

Statutory Licensing Sub-Committee

Minutes - 22 June 2021

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Keith Inston

Cllr Rita Potter

Premises Licence Holder

Mr Paramjit Singh

Mr Gavin Ward - Solicitor

Review Applicant

Aimee Taylor

West Midlands Police

Responsible Authorities

Michelle Smith

Amitabh Singh

Public Health

Licensing Authority

Officers

Debra Craner

Richard Phillips

Donna Cope

Jas Kaur

Section Leader Licensing

Senior Solicitor

Democratic Services Officer

Democratic Services Manager (host)

Members of the Statutory Licensing Sub-Committee

Cllr Rashpal Kaur (observing)

Item No. Title

1 Apologies for absence

Apologies for absence were received from Sarah Gee, Environmental Health.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Diamond Banqueting Suite, Skinner Street, Wolverhampton, WV1 4LD

An application for a Review of a Premises Licence in respect of Diamond Banqueting Suite, Skinner Street, Wolverhampton, WV1 4LD had been received from West Midlands Police.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

Debra Craner, Section Leader Licensing provided an outline of the application. Aimee Taylor, Licensing and Regulatory Officer, West Midlands Police, applicant for review, confirmed that the summary was accurate.

The Chair then closed the live session and the press and public were excluded from the meeting under paragraph 7 of schedule 12a of the Local Government Act 1972.

The Chair invited West Midlands Police to present their application. Aimee Taylor, West Midlands Police, did so as per Appendix 3 and 4 of the report. She stated that the Premises Licence Holder had undermined the four licensing objectives and asked for revocation of the licence.

The Chair afforded all parties present the opportunity to question the applicant in relation to her submission. Miss Taylor responded to questions asked.

The Chair invited the Premises Licence Holder to make representations.

Mr Gavin Ward, Solicitor representing the Premises Licence Holder, did so and stated the following:

- Mr Singh, Premises Licence holder had operated Diamond Banqueting Suite successfully since April 2008.
- The effect of the pandemic meant the business could not trade and was not making any money so his client had used the kitchen area of the premises as an online clothing business.
- His client had leased parts of the premises out and had produced leases to this effect.

- The leases commenced prior to the raid by the Police at the premises. During that time his client had not visited the property often because the sale of clothes mainly took place online.
- His client accepted that he did not notify the Licensing Authority of the change of use, however because the activities supposedly being undertaken by the tenants did not concern licensable activities, he did not consider it a major concern.
- English was not his client's first language and that was why communication with Ms Taylor on 20 April 2021 was so difficult.
- His client had not had the requisite keys to allow Ms Taylor access on that day to the other areas of the premises.
- His client was a man of good character and had never been in trouble with the Police before.
- That the committee should work with his client and not seek to remove him as DPS, suspend the licence or revoke it.

The Chair afforded all parties present the opportunity to question Mr Ward in relation to his submission. Mr Ward responded to questions asked.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader Licensing did so as per Appendix 5 of the report. He stated that the Premises Licence Holder had failed to uphold the licensing objectives, and knowingly breached the conditions of the premises licence. Therefore he supported the Police's submission for the premises licence to be revoked.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mr Amitabh Singh responded to questions asked.

The Chair invited Public Health to make representations. Michelle Smith, Principal Public Health Specialist did so as per Appendix 7 of the report. She stated that the Premises Licence Holder had shown an irresponsible disregard for the licensing objectives and Public Health supported the Police's application for the licence to be revoked.

The Chair invited all parties present to question Public Health in relation to its submission. No questions were asked.

The Chair invited all parties present to make their final address.

West Midlands Police made a final statement.

Richard Philips, Senior Solicitor, suggested to members that the decision should be sent out to all parties within 5 working days in order to protect any exempt information.

Members agreed to this and the meeting was closed.

Resolved:

An application was received from the West Midlands Police on 26 April for a review of the Premises Licence in respect of Diamond Banqueting Suite, Skinner street, Wolverhampton, WV1 4LD. The application was made pursuant to s51 Licensing Act 2003 (as amended.)

