

Licensing Sub-Committee

31 March 2016

Time 2.00 pm **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 2 - 3rd Floor - Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)
Cllr Ian Claymore (Lab)
Cllr Keith Inston (Lab)

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 Paul Fantom, Interim Democratic Support Officer
Tel/Email 01902 555040 paul.fantom@wolverhampton.gov.uk
Address Democratic Support, Civic Centre, 1st 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 I - ITEMS OPEN TO THE PRESS AND PUBLIC

BUSINESS ITEMS

Item No. *Title*

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Licensing Act 2003 - Application for a Review of a Premises Licence in respect of The Talisman, Wildtree Avenue, Wolverhampton WV10 8LL (Pages 3 - 26)**
[Hearing following request for review by the West Midlands Police]
- 4 **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 3 of schedule 12A to the act relating to the business affairs of particular persons.

PART II - EXEMPT ITEMS, CLOSED TO THE PRESS AND PUBLIC

- 5 **Deliberations and decision**
- 6 **Re-admission of press and public**

PART I - ITEMS OPEN TO THE PRESS AND PUBLIC

- 7 **Announcement of decision**

Licensing Sub-Committee

31 March 2016

Report Title

Licensing Act 2003 – Application for a Review of a Premises Licence in respect of The Talisman, Wildtree Avenue, Wolverhampton WV10 8LL.

Wards Affected

Fallings Park

Accountable director

Tim Johnson - Place

Originating service

Licensing Services

Accountable employee(s)

Rob Edge

Section Leader (Licensing)

Tel

01902 550106

Email

rob.edge@wolverhampton.gov.uk

Recommendation for action or decision:

The Licensing Sub-Committee is required to consider the application by West Midlands Police for a review of the above Premises Licence, following an expedited review.

1.0 Purpose of Report

- 1.1 The Licensing Sub-Committee is required to consider the application by West Midlands Police for a Review of the above Premises Licence, following an Expedited Review.

2.0 Background

- 2.1 The current premises licence is attached at Appendix 1.

The application was received from the Chief Officer of Police for West Midlands on 8 March 2016 for an expedited review of the Premises Licence in respect of this premises. The premises are situated in the Fallings Park ward and a location plan is attached at Appendix 2.

- 2.2 A Licensing Sub-Committee hearing was held on 9 March 2016 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.
- 2.3 The notice of review has been properly served on all the Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on its website as required, when the application for review was made.
- 2.4 A copy of the expedited review application can be found at Appendix 3 of this report.
- 2.5 Representations have been received from the Licensing Authority and Environmental Health [Commercial] as Responsible Authorities, and these can be found at Appendices 4 and 5 of this report.
- 2.5 The applicant for review, the Premises Licence Holder, and those who have made representations have been invited to attend the review hearing.

3.0 Legal Implications

- 3.1 The Licensing Authority must consider the application for the review under Section 53A of the licensing act.
- 3.2 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.
- 3.3 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:
- 3.4 The four licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.

3.5 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.

3.6 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/17032016/V]

4.0 **Equalities Implications**

4.1 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.

4.2 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.

5.0 **Financial Implications**

5.1 Councillors agreed fees and charges for this function on 20 January 2016; 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/03022016/N]

6.0 **Environmental Implications**

6.1 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

This page is intentionally left blank

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: WN/05/003613

Date Licence Granted: 13/08/2005 Variation

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: Facility like music or dance
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

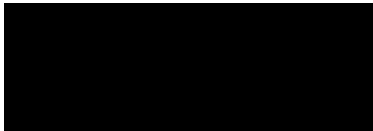
Peter Thacker
Personal Licence Number WN/003647
Issued by Wolverhampton City Council

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

Porivision only as prohibited or restricted under the Licensing Act 2003

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

Punch Taverns Plc
Jubilee House
Second Avenue
Burton Upon Trent
Staffordhsire
DE14 2WF



N.P. Edwards
Chief Environmental Services Officer
On behalf of Wolverhampton City Council

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

(2) The first condition is that no supply of alcohol may be made under the premises licence:-

- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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

External lighting

Lighting to Car park

Most Customers are Local

CCTV has recently been installed at the premises

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

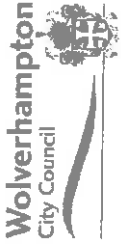
The Protection of Children form Harm

No Unaccompanied Children

Plans

As submitted with application dated 13th June 2005 and retained by Wolverhampton City Council

