



Democratic Services

Date: 5 April 2023

Capital Leisure
The Colliseum Nightclub,
Corner of 23 Bradford Street and 17 Newport Street,
Walsall,
WS1 1RZ

Sent via email to: capital.leisure@yahoo.com

Summary Review Hearing pursuant to s. 53C of the Licensing Act 2003

In relation to premises known as and situated at The Colliseum Nightclub, Corner of 23 Bradford Street and 17 Newport Street, Walsall, WS1 1RZ (Premises Licence Number WS/PRL/0242).

Also trading as Valesha's night club on the ground floor and Savannah's Gentlemen's Club on the first floor of the premises.

Hearing before the Licensing Sub Committee of Walsall Council held on the 4th April, 2023

DETERMINATION: [1] Revocation of the premises licence, and
[2] Continuation of the interim step of suspension pending any appeal.

The matter was heard by:

Cllr A Nawaz (Chairman)
Cllr K Hussain
Cllr C Bott

In attendance:

[1] for the police
Gary Grant, Barrister
Chief Superintendent Phil Dolby
PC Ben Reader
Jennifer Mellor

[2] for Capital Leisure
James Rankin, Barrister
Phillip Williams, Solicitor (Observer)
Councillor Suky Samra

Witnesses for Capital Leisure
Councillor Gurmeet Singh Sohal
Daniel Morris
Sanjeev Kumar
Councillor Bobby Bains

[3] Observers
Councillor Waheed Rasab
Councillor Sarah Cooper

[4] Council Officers
Sayful Alom (Licensing Team Leader)
Neil Picken, (Principal Democratic Services Officer/Clerk)
Jack Thompson, (Democratic Services Officer, technical support)
Iqbal Javed (Legal Services, Observer)

[5] Leo Charalambides, Barrister, Legal Advisor to the sub-committee

The premises licence for The Colliseum Nightclub, Corner of 23 Bradford Street and 17 Newport Street, Walsall, WS1 1RZ (t/a Valesha's and Savannah's Gentlemen's Club) is held by 'Capital Leisure' which is now described by Councillor Suky Samra as a trading name that is said to reflect the informal partnership between his parents Mr Harminder Singh Samra and his mother Karamjit Kaur Samra. Cllr Samra asks us to consider that Asian families and Sikh families in particular operate together to run family businesses and operations. The licence was previously held by Cllr Samra. The transfer from Cllr Samra to Capital Leisure took effect in July 2022. There is one premises licence but two operations that take place at the premises. One on the ground floor (Valesha's night club) and one on the first floor (Savannah's Gentlemen's Club). Both operations are managed together pursuant to the lease both operations were managed by Vision Leisure Ltd. The premises re-opened in December 2022 and has operated for four months at the time of the trigger incident.

Since on or about December 2022 the premises have been operated by Vision Leisure Ltd (the directors are Martin Bell and Valesha Anderson). The premises are operated under a lease between Mr Harminder Singh Samra and Vision Leisure Ltd. The premises licence remained in the trading name of Capital Leisure. We heard, from Cllr Samra, that this was to allow the Samra family to maintain scrutiny over the operation of the premises licence.

It remains unclear to us how the Samra family operate and manage the premises licence. It is clear to us that Cllr Samra is the only contact for the licensing authority and the police. This is not denied by him. He states that as the eldest child he has

been involved in running the businesses and that he manages the businesses on his elderly father's behalf. He states that he is not the premises licence holder – we agree. We have not heard from Mr and Mrs Samra Snr - the informal partnership. However, for all practical purposes Cllr Samra is the point of contact for Capital Leisure. In his email to Jennifer Mellor (21st July, 2022) he holds himself ready to discuss licensing matters and future amendments. Throughout his direct evidence to us he uses personal pronouns. He also points out that when he says "I" he is speaking for his family and that he has no financial benefit. We find that it is more likely than not that Cllr Samra plays a prominent and decisive role in the operation and management of this part of the family business.

We accept that at the time of the tragic death, persons with operational responsibilities of the premises were the directors of Vision Leisure Ltd. We do not accept that the lease arrangements absolve the premises licence holders from responsibility. We note that Cllr Samra says that the lease was to give the family strict control. We also note that in the first four months of operation he only visited on one occasion for twenty minutes for a bite to eat. That he otherwise had good reports from the tenants.

We note that Cllr Samra has not had any contact from the West Midlands Police (WMP) to raise any concerns. At most this was a premises under observation and the subject of informal discussion but there was no early warning of a pending review. However, the tragic trigger incident changed the pace of dialogue between the WMP and the premises licence holder and we feel it is correct that the prior matters have been brought to our attention at this time. It was suggested that the WMP sought to persecute Cllr Samra and that this was a witch-hunt – this is not our impression. The avoidable death of a young person within our Night Time Economy is a legitimate subject for summary review.

