



Licensing Sub-Committee

20 May 2015

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 1 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Alan Bolshaw (Lab)

Labour	Conservative
Cllr Rita Potter	Cllr Paul Singh

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact Linda Banbury, Democratic Support Officer
Tel/Email Tel: 01902 555040 Email: linda.banbury@wolverhampton.gov.uk
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website www.wolverhampton.moderngov.co.uk1
Email democratic.support@wolverhampton.gov.uk
Tel 01902 555043

Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Exclusion of press and public
To pass the following resolution:
That in accordance with section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 7 of schedule 12A to the act relating to the any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. |

PART II - PRESS AND PUBLIC EXCLUDED

- | | |
|---|---|
| 4 | Licensing Act 2003 - Application for an Expedited Summary Review of a Premises Licence
[To consider the representation made by the Premises Licence Holder against the interim steps applied to the Premises Licence] |
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Licensing Sub-Committee

20 May 2015

Report Title

Licensing Act 2003 – Application for an Expedited Summary Review of a Premises Licence in respect of Evo Spirit, 65 High Street, Bilston, Wolverhampton WV14 0HH.

Interim Steps Hearing – Following Representations by the Premises Licence Holder.

Wards Affected

Bilston

Accountable Strategic Director

Tim Johnson, Place

Originating service

Licensing Services

Accountable officer(s)

Rob Edge

Section Leader (Licensing)

Tel

01902 55(0106)

Email

rob.edge@wolverhampton.gov.uk

Recommendation for action or decision:

The Licensing Sub-Committee is required to consider the representation from Mr Permjit Singh Dhillon the Premises Licence Holder, against the interim steps applied to the premises licence following on from the application by West Midlands Police for an Expedited Summary Review of the above Premises Licence.

1.0 Purpose of Report

1.1 The Licensing Sub-Committee is required to consider the representation from Mr Permjit Singh Dhillon the Premises Licence Holder, against the interim steps applied to the premises licence following on from the application by West Midlands Police for an Expedited Summary Review of the above Premises Licence.

2.0 Background

2.1 The current premises licence is attached at Appendix 1.

3.0 Expedited Review Application

3.1 An application was received from the Chief Officer of Police for West Midlands on 14 May 2015 for a review of the premises licence in respect of Evo Spirit, 65 High Street, Bilston, Wolverhampton. WV14 0HH. The premises are situated in the Bilston ward and a location plan is attached at Appendix 2.

3.2 A copy of the review application is attached at Appendix 3. The Chief of Police has to give a certificate stating that in his opinion the premises are associated with serious crime or disorder or both. Supporting evidence is detailed within the review application.

3.3 All papers have been properly served.

3.4 The applicant for review, and the Premises Licence Holder, have both been invited to attend the review hearing.

3.5 A Licensing Sub-Committee hearing was held on 15 May 2015 to determine the interim steps to be applied to the Premises Licence pending the full review hearing. The licensing sub-committee resolved to suspend the Premises Licence as the interim step.

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 53B.

4.3 The Sub-Committee must consider what steps (if any) should be taken to secure the promotion of the licensing objectives. The four licensing objectives are:

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 are:

- (a) Modify the conditions of the licence;
- (b) Exclude sale of alcohol
- (c) Remove the designated premises supervisor;
- (d) Suspend the licence

4.6 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement. [SH/14052015/X.]

5.0 **Human Rights and Equalities Implications**

5.1 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.

5.2 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. Members 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.

6.0 **Financial Implications**

6.1 Councillors agreed fees and charges for this function on 26 February 2014; the fees are based on a cost recovery basis. There is no fee for the application of a Review, and there are no financial implications arising from this report. [TK/13022014/Q]

7.0 **Environmental Implications**

7.1 This report has environmental implications in that there is a potential for disturbance caused by patrons using the premises and nuisance caused by litter and waste originating from the premises

[RESTRICTED]

West Midlands Police

CERTIFICATE UNDER SECTION 53A (1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / ~~serious disorder~~ / both serious crime and serious disorder.

Evo Spirit

Premises licence number (if known): WN/14/02487/PRE

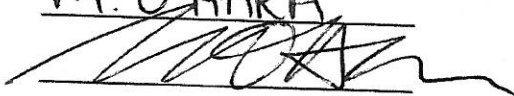
Name of premises supervisor Mr Permjit Singh Dhillon
I am an officer of the West Midlands Police Force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because other procedures such as a standard review process are thought to be inappropriate, and the degree of seriousness of the crime and/or disorder, with this case.

Name

M. O'HARA

Signature



Rank

SUPT 0268

Date

14TH May 2015

Statutory Form For Applying For A Summary Licence Review

Wolverhampton City Council

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I **SUPT 0268 DHARA** [on behalf of] the chief officer of police for West Midlands Police apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

Evo's Spirit
65, High Street
Bilston

Post town: Wolverhampton

Post code (if known): WV14 0HH

2. Premises licence details: **WN/14/02487/PRE**

Name of premises licence holder (if known): **PERMITS SINGH DHILLON**

Number of premises licence holder (if known):

3. Certificate under section 53A (1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The DPS Permjit Singh DHILLON has been involved in a sexual assault on 2 young females which took place at the premises at 65 High Street Bilston.

Signature of applicant:

Date:

Capacity:

Contact details for matters concerning this application:

Address: Wolverhampton Police Licensing Department
Bilston Street
Wolverhampton

Telephone number(s): 01902 649085

Email: ww_licensing@west-midlands.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