This page is intentionally left blank

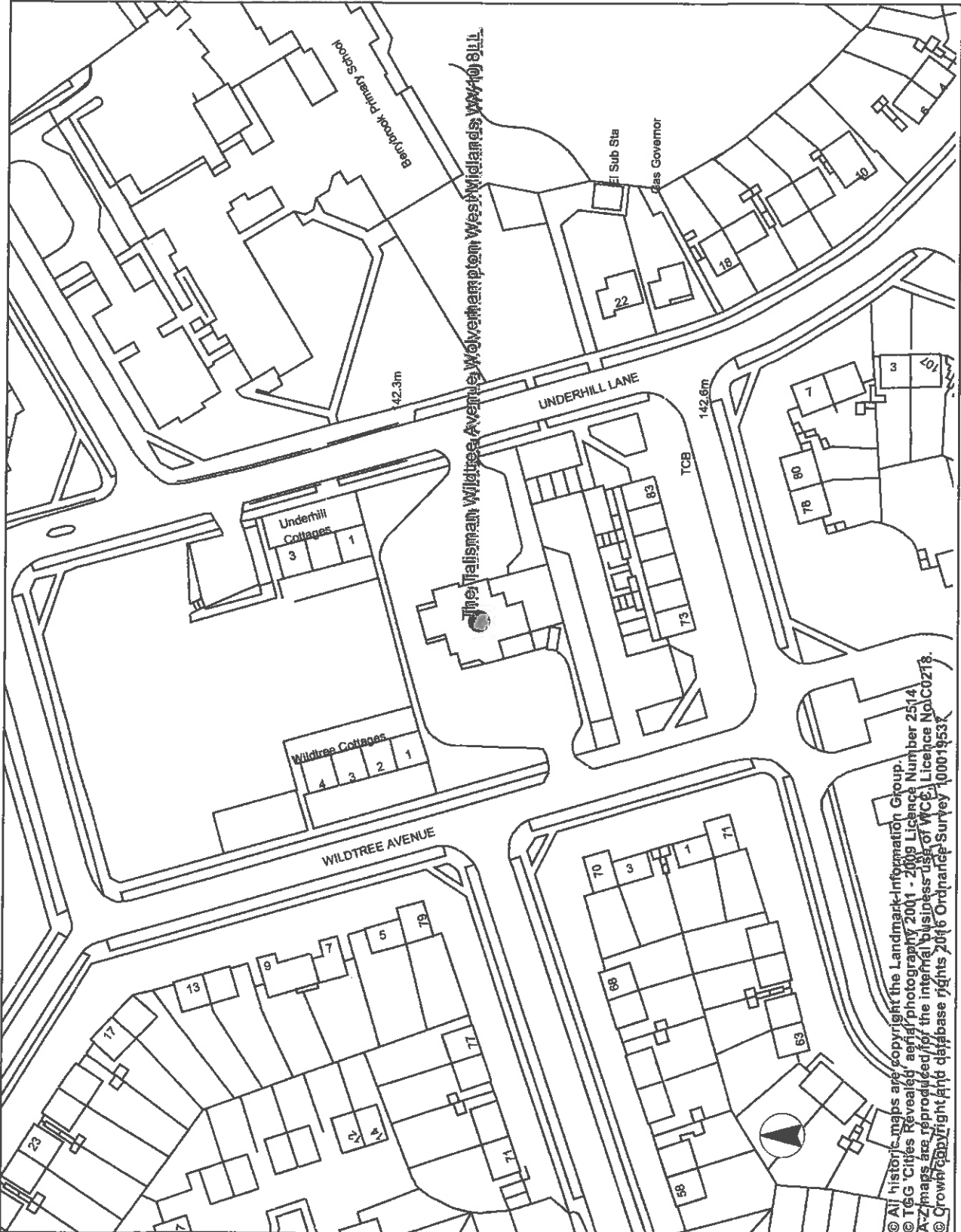


The Talisman
Wildtree Avenue

Wolverhampton City Council
Asset Management
Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

