women had been on duty on the night of the incident. The club had not advertised for dancers and all of the dancers had been recruited on an informal basis and were all Romanian.

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It was found that the premises had failed to undertake any checks on the working status of these women as no record of National Insurance could be produced. The dancers were required to pay the premises a fee per night to work at the club, meaning that they kept the fees of their customers. There were no rules of the premises or prices for services displayed, nor was there any system in place. The police had passed details of this part of the operation on to Immigration Services.

Two pieces of photographic identification were Romanian Passports, one was a United Kingdom provisional driving licence and ten were Romanian identity cards. Two of the cards had dates that had expired, and these related to women who were employed at the premises over this time. It was noted that it was not possible to easily determine the dates of birth as information was encrypted and could only be determined by an immigration official. It was considered that no steps had been taken by the premises to prevent human trafficking or child sexual exploitation. The Committee was advised that no boyfriends or husbands of the dancers were allowed into the club and the performers' next of kin were consulted prior to commencement of employment.

It was noted that the premises had several very dark areas in the form of small rooms on the second floor, even with existing CCTV in place the potential for prostitution was great.

West Midlands Police requested that the sexual entertainment licence be revoked, under the prevention of crime and disorder, public safety, and protection of children from harm licensing objectives, such as the risk of human trafficking and child sexual exploitation. If the Committee failed to agree with this recommendation, West Midlands Police requested the following:-

- Any new Designated Premises Supervisor to be installed only with the full satisfaction of West Midlands Police;
- The licensable activities were amended to show recorded music only;
- Licensable activities to be reduced to 11.00pm Monday to Sunday, with a closing time of 11.30pm. Consideration would be given to the premises opening earlier in the day;

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- Accredited SIA door staff to be placed from 7.00pm to closing time every Friday and Saturday night;
- A full upgrade of CCTV which was currently regarded on examination as poor, to the satisfaction of West Midlands Police. The system was to be able to be digitally recorded for up to 31 days and would be made available on request to all licensing authorities. There was to be a member of staff on duty who was trained and able to show and download images from the system during opening hours. It was to be in recording operation during opening hours and will cover all licensable activity areas of the premises;
- Adequate lighting to be installed to the satisfaction of the West Midlands Police and to be turned on at all times the premises is open to the public. The current lighting arrangements ensured only semi-darkness, such is the nature of such a venue.

The Chair asked whether the licensing objective of protecting children from harm could be pursued. The Licensing Officer, West Midlands Police, explained that 13 pieces of identification had been provided, though it was extremely likely that more women would have worked there previously. Though clear evidence of underage women could not be provided, the potential for its occurrence was huge.

The Local Authority Solicitor asked whether the premises management structure still remained confused. The Licensing Officer, West Midlands Police, explained that this was still the case.

The representative for the premises confirmed that Mr Nandra was the owner of the lease and Shanvir Singh held the Sexual Entertainment Venue Licence and was a Personal Licence holder. Though a dispute had taken place the premises was run jointly, the dispute had been resolved. The premises had a potential buyer who had begun to work there to gain experience. Unfortunately, this business exchange was unable to move forward due to the review.

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Both Mr Nandra and Mr Singh acknowledged that mistakes had been made in the way the business had been run, and the fact their dispute had not helped matters. They apologised to the committee for these failings, and accepted full responsibility. The policies they had in place were not robust enough and problems had arisen. Neither party had been on the premises on the night of the incident in March.

It was agreed that staff records had not been kept accurately, but it had since been rectified. Mr Nandra and Mr Singh had closed the premises voluntarily for a period of six weeks to take steps to put effective policies and procedures in place. In addition, a membership book was now kept at the door and customers had to sign in.

Mr Singh was confirmed to be back on the premises. The Committee were assured that rules and prices of services were prominently displayed. All staff had been issued with self-employment contracts and provided with the rules.

A number of improvements had been made to the premises, which included:-

- A new fire alarm had been installed at the cost of £3500.00.
- A new fire wall had been erected at the cost of £1,500.00.
- An updated fire risk assessment had been completed.
- A new CCTV system had been installed to increase quality of filming and area of coverage.

The Chair enquired why a bat had been concealed behind the bar, however, Mr Singh denied this had been the case, and whatever had appeared on the CCTV must have been a stick or a table leg – there had not been a bat on the premises that he had been aware of.

