

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Thursday, 27 December 2018

Dear Councillors,

## STATUTORY LICENSING SUB-COMMITTEE - THURSDAY, 27TH DECEMBER, 2018

I am now able to enclose, for consideration at next Thursday, 27th December, 2018 meeting of the Statutory Licensing Sub-Committee, the following report that was unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>
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|---|--|
| 3 | <b><u>Application for a Review of a Premises Licence in respect of The Talisman, Wildtree Avenue, Wolverhampton, WV10 8LL (Pages 3 - 60)</u></b> |
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If you have any queries about this meeting, please contact the democratic services team:

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Wolverhampton WV1 1RL

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Statutory Licensing Sub- Committee</b> 27 December 2018
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<b>Report title</b>	<b>Licensing Act 2003 - Application for Review of a Premises Licence and Review of Interim Steps in respect of The Talisman, Wildtree Avenue, Wolverhampton WV10 8LL</b>	
<b>Wards affected</b>	Fallings Park	
<b>Accountable director</b>	Ross Cook, City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Michelle James	Licensing Policy Manager
	Tel	01902 556796
	Email	michelle.james@wolverhampton.gov.uk

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**Recommendations for decision:**

The Statutory Licensing Sub-Committee is recommended to:

1. Consider the application from West Midlands Police for a full Review of a premises licence in respect of The Talisman, Wildtree Avenue, Wolverhampton WV10 8LL.
2. Review the interim steps imposed on 6 December 2018.

## **1.0 Purpose**

- 1.1 The Licensing Sub-Committee is required to consider the application for a review application applied for by West Midlands Police and review interim steps taken on Thursday 6 December 2018.

## **2.0 Background**

- 2.1 Summary reviews of premises licenses were introduced by the Violent Crime Reduction Act 2006 from the 1st October 2007. They provide a quick process for licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both) and the Licensing Authority considering whether interim steps are necessary in respect of a licence pending determination of a full review.
- 2.2 A Superintendent of Police or above must provide a certificate that in their opinion the premises is associated with serious crime or serious disorder or both.
- 2.3 Where such an application for review is made the licensing authority must, within 48 hours of the time of its receipt, consider whether it is necessary to take interim steps pending the determination of the review of the premises licence and within 28 days after the day of its receipt, review the licence.
- 2.4 The Current licensing permissions held by the Talisman are for the sale of alcohol, provision of live music and provision of recorded music. The hours which are covered by their current entitlement are from 1000 hours daily. The conclusion of the entitlements for all three activities are Monday to Thursday until 0100 hours; Friday and Saturday until 0200 hours and until 0000 hours (midnight) on Sundays. The full detail of the licensable activities are included at **Appendix 1**.

### **Premises History**

- 2.5 The premises have previously been the subject of an expedited review on the grounds of Crime and Disorder.
- 2.6 The circumstances of that expedited review were that on 8 March 2016, West Midlands Police submitted an expedited review application on the grounds of serious crime taking place at the premises. This was as a direct result of a drugs warrant being executed on the premises.
- 2.7 On 9 March 2016, the Licensing Sub Committee determined that interim steps were necessary and resolved to suspend the premises licence pending the full review hearing.
- 2.8 On 31 March 2016, the Licensing Sub-Committee heard the full review hearing and resolved to modify the premises licence by the addition of further conditions. This was in order to promote the crime and disorder licensing objective.

