



Licensing Sub-Committee

Minutes - 10 June 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Rita Potter
Cllr Keith Inston

Conservative

Employees

Linda Banbury
Rob Edge
Sarah Hardwick

Democratic Support Officer
Section Leader - Licensing
Solicitor

Item No. *Title*

1 **Apologies for absence**

There were no apologies for absence.

2 **Declarations of interest**

There were no declarations of interest.

3 **Exclusion of press and public**

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 exempt information falling within paragraph 7 of Schedule 12A to the Act relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

4 **Licensing Act 2003 - Application for an Expedited Summary Review of a Premises Licence**

In Attendance

For the Premises

Mr S S Dhillon – Premises Licence Holder and Designated Premises Supervisor for Evo's Spirit

Mr P S Dhillon – former Premises Licence Holder and Designated Premises Supervisor for Evo's Spirit

Responsible Authorities

E Moreton – Licensing Authority

B Clarkson and PC M Harvey - West Midlands Police

P Dosanjh – [Section Lead, Trading Standards] – witness for Licensing Authority

J Hickman – [Local Authority Child Employment Officer] – witness for Licensing Authority

J Till – Compliance Officer – witness for Licensing Authority

The Chair made introductions and outlined the procedure to be followed at the hearing.

The Section Leader [Licensing] introduced the report, which sought consideration of the application to review the premises licence for Evo's Spirit, 65 High Street, Bilston.

PC Harvey outlined the application to review the premises licence and, in so doing, advised that the police investigation in regard to the allegations against Mr Permjit Singh Dhillon were ongoing, that a number of visits had been made to the premises and he was complying with the current bail conditions. However, because of Mr P S Dhillon's constant presence at the premises, the police still had grave concerns that children could be at the risk of harm.

Responding to questions, PC Harvey indicated that different adults had been in attendance at the premises when visited and identification had not been sought on all occasions. The bail conditions were in place until 19 June, but given the nature of the allegations, the police were still concerned regarding Mr P S Dhillon's presence at the premises.

Mr S S Dhillon indicated that he had requested that this meeting be deferred to allow him time to seek legal representation. It was clarified, however, that details of the hearing had been sent first class to Mr P S Dhillon and Mr S S Dhillon on 28 May giving adequate time to seek legal representation. Mr S S Dhillon agreed to withdraw his request and to continue with the hearing. He produced a document responding to issues raised