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The Licensing Officer, West Midlands Police, asked, since the Sexual Entertainment Venue Licence had been reinstated, who had been in charge of the premises. Mr Singh confirmed that he had no control over the premises and that Tarloz Dosanjah had been in charge. The Licensing Officer, West Midlands Police, drew the committee's attention to the fact that the premises Sexual Entertainment Licence had been expired for a period of twelve months.

The Licensing Officer, West Midlands Police, asked Mr Nandra if he could demonstrate how he managed the premises when he had been in control. Mr Nandra stated that he had ran the premises on a day to day basis. He ensured staff were on the premises and he managed the stock.

The Licensing Officer, West Midlands Police, pointed out that it had been stated that the running of the premises had been left to Tarloz Dosanjh. He had been on duty the night of the incident, however, there were no records to prove this had been the case.

The Licensing Officer, West Midlands Police, asked who had control over the dancers. Mr Singh explained that the dancers were monitored via CCTV which was observed by a female member of staff behind the bar. Mr Nandra added that Tarloz Dosanjh also monitored the dancers. The Licensing Officer, West Midlands Police, expressed concern as he felt it would not be possible to adequately monitor the dancers whilst also serving at the bar, especially concerning as there were dark areas of the premises. Mr Nandra advised that the lighting had been improved.

The Licensing Officer, West Midlands Police, enquired whether the premises had a female individual employed that was able to monitor the wellbeing of the dancers and, although there was not, Mr Singh agreed it would be a good idea to have such a staff member in place.

The Chair asked whether the new records system had been shown to Licensing Officers. The representative for the Premises stated that this had not yet been done and no information was available for the Committee.

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The Committee asked how many door staff had been on duty the night of the incident. Mr Singh explained that he had not been present, but generally three door staff were on duty. The Licensing Officer, West Midlands Police, stated that he had felt at least three door staff should be on duty at one time, since this had been a Sexual Entertainment Venue which had greater potential for things to go wrong than a standard venue. He considered the CCTV system to be an adequate option to work alongside the three door staff.

The Local Authority Solicitor asked how the management could have been certain that none of the dancers were under 18. Mr Singh explained that any identification provided had been photocopied and retained in a folder, and to his knowledge none of the girls had been underage. The Local Authority Solicitor enquired about the steps that had been taken related to human trafficking since the incident, and whether any policies had been in place before. Mr Singh stated that advice had been taken and he had been informed that proof of address and a contact number should be included with any identification. Other gentlemen's clubs had also been consulted about their working practices. The Licensing Officer West Midlands Police confirmed that the identification he had seen had shown that the women had been over 18, but more women would have passed through the premises than these.

The Licensing Officer, West Midlands Police, stated that these premises had been run for over a year without a Designated Premises Supervisor and had been neglectful. In addition, no records had been kept of the dancers and incidents had rarely been reported to the police. He also felt that there was a lack of knowledge and experience of this industry.

The Panel took advice from its legal advisor before adjourning to consider the matter.

Having considered the Police report, representations made by all parties and legal advice given by the Local Authority's Solicitor, members were minded revoke the sexual entertainment licence in respect of The Bing, 2 Victoria Street, West Bromwich, B70 8ET.

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The reason for the decision was as follows: -

- (1) The Committee noted that as provided for by sub-paragraph (3)(a) of Paragraph 12 of the Local Government (Miscellaneous Provisions) Act 1982, a ground for revoking the licence was unsuitability of the licence holder for any other reason.
- (2) Sandwell Council's Policy for Sexual Entertainment Venues - Paragraph 6 set out criteria for the Committee to consider when looking at the suitability. Whilst the Committee had regard to all of the criteria listed it particularly noted as to suitability:
 - that the operator can be relied upon to act in the best interests of the performers;
 - that the operator can be relied upon to protect the public;
 - that the operator can show a track record of management of compliant premises.
- (3) Alongside considering that criteria the Committee heard that there was no record of women workers. The members of the Committee were very concerned that there was no way of telling if the women were of appropriate ages or if they had been the subject of human trafficking. Further there were no contracts in place between the women and the organisation.
- (4) The Committee agreed with the Police that had it not been for the serious incident in March 2017 the Council would have unlikely known of the poor management and the poor record keeping at the premises.
- (5) The Committee was not confident that the previous and current management were suitable to continue holding a Sexual Entertainment Venue licence.
- (6) Paragraph 27 of Schedule 3 of the 1982 Act states a holder of a licence whose licence was revoked may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to a magistrates' court.

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Resolved that the sexual entertainment licence in respect of The Bing, 2 Victoria Street, West Bromwich, B70 8ET be revoked.

All parties were advised of their right of appeal.

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