On the 14th March 2023 (18:30) the licensing authority received a certificate from Chief Supt Phil Dolby certifying that pursuant to s. 53A(1)(b) he is of the opinion that the premises are associated with both serious crime and serious disorder. We note that the murder weapon is thought to be a bladed instrument and that gang nominals (i.e. persons believed to be gang members) have frequented the premises in the past and were present on the night of the death.

The premises licence contains operational conditions including: "Routine searches will take place to ensure that no illegal substances or weapons are brought into the club." It was also highlighted that there is a voluntary agreement between Vision Leisure Ltd and the WMP that there would be no entry to the premises after 04:30.

In private session we heard that had there been adherence to the premises licence conditions along with the voluntary agreement then the young man would not have died. This is a sad and tragic fact. It was not challenged by Cllr Samra. We note that Cllr Samra expressed his and his family's great disappointment with the tenants and has taken action to rescind the lease.

In addition, the WMP invites us to consider the witness statement of Jennifer Mellor (27th March 2023) which sets out a timeline of events. This timeline is divided into two parts: Part one relating to incidents from the 5th January 2019 up to the 1st March 2020. There then followed the Covid emergency period. Part two of the statement relates to incidents said to have occurred since the re-opening of the venue under the management of the new operators in December 2022. We have reminded ourselves that the s 182 Guidance requires that incidents are to be positively tied or linked by a causal connection to the particular premises under review (para 11.7).

Councillor Samra in his submissions notes that not all incidents can be positively tied or linked to the premises. He highlights the difficulty of the area, the operation of other late night entertainment venues and also late-night food outlets. He highlights that after 4:00 (on Saturdays and Sundays) the area is especially busy and the premises is a destination venue by patrons of other premises which close earlier. He states that during the time he had direct control of the premises these types of patrons were deterred by the imposition of searches and dress code requirements. On behalf of Cllr Samra it was noted that the Police have not supplied the supporting evidence in the form of CRIS and CAD reports so that the incidents could be challenged. We agreed that this would have been desirable; we can accept, as does Cllr Samra, some incidents but not all are to be linked to the premises.

We have been asked to have regard to breaches of the SEV licence. These were not challenged by Cllr Samra. During the course of proceedings the SEV licence was surrendered [at 3:45pm] but the regulatory breaches remain relevant and contribute to our understanding of the operation and management of these premises.

The WMP invited us to consider two incidents associated with a different premises held in the name of Mr Harminder Samra. We do not consider that these are relevant and have not taken these into account – we gave this indication during the proceedings.

On behalf of the premises licence holder we note, and welcome, that no objection was raised to the interim suspension, that there is co-operation with the police murder investigation, that the tenancy has been terminated and the SEV surrendered. Further, that the premises proposes to close until the 1st January 2024 for a respectful period for matters to settle, allow for a rebrand and rethink – though this is still in initial stages – and re-open with fresh operations. We also note that suggested conditions include a last entry time of 04:00.

We would like to thank those persons who wrote and also attended the hearing to provided character references for Cllr Samra and the previous operation of the premises; his standing as a dedicated public servant is not in doubt.

We have considered our statement of licensing policy and the s 182 Guidance and in particular that reviews are a key protection of the community (11.1) and that it is our duty to take steps in the interests of the wider community and not those of the individual licence holder (11.26).

We have had regard to the s 182 Guidance that as far as possible we should seek to establish the cause or causes of concern and consider what proportionate remedial action to take (11.20). We also note that where premises are trading irresponsibly, we should not hesitate, where appropriate, to take tough action and where other measures are deemed insufficient, to revoke the premises licence (11.23). Paragraphs 11.27 and 11.28 also make provision for circumstances where matters are so serious that revocation even at first instance should be considered. We accept the WMP submission that deterrence is a relevant consideration for us.

We find that due to agreed failings of management a young person died in circumstances that could have been avoided and that his death involved a bladed instrument. This is a cause of great sadness and of great concern. We have carefully listened to all the submissions of the WMP and the premises licence holder – we found both sides engaging and compelling. We do not apologise for the time taken to reach our determination as the parties have given us much to think about. In these circumstances we feel compelled to consider revocation. We have discussed and considered other options including suspension, the reduction of trading hours and the amendments of conditions. Given the seriousness of the incident and the agreed failings of the people with operational control of the premises on the night of the incident we unanimously find that revocation is the most appropriate and proportionate response.

In the circumstances, for the reasons given above, we also find that the interim step of suspension is to remain in place.

Yours sincerely,

Aftab Nawaz

Councillor Aftab Nawaz
Chair of the Licensing Sub-Committee

CC: West Midlands Police
Walsall Council Licensing Team
Phillip Williams (Blackfords Solicitors)