### 3.0 Summary Review Application

- 3.1 In this case, the application was received from the Chief Officer of Police for West Midlands Police on 4 December 2018 for a Summary (Expedited) Review of the Premises Licence in respect of this premises.
- 3.2 A Licensing Sub-Committee hearing was held on 6 December 2018 to determine whether interim steps were to be applied to the Premises Licence pending the full summary review hearing. The Licensing Sub-Committee at its 6 December meeting, resolved to suspend the Premises Licence until the review hearing was heard. The applicant, through their Barrister, agreed with this decision and did not oppose this step being implemented.
- 3.3 It is necessary to consider the interim steps and review these at the full review hearing to determine whether they are appropriate to promote the licensing objectives, consider any relevant representations and to determine whether to withdraw or modify the interim steps taken. The reviewed steps then apply until the period for appealing the full review decision has passed, or if it is appealed, until that appeal is disposed of or until the end of a period that the authority may determine which is no longer than the period specified above.
- 3.4 In considering and determining the application, the Sub-Committee must have regard to the Licensing Act 2003, The Secretary of States Guidance issued under s182 of the Licensing Act 2003 and the City of Wolverhampton Council's Statement of Licensing Policy.
- 3.5 The existing premises licence is attached at **Appendix 1**. The premises are situated in the Fallings Park ward and a location plan is attached at **Appendix 2**.
- 3.6 On the 4 December 2018, the Police submitted a certificate under section 53A(1)(b) of the Licensing Act 2003, for a Summary Review of The Talisman, Wildtree Avenue, Wolverhampton, WV10 8LL. The Summary Review was made on the grounds of serious crime and disorder. The interim steps were put into place at a hearing of the Sub-Committee on Thursday 6 December 2018.
- 3.7 In accordance with the legal requirements, the notice of review was properly served on all the Responsible Authorities. Additionally, appropriate notices have been placed on display at the premises and on the Council Website, when the application for summary review was made.
- 3.8 A copy of the summary review application and certificate can be found at **Appendix 3** of this report.
- 3.9 Representations have been received from the Licensing Authority and can be found at **Appendix 4** of this report.
- 3.10 Additionally three letters of support for the Talisman have been received. Although none of the content of these letters bears reference to any of the four licensing objectives, and

are therefore not formal representations, I have included these letters received in support of the premises for completeness. These may be found at **Appendix 5**.

- 3.11 Public Health have submitted a representation on the grounds of Crime and Disorder. This can be found at **Appendix 6**.
- 3.12 Supplementary evidence from West Midlands Police has been received and may be found at **Appendix 7**.
- 3.13 The applicant for review, the Premises Licence Holder, and all of those who have made representations have all been invited to attend the review hearing.

#### **4.0 Legal implications**

- 4.1 The Licensing Authority must consider the application for the review under Section 53A of the licensing act.
- 4.2 The Licensing Sub-Committee is asked to determine the review under Section 53A(2)(b) in accordance with Section 53C of the Act. The licensing authority must hold a hearing and consider the application for review and any relevant representations.
- 4.3 The Sub-Committee must consider what steps (if any) should be taken to secure the promotion of the licensing objectives.
- 4.4 The four licensing objectives are:
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- 4.5 The steps that may be taken by the Sub-Committee on a full review are:
  - (a) Modify the conditions of the licence;
  - (b) Exclude a licensable activity from the scope of the licence;
  - (c) Remove the designated premises supervisor;
  - (d) Suspend the licence for a period not exceeding 3 months;
  - (e) The revocation of the Licence.
- 4.6 In addition, regard must be given to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement.
- 4.7 Section 53D makes provision for the review of interim steps that have been taken by the Licensing Authority under section 53B, before a decision under section 53C comes into effect. Having considered whether interim steps are appropriate for the promotion of the licensing objectives and any relevant representations, the licensing authority can determine whether current interim steps should remain. [SH/19122018/A]

## **5.0 Financial implications**

5.1 There are no direct financial implications associated with the recommendations in this report. No fee is levied for a Review application. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Committee on 24 January 2018. [MK/20122018/M].

## **6.0 Equalities implications**

6.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.

6.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others.

The First Protocol –

Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Councillors must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

## **7.0 Environmental implications**

7.1 There are no environmental implications associated with this report.

## **8.0 Human resources implications**

8.1 There are no human resources implications associated with this report.

## **9.0 Corporate landlord implications**

9.1 There are no corporate landlord implications as a result of this report.

## **10.0 Schedule of background papers**

10.1 The Licensing Act 2003;  
The Secretary of State's s182 Guidance;  
City of Wolverhampton's Statement of Licensing Policy  
S53A Licensing Act 2003 Summary Review Guidance

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# Premises Licence

Issued in accordance with The Licensing Act 2003

**Name of Premises:** The Talisman

**Address of Premises:** Wildtree Avenue  
Low Hill  
Wolverhampton, West Midlands  
WV10 8LL

**Premises Licence Number:** 18/04204/PRE – Premises Transfer

**Date Licence Granted:** 05/03/2018

## 1. Opening hours of the premises

**Normal Hours:** Sunday 1000 to 0030 hours  
Monday to Thursday 1000 to 0130 hours  
Friday and Saturday 1000 to 0230 hours

**Seasonal Variations:** None

**Non Standard Hours:** A further additional hour into the morning every Friday, Saturday, Sunday and Monday for each May Bank Holiday, spring Whitsun Bank Holiday and every August Bank Holiday Weekend.  
A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.  
An additional hour every Christmas Eve.  
An additional hour every Boxing Day.  
To reflect existing New Year's Eve/Day hours.

## 2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

**Activity:** Live Music

**Normal Hours:** Sunday 1000 to 0000 hours  
Monday to Thursday 1000 to 0100 hours  
Friday and Saturday 1000 to 0200 hours

**Seasonal Variations:** None

**Non Standard Hours:** A further additional hour into the morning every Friday, Saturday, Sunday and Monday for each May Bank Holiday, spring Whitsun Bank Holiday and every August Bank Holiday Weekend.  
A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.  
An additional hour every Christmas Eve.  
An additional hour every Boxing Day.  
To reflect existing New Year's Eve/Day hours.

**Activity:** Recorded Music  
**Normal Hours:** Sunday 1000 to 0000 hours  
Monday to Thursday 1000 to 0100 hours  
Friday and Saturday 1000 to 0200 hours

**Seasonal Variations:** None

**Non Standard Hours:** A further additional hour into the morning every Friday, Saturday, Sunday and Monday for each May Bank Holiday, spring Whitsun Bank Holiday and every August Bank Holiday Weekend.  
A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.  
An additional hour every Christmas Eve.  
An additional hour every Boxing Day.  
To reflect existing New Year's Eve/Day hours.

**Activity:** Sale/Supply of alcohol on the premises  
**Normal Hours:** Sunday 1000 to 0000 hours  
Monday to Thursday 1000 to 0100 hours  
Friday and Saturday 1000 to 0200 hours

**Seasonal Variations:** None

**Non Standard Hours:** A further additional hour into the morning every Friday, Saturday, Sunday and Monday for each May Bank Holiday, spring Whitsun Bank Holiday and every August Bank Holiday Weekend.  
A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.  
An additional hour every Christmas Eve.  
An additional hour every Boxing Day.  
To reflect existing New Year's Eve/Day hours.

**Activity:** Sale/Supply of alcohol off the premises  
**Normal Hours:** As per On Sales  
**Seasonal Variations:** As per On Sales  
**Non Standard Hours:** As per On Sales

### 3. Name of the designated premises supervisor if the sale of alcohol is involved

Karen Ann Nicholls dated as of 06/09/2016  
Personal Licence Number PER3030  
Issued by Wolverhampton City Council

**4. Is access to the premises by children restricted or prohibited**

Provision only as prohibited or restricted under the Licensing Act 2003

**5. Name, (registered) address of the holder of the premises licence**

Punch Partnerships (PTL) Limited  
Elsley Court  
20-22 Great Tichfield Street  
London  
W1W 8BE

## **Mandatory Licensing Conditions (Licensing Act 2003)**

### **Mandatory conditions as required by the Act will apply to the licence.**

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation the Licensing Act 2003.

## **Conditions consistent with the Operating Schedule**

### **Historic permissions consistent with the Justices Licence as converted under the Licensing Act 2003**

#### **Recorded Music**

- The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964

#### **Provision of substantial refreshment**

Hot food or hot drinks may be provided in line with alcohol sales with an additional thirty minutes thereafter.

#### **New Years Eve**

The Regulatory Reform (Special Occasions Licensing) Order 2002.

- Where this licence does not otherwise permit, on New Years Eve these hours may be extended from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

#### **Conditions consistent with Justices Licence**

This licence is granted subject to any restrictions imposed on the use of the premises by the following enactments:

- Children and Young Persons Act 1933
- Cinematograph (Safety) Regulations 1955
- Licensing Act 1964
- Sporting Events (Control of Alcohol Etc) Act 1985

## **General**

Following an assessment of the premises and its surrounding area the following is proposed:

30 minute 'drinking up' time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exists or escape routes without impediment

## **The prevention of crime and disorder**

### **Conditions attached after a Review dated 31/3/2016**

- A CCTV system with recording equipment shall be installed and maintained at the premises.
- CCTV will cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to where public have access and the front and rear car parks of the premises.
- Images / recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without any undue delay.
- Images and recordings must be of evidential quality, must indicate the correct time and date and be kept for at least 30 days.
- All staff to be trained to use the CCTV system and at least one member of staff to be on duty, who is trained to download the systems images should any member of a Responsible Authority make a request.
- 

An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate, the incident must be reported to West Midlands Police. Incident log book to be produced to a member of a Responsible Authority upon request.

To ensure compliance with Challenge 25, a 'refusals book' will be utilised where any sale of alcohol is refused to persons who present themselves to be under age.

New signage indicating "drug use will not be tolerated and will be reported to the Police" will be prominently displayed around the premises.

