



Walsall Council

Democratic Services

Date: 16 March 2023

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

Sent via email to: [REDACTED]

Interim Steps Hearing pursuant to s. 53B of the Licensing Act 2003 and Reg 3(2) of the Licensing Act (Hearings Regulations) 2005

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.

Remote hearing before the Licensing Sub Committee of Walsall Council held on the 16th March 2023.

DETERMINATION: to immediately suspend the premises licence as an interim step pending the determination of the review.

The matter was heard by:

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

In attendance:

[1] for the police
Gary Grant, Barrister
PC Ben Reader

Democratic Services
Walsall Metropolitan Borough Council
The Civic Centre, Darwall Street, Walsall, WS1 1TP
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Jennifer Mellor
Superintendent Parvez Mohammed

[2] for Capital Leisure
Harpal Singh Samra, Solicitor

[3] Observers
Martin Bell
Valesha Anderson (DPS)
Jonathan Underhill, Barrister for Vision Leisure

[4] Council Officers
Sayful Alom (Licensing Team Leader)
Iqbal Javed (Legal Services, Observer)
Sarah Heath (Licensing Team, Observer)

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 described in the police application as a Partnership. The licence was previously held by Mr Sukhbir Singh Samra (aka Mr Suky Samra). The transfer from Mr Sukhbir Singh Samra to Capital Leisure took effect in July 2022. Since the transfer the licensing authority has continued to engage with Mr Sukhbir Singh Samra. The premises has been licensed since the 24th November 2005.

The current DPS is Mr Valesha Anderson.

This summary review arises from a tragic incident in the early hours of Saturday 11 March 2023 (05:00) where a young man, Mr Akeem Francis-Kerr, was killed inside the premises. The police are pursuing a murder investigation. The Licensing Sub Committee ("LSC") extend their condolences to the young mans' family and friends.

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.

Accordingly, the Officer makes an application for a summary licence review. The application described the nature of the premises. There is one premises licence but two operations 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. During the hearing Mr Grant stressed that the suspension is sought for the whole of the premises.

The police application states that disorder on the premises resulted in a young man being stabbed with a bladed article. The police application states 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 disorder and death.

The police application highlights the following condition on the premises licence which states: "Routine searches will take place to ensure that no illegal substances or weapons are brought into the club." During the hearing Mr Grant highlighted a voluntary agreement between the DPS and management that there would be no entry to the premises after 04:30. Mr Grant states that the suspect group entered the premises at 04:00, that the victim was allowed into the premises after 04:30 and that the incident that led to the death of this young man was at around 05:00.

Members have been supplied with two witness statements and a timeline. The witness statements are by (i) PC Ben Reader (Police Licensing Officer) (dated 14th March 2023) and (ii) Jennifer Mellor (Walsall Licensing and Regulatory Services Officer) (dated 15th March 2023). The timeline was received on the 15th March 2023 it is brief and redacted; it is titled "Timeline relating to Valesha's" but seems to also be concerned with the operation of Savannah's. The timeline document also attaches an image of a bladed weapon that is located on the top of a door frame beneath a sign that reads: "THESE PREMISES ARE OPEARTED BY CAPITAL LEISURE PLC".

The police have requested that due to the on-going murder investigation the documentary submissions are to be treated as exempt information under para 7 of part 1 of Sch 12A of the Local Government Act 1972 and that the hearing is held in private pursuant to Reg 14(2) of the Licensing Act (Hearings Regulations) 2005. However, at the outset of the hearing the Premises Licence Holder made it clear that it was not opposing the police application for suspension. Both the Police and Premises Licence Holder's representative agreed that they could both avoid (for this hearing) sensitive details relating to the murder investigation. Members welcomed this indication, in particular given the high level of public interest in the circumstances of this summary review.

At the hearing the police raised an additional issue. The police are keen to establish who is in control of the premises. Members agreed that this is an important consideration. In their deliberations Members reminded themselves that during the initial introductions Mr Martin Bell introduced himself and Valesha Anderson (who

were sharing one screen) saying: "we were running Valesha's at the time of the incident".

Mr Grant asked the LSC to request that the Premises Licence Holder to specify what is the nature of 'Capital Leisure' and who are the partners.

Cllr Nawaz (Chairman LSC) asked the legal representative of the Premises Licence Holder to deal with the matter of ownership and control as part of his representations. Mr Harpal Singh Samra (Solicitor for Capital Leisure) stated that the building was owned by his father, Mr Harminder Singh since 1988. That 'Capital Leisure' was a partnership operated by Mr Harminder Singh and his mother Karamjit Kaur. He also stated that a lease had been granted to Vision Leisure sometime in November 2022.

Mr Harpal Singh Samra (Solicitor for Capital Leisure) also responded to two questions from the LSC legal advisor. The records for the premises licence show that the premises licence was held in the name of Mr Sukhbir Singh Samra (aka Mr Suky Samra) and since the transfer to Capital Leisure he has continued to be the main point of contact for the licensing authority. Mr Harpal Singh Samra (Solicitor for Capital Leisure) responded it is normal for Mr Sukhbir Singh Samra to undertake duties for his mum and dad.

Secondly Mr Harpal Singh Samra (Solicitor for Capital Leisure) was asked about the Sexual Entertainment Venue ("SEV") licence pursuant to the Local Government (Miscellaneous) Provisions Act 1982 which was also transferred to Capital Leisure an unincorporated body from Mr Sukhbir Singh Samra to Capital Leisure in 2013. The sole director of Capital Leisure for the purposes of the 1982 Act is Mr Sukhbir Singh Samra. The 1982 Act requires that any application should provide the full names and private addresses of the directors or other persons responsible for its management. Mr Harpal Singh Samra (Solicitor for Capital Leisure) states that he was unaware of the arrangements for the SEV licence.

Mr Grant informed the LSC that the police will be writing to the licensing authority separately to this review process to seek the cancellation of the SEV licence. Members noted that this is not a matter for this LSC to take into consideration.

The LSC heard from the legal representative for Capital Leisure, he confirmed that there was no objection to the suspension of the premises licence pending the review and that he supported the police application. The LSC welcomed the cooperation by Capital Leisure in this regards.

The LSC considered that the death of any young person a serious matter. Further the death of a young person because of a bladed article on one of its licensed premises is of a most serious nature.

The LSC are also gravely concerned by the lack of clarity and lack of transparency as to the overall control of the premises and the premises licence. Despite the efforts of Mr Harpal Singh Samra (Solicitor for Capital Leisure) to assist Members remain unclear about the nature of the ownership of the Premises licence, and the management and operation/s of the premises.

The LSC unanimously agreed that the interim step of suspension, for the entire building, should be immediately imposed as the most appropriate course of action on the premises licence until the review hearing which it scheduled to be held on the 4th April, 2023 at 10:30 at the Council Offices. The LSC agreed with the police that immediate suspension of the premises licence was the safest course of action to secure the promotion of the licensing objectives.

The LSC had regard to the relevant portions of the s.182 Guidance and its own statement of licensing policy in its decision-making process.

An outline decision was sent to the police and premises licence holder via e-mail at 12:10pm on 16th March 2023.

Yours faithfully,



Councillor Aftab Nawaz
Chair of the Licensing Sub-Committee

CC: West Midlands Police
Harpal Singh Samra (Solicitor)
Walsall Council Licensing Team