Plan Produced
8.3.2016
Scale 1:1,250

BLAUPUNKT - Download by



© All historic maps are copyright the Landmark-Information Group.
 © ICG 'Cities Revealed' aerial photography 2001 - 2009 Licence Number 2514
 A-Z maps are reproduced for the internal business use of WCC. Licence No. C0218.
 © Crown copyright and database rights 2016 Ordnance Survey 100019537

This page is intentionally left blank

Statutory Form for Applying For a Summary Licence Review

West Midlands Police Wolverhampton LPU

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 PC 1080 HARVEY [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: The Talisman

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

Wildtree Avenue

Post town: **Wolverhampton**

Post code (if known): **WV10 8LL**

2. Premises licence details: WN/05/003613

Name of premises licence holder (if known): **Punch Taverns Plc.**

Number of premises licence holder (if known):

3. Certificate under section 53A (1)(b) of the Licensing Act 2003 [Please read guidance note1]:

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 Talisman public house is situated between Wildtree Avenue, and Underhill Lane Wolverhampton. It is a detached property situated a short drive off the A460 Cannock Road and is located directly opposite Berrybrook Primary School. It is surrounded mainly by residential properties.

The hours of trading are Monday to Thursday; 10:00 to 01:30. Friday and Saturday; 10:00 until 02:30 and Sunday; 10:00 to 00:30.

Alcohol sales are Monday to Thursday; 10:00 to 01:00. Friday and Saturday; 10:00 to 02:00 and Sunday; between 10:00 to 00:00.

The premises licence holder is Punch Taverns Plc. Jubilee House, Second Avenue, Burton Upon Trent, DE14 2WF.

The DPS is Mr Peter THACKER who lives in the residential space above the premises.

This application outlines an incident of serious crime identified at the premises, highlighted by a recent intelligence led Police raid.

The brief circumstances of the matter is as follows:

On Friday the 4th of March 2016 at around 19:20 hours, officers from the West Midlands police executed a drugs warrant under S.23 of the Misuse of Drugs Act, at The Talisman public house. The entire premises, including the residential area above, were subject of the warrant.

Upon initial entry, all occupants of the premises were detained for the purposes of a search under powers conferred by the warrant.

It has been noted by attending officers that upon entering the rear lounge area, it was clear that cannabis was openly being smoked. This was due to heavy smoke in the air and the overpowering odour of the drug.

A systematic search of the; location, patrons and staff was conducted; the following items of police interest were found and seized. Two boxes containing large quantities of herbal cannabis in the living quarters. One large whole rock of "crack cocaine" was found in the bar area, along with a set of digital scales. A small self-seal bag of cocaine and two further self-seal bags of cannabis were also found in the bar area. There were also numerous empty self-seal packets littered around the floor and in the male toilets, indicating heavy and regular drug use. Upon inspection of the storage areas, items of equipment consistent with cannabis production were found being stored.

Officers from Wolverhampton trading standards also attended and listed the following items of interest; a large amount of Golden Virginia tobacco pouches, believed to be contraband. A quantity of suspected counterfeit clothing and evidence of supplying non duty paid alcohol to customers.

There were four arrests made by police following the warrant. Two of those were the staff of the premises. Namely, the DPS Mr Peter THACKER who lives in the residential flat above the pub and another member of bar staff. Both were arrested on suspicion of possessing a controlled drug with intent to supply.

One customer was arrested for possession of a Class "A" substance; another was issued a street caution for possession of cannabis.

Another customer was arrested for failing to appear at Court.

Investigations into these offences are live and on-going at the time of writing. If convicted of offences of possessing with intent to supply a controlled drug of Class "B", Mr THACKER and his staff could be sentenced to a maximum 14 years in prison. This clearly constitutes serious crime as defined by the licensing act.

West Midlands Police are gravely concerned regarding the findings of the executed warrant. Not only has it identified serious crime during the operating hours of the venue, we believe there is a criminal culture being allowed to fester unchallenged at the premises.

It appears that the DPS and staff of The Talisman are either implicit in serious criminal activity or, equally as alarmingly, are turning a blind eye to it. On this basis we will be seeking interim steps of an immediate suspension of the premises licence, pending the evidence gathering prior to full review.