West Midlands Police can provide the premises with names of individuals who, based on intelligence and risk, will be permanently excluded from the premises. Any breaches of this exclusion, will be reported to the Police

## **Public Safety**

Fire Fighting Equipment, Illuminated Signs and Emergency Signing

## **The Prevention of Public Nuisance**

Lockable/Closed Windows

All doors and windows will remain closed during times of regulated entertainment except for reasonable access and egress

During times of regulated entertainment, a responsible person shall walk the boundaries of the premise to ensure that no nuisance emanates from the premises

## **The Protection of Children form Harm**

No Unaccompanied Children

### **Conditions attached after a Review dated 31/3/2016**

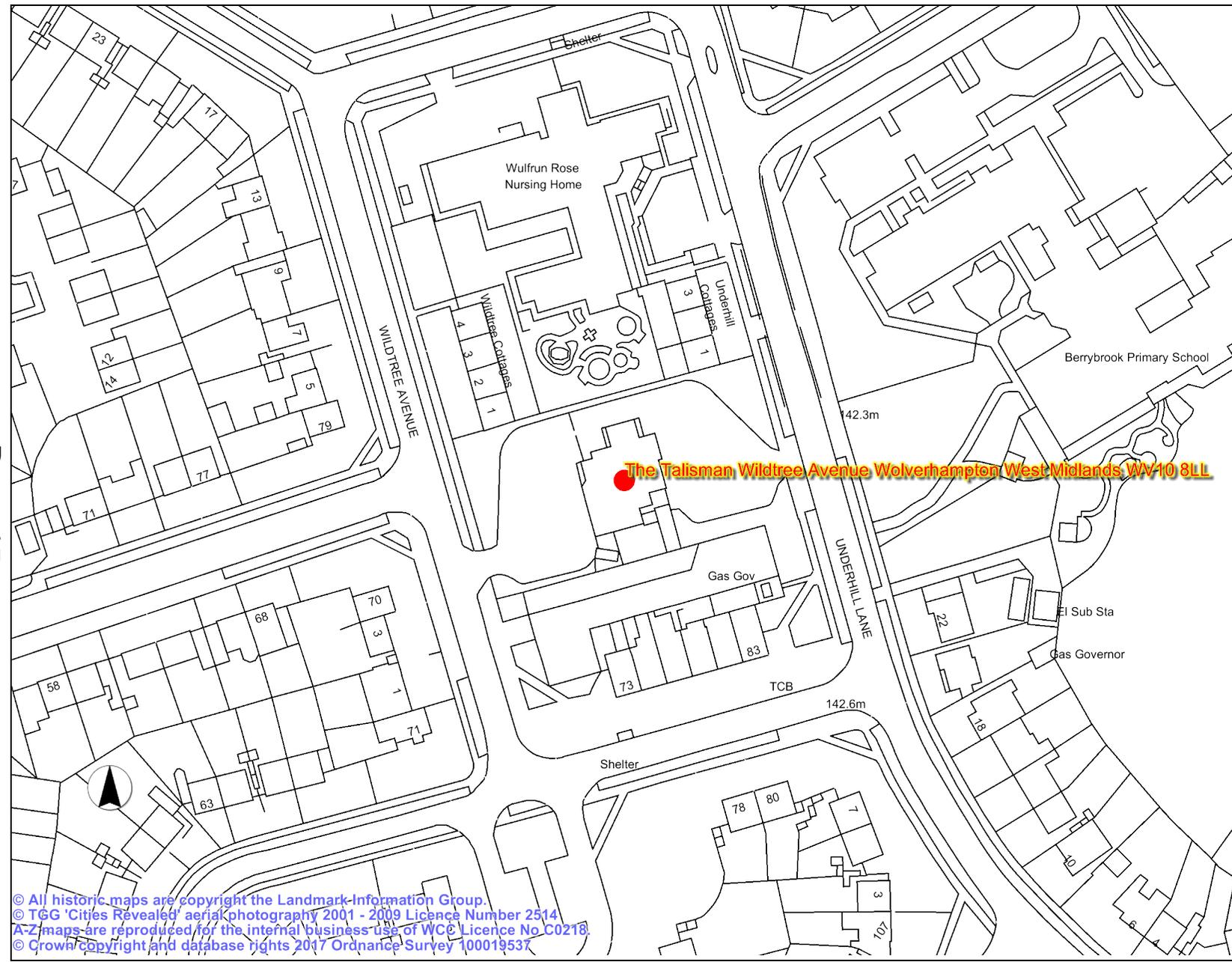
- All staff will be trained in Challenge 25; all appropriate ID checks will be undertaken by all staff to ensure no sale of alcohol is made to underage persons.
- All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. Training to be documented and shown to member of a Responsible Authority upon request.
- Acceptable forms of ID are; photo driving licence, passport or PASS approved card.

## **Plans**

As submitted with application dated 13<sup>th</sup> June 2005 and retained by City of Wolverhampton Council.

CITY OF  
WOLVERHAMPTON  
COUNCIL

*The Talisman, Wildtree  
Avenue, Wolverhampton,  
WV10 8LL*



Idox and GIS  
Wolverhampton City Council  
Civic Centre  
St. Peters Square  
Wolverhampton  
WV1 1RL

Plan Produced  
4.12.2018  
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**CITY OF  
WOLVERHAMPTON  
COUNCIL**

Mr C Howell  
Licensing Services  
Wolverhampton City Council  
St Peter's Square  
Wolverhampton  
WV1 1DA

17 December 2018

Dear Mr Howell

**Application for a Review of a Premises Licence under Licensing Act 2003  
The Talisman, Wildtree Avenue, Low Hill, Wolverhampton WV10 8LL**

I write on behalf of the Licensing Authority as a responsible authority. I write in support of the above review application made by Chief Constable of West Midlands Police. Representations are made against the crime and disorder licensing objective and the failure of the current management of the premises to promote this licensing objective.

The premises licence holder, Punch Partnership PTL of Elsley Court, 20 - 22 Great Tichfield Street, London WV1 8BE and Karen Nicholls the designated premises supervisor together with the management of the premises have not demonstrated they are operating in accordance with their premises licence and therefore are not promoting the licensing objective of the prevention of crime and disorder.

The premises has a history of non-compliance and failure to promote the licensing objective of crime and disorder.

On 8 March 2016 West Midlands Police submitted an expedited review application due to serious crime taking place at the premises. This was as a result of a drugs warrant being executed.

On 9 March 2016 the Licensing Sub-Committee determined interim steps were necessary and resolved to suspend the premises licence pending the full review hearing.

On 31 March 2016 the Licensing Sub-Committee heard the full review hearing and resolved to modify the premises licence by way of conditions. In order to promote to the crime and disorder licensing objective.

Continued/.....

On 4 December 2018 West Midlands Police submitted a further expedited review application due to a serious crime taking place at the premises.

On 6 December 2018 the Licensing Sub-Committee determined interim steps were necessary and resolved to suspend the premises licence pending the full review hearing.

The Licensing Authority has great concerns over Punch Partnership PTL and the management of the premises as the evidence provided by West Midlands Police relates to illegal drug dealing, handling/selling of stolen property from the premises in full knowledge of staff members. It is apparent that the crime prevention objective is being undermined through the premises being used to further crime and disorder.

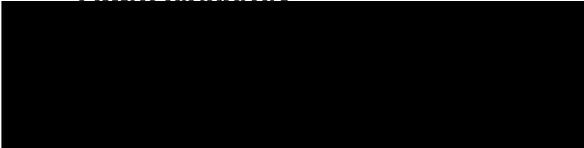
If Councillors are satisfied that illegal activities have taken place at the premises and management of the premises and the premises licence holder is in breach of promoting the licensing objectives, the Licensing Authority would request the Licensing Sub-Committee ensure these issues are addressed by considering modification of the current premises licence in accordance with Section 52 of The Licensing Act 2003 and guidance issued by the Secretary of State under 182 of the Act together with Wolverhampton City Council's Statement of Licensing Policy.

This public house is situated in a residential area therefore Councillors may conclude from the evidence given within the review application and at the hearing in order to promote the licensing objective of crime and disorder it is necessary to reduce the hours of trading, remove Karen Nicholls as Designated Premises Supervisor and/or suspend the licence for 3 months rather than revoking the licence. In order for the premises licence holder to totally rejuvenate the premises and return it to a family public house for the benefit of the local residents and that of the wider community of which it was intended.

The Licensing Authority fully supports the review application brought by the West Midlands Police and concludes the above issues should be resolved in order to promote the licensing objective of crime and disorder.

I shall be in attendance at the hearing should Councillors have any questions or require any further assistance.