The Sub-Committee heard and read from the applicant (West Midlands Police) that:

- On 20 April 2021, Aimee Taylor, the Licensing and Regulatory Officer for West Midlands Police received a telephone call from a PCSO in Wolverhampton City Centre, expressing concern regarding the smell of cannabis emanating from Diamond Banqueting Suite;
- Upon arriving at the venue on the same day, Ms Taylor identified the Premises Licence Holder Mr Singh as being present within the premises;
- The Premises Licence Holder spoke with Ms Taylor and initially refused to allow access to the premises, informing Ms Taylor that he had leased the premises. When questioned he failed to provide any details about who had leased the premises and despite being provided with a request to provide the leases and an email address to do so, failed to do so;
- He belatedly admitted Ms Taylor to a small kitchen area which was full of dresses and clothes. All of the CCTV cameras had been covered with duct tape. Mr Singh refused to allow Ms Taylor access to any other part of the premises;
- Ms Taylor attempted to access the other areas of the premises via the front door, ringing the doorbell but could not gain entry. Mr Singh then left the premises;
- Given the concerns, Sergeant Yeomans of West Midlands Police left multiple voice and text messages on Mr Singh's mobile number to attempt to gain access to the rest of the premises. Those messages were ignored by Mr Singh;
- On 21 April 2021, West Midlands Police received further information about criminal activity taking place at the premises and entry was forced under powers in the Police and Criminal Evidence Act 1984;
- As entry was forced, the Police noticed three men attempting to escape from inside the premises but ran back into the building. They were later located, along with a fourth man, inside the premises, following a search by a Police Dog;
- Upon entry to the upper floors of the premises, the Police discovered a very large industrial scale cannabis factory including hundreds of growing cannabis plants and hundreds of cannabis seedlings, ready to be planted. There was also significant amounts of cannabis growing paraphernalia. The electricity appeared to have been bypassed. The Police estimate the drugs to have a street value of between one and three million pounds; and
- Given that Mr Singh as Premises Licence Holder has overall responsibility for the activities that are undertaken within the premises, they believe it could not have taken place without his prior knowledge and agreement and therefore request a revocation of the licence today.

The Sub-Committee heard from Mr Ward, Solicitor for the Premises Licence Holder and read from Mr Singh that:

- He had operated Diamond Banqueting Suite since April 2008 successfully providing facilities for weddings, birthdays, corporate events, exhibitions, Christmas events, DJ evenings and civil marriages;
- The effect of the pandemic meant the business could not trade and was not making any money from the premises and he has used the kitchen area of the premises as an online clothing business;
- He had leased parts of the premises out and had produced leases to this effect.
- The leases had commenced prior to the raid by the Police at the premises. During that time Mr Singh stated he had not visited the property often because the sale of clothes mainly took place online;
- Mr Singh had separated the property into three parts and decided to tape over the CCTV cameras in the kitchen area because the CCTV equipment was stored in one of the leased areas of the premises and he did not want his business to be observed by his sub tenants;
- Mr Singh accepted he did not notify the Licensing Authority of the change of use, however because the activities supposedly being undertaken by the tenants did not concern licensable activities, he did not consider it a major concern;
- He was a man of good character and had never been in trouble with the Police before;
- The discovery had had a detrimental effect on his reputation, and he would have to totally rebuild his business under a different name if the licence is retained;
- English was not his first language and that is why communication with Ms Taylor on 20 April 2021 was so difficult and, in any event, he did not have the requisite keys to allow her access on that day to the other areas of the premises;
- He further disputed the account of Ms Taylor as to what transpired on 20 and 21 April 2021 at the premises;
- He was unaware of the activities being undertaken by his tenants and had not seen anything unusual. As such, he believed he was also a victim of the crime, which the committee should take into account when it reaches a decision;
- He was now taking steps to forfeit the leases and take back possession; and
- That the committee should not seek to remove him as DPS, suspend the licence or revoke it.

The Sub-Committee heard from Amitabh Singh, from Licensing responsible authority that:

- Mr Singh had failed to uphold licensing objective of preventing crime and disorder and knowingly breached the conditions of the premises licence by deliberately covering the CCTV cameras and failing to ensure the CCTV was

working in accordance with the premises licence. They supported the Police's submission for the premises licence to be revoked.

The Sub-Committee heard from Ms Michelle Smith for Public Health as responsible authority, that:

- Public Health supported the Police application on the grounds of the prevention and crime and disorder. Cannabis causes significant risks of harm through its use. The Premises Licence Holder has shown an irresponsible disregard for the licensing objectives and they support the Police's application for the licence to be revoked.

In considering all of the submissions and all of the circumstances of the application for a review, the legislation and the s182 guidance and the options open to it in s52(4) Licensing Act 2003, the decision of the Sub-Committee was to revoke the premises licence. This was because none of the other options available to it, in the committee's view, would serve to uphold the licensing objectives.

Criminal activity had taken place at the premises which is of a very serious nature. The Licensing Sub-Committee determined on the balance of probabilities, that even if the Premises Licence Holder was unaware initially of the activities of his tenants, he would have become aware before the Police visits on 20 and 21 April 2021. He had also demonstrated a flagrant disregard for his duties as Premises Licence Holder in failing to notify the licensing authorities about the change of the use of the premises and failed to comply with the conditions of licence.

All parties have a right of appeal to the Magistrates Court within 21 days of receipt of this decision.

A copy of the written decision would be forwarded to all parties.