Signature of applicant:

Date: **8th March 2016**

Capacity: **Responsible Authority (Police)**

Contact details for matters concerning this application:

Address: **Wolverhampton Police station, Bilston Street, Wolverhampton, WV1 3AA.**

Telephone number(s): **101 ex 871 3202**

Email: **wv_licensing@west-midlands.pnn.police.uk**

West Midlands Police
Wolverhampton LPU
Wolverhampton Police station
Bilston Street
Wolverhampton

Annex A

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;

**The Talisman
Wildtree Avenue
Low Hill
Wolverhampton
West Midlands
WV10 8LL**

Premises licence number (if known): **WN/05/003613**

Name of premises supervisor (if known): **Mr Peter THACKER**

I am a superintendent in the West Midlands Police. I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because procedures such as a standard review process are not thought to be sufficient to promote public safety or the prevention of crime licensing objectives due to the seriousness of the crime associated with this case.

Name: M. O'HARA

Signature: 

Rank: SUPERINTENDENT

Date: 08/03/16



These are the instructions that should be used. Please do not use the instructions for the other models. The instructions for the other models are available in the user manual. The instructions for the other models are available in the user manual. The instructions for the other models are available in the user manual.

OPERATION

1. Place the sample on the weighing pan.
2. Press the **ON/OFF** key.
3. Press the **TARE** key.
4. Press the **WEIGHT** key.
5. Press the **MODE** key.
6. Press the **UNIT** key.
7. Press the **MODE** key.
8. Press the **UNIT** key.
9. Press the **MODE** key.
10. Press the **UNIT** key.

RECOMMENDATION

Please do not use the scale for weighing hot or liquid samples. The scale is not designed for these types of samples. The scale is not designed for these types of samples. The scale is not designed for these types of samples.





This page is intentionally left blank

CITY OF
WOLVERHAMPTON
COUNCIL

Mr R Edge
Licensing Service
Wolverhampton City Council
St Peter's Square
Wolverhampton
WV1 1DA

21 March 2016

Dear Mr Edge

**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, the failure of the current management of the premises to promote this licensing objective.

The premises licence holder, Punch Taverns Plc and 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 issues raised by the Police relate to drugs, contraband tobacco, possession of counterfeit clothing, the supply of non duty paid alcohol to customers and smoking within the premises. This shows a blatant disregard to the licensing objectives by the premises licence holder and the management of the premises.

If Councillors are satisfied that illegal activities have taken place at the premises and are 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.

Councillors may conclude from the evidence given within the review application and at the hearing in order to promote the licensing objectives it is necessary to remove the designated premises supervisor, suspend or revoke the licence due to the nature of the incidents at the premises.

Continued/...

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

Direct: 01902 555033

Email: Elaine.Moreton@wolverhampton.gov.uk

Copies: Premises Licence Holder
Designated Premises Supervisor

Talisman, Wildtree Avenue - Expedited Review

On 5th March 2016 at approx. 19.25 I entered the above premises to carry out a licensing compliance check as part of operation being undertaken by West Midlands Police.

Upon entry into the premises there was a very pungent smell of cannabis within the premises and smoke visible in the air which suggests that it was being openly smoked within the premises.

The compliance check consisted of me asking questions to the responsible person, usually this would be the DPS, however at the time of entry the person serving behind the bar advised me that he was unwell and was in the living quarters of the premises upstairs.

I can confirm that the premises licence summary was not on display on a prominent location within the premises in accordance with the S57.3 of the Licensing Act 2003. This is an offence under the Licensing Act and is liable for a Level 2 fine.

I carried out a compliance check with the person behind the bar, and although the premises licence does not have a great deal of conditions attached to it, there are documents that should be available should they be required.

I would recommend that should the premises licence not be revoked, then the following conditions attached to the licence:

- A challenge 25 age policy in place and all members of staff suitable trained. A record of the training should be kept on the premises noting the date of the initial training and the date of any further training that is received. The training should be refreshed at least every 12 months to ensure that all members of staff are up to date with the policy.
- A refusals book kept at the premises for any officer of West Midlands Police and Council officer to view should they ask.
- A written record of all members of staff that are authorised by the DPS to sell alcohol on their behalf from the premises and this should be available for any officer of West Midlands Police and Council officer to view should they ask.

Should it be necessary, I will be available to attend the hearing.

Regards
Jo

Joanne Till
Compliance Officer
Tel. Office: 01902 554351

[E-mail: Joanne.Till@wolverhampton.gov.uk](mailto:Joanne.Till@wolverhampton.gov.uk)
City of Wolverhampton Council

This page is intentionally left blank