Yours sincerely

  
**E Moreton**  
**Section Leader Licensing**  
**On behalf of the Licensing Authority**

**Copies: Premises Licence Holder/Designated Premises Supervisor**

Direct: 01902 552772

Email: [licensing@wolverhampton.gov.uk](mailto:licensing@wolverhampton.gov.uk)

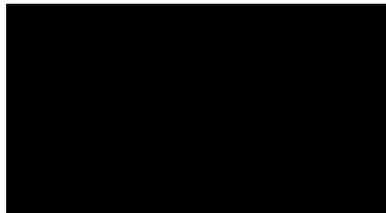
City of Wolverhampton Council  
Licensing Services, Civic Centre  
Wolverhampton WV1 1DA

10/12/2018



To whom it may concern  
I am writing about the  
closure of the Talisman  
Pub in Underhill Lane  
At 72 years of age I  
have been using the pub  
for many years, it is a  
place I feel safe the only  
pub as a female I can go  
in on my own and know  
everyone. It is a  
community pub where the  
the young look after the  
elderly and the elderly  
look after the young we  
all work together there is  
no fighting, no stabbings

Licensing department  
Civic centre  
Wolverhampton.



7th December 2018

Dear Sirs,

I am writing in reference to the closing of my local pub The Talisman, where I have frequented over the last 40 years, and attended many do's with friends and family, weddings engagements, parties and of course funerals of locals to the area.

I usually go most nights to meet up with friends and locals. Having know the tenant Mr Peter Thacker for the last 20 years and more, I know that he has tried his utmost to keep out the rif raf.

We are aware that over the last few years this pub, like many others has had it's problems, and been frequented by troublesome undesirables, and it is therefore very disappointing that the last spate of problems, through no fault of the Tenant, or his staff, who do an excellent job, has been closed.

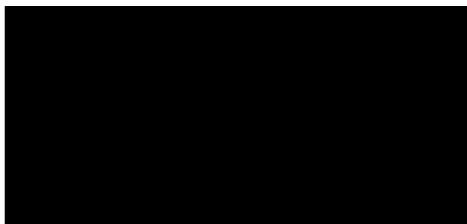
This pub has been a local hub and meeting place for the community, which mostly are of my age who have no intentions of causing problems, we just like to meet our friends and neighbours.

This closure comes at a time where most of us will instead of celebrating Xmas together will now have to stay in alone, as the only other pub we can reach by walking is The Berrybrook , but this pub is predominately an eating house, and there are no social clubs in our area.

I would like to also say that The Talisman has in recent years been refurbished to a good standard, the car park has been resurfaced, and looking as though it had a decent future. Was all that money spent unnecessarily ? Surely not.

I ask along with many others that this situation be re assessed, and give it one more chance to prove that it is a needed community convenience.

I look forward to your comments.



To Whom It May Concern,

Both my husband and I have been using the Talisman Public House for the past 23 years, it is a big part of our lives and continues to be so.

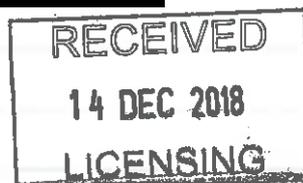
The Talisman is a very well established pub and is run by an outstanding man Peter Thacker and his fantastic bar staff. Peter is a big part of our community and he is liked by all that visit the pub. Our community is not the same without our local pub, and it saddens us to see it all in darkness.

The Talisman Pub holds so many memories over the past years, it is a happy place to visit, and I hope again it will stay open to continue to make more memories.

Peter and his staff have held many charity events over the years, annual Halloween parties for the children of the community and surrounding areas. Father Christmas visits each year with gifts for the children, who thoroughly enjoy themselves, and may this continue.

Yours Sincerely,

[Redacted Signature]



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CITY OF  
WOLVERHAMPTON  
C O U N C I L

Elizabeth Gregg  
Senior Licensing Officer, Education & Enterprise  
City of Wolverhampton Council

18 December 2018

Dear Elizabeth,

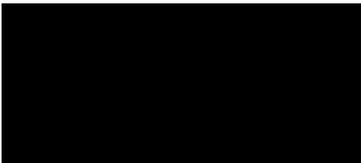
**The Talisman – Expedited review of premises licence**

Thank-you for your email dated 04/12/2018 in reference to the request made by West Midlands Police to review the premises licence for The Talisman.

I have reviewed the documentation put forward by West Midlands Police and would support the request to review the premises licence under the licensing objective prevention of crime and disorder.

Thankyou

Yours sincerely



**Parpinder Singh**  
Senior Public Health Specialist

Direct: 01902 555475

Email: [parpinder.singh@wolverhampton.gov.uk](mailto:parpinder.singh@wolverhampton.gov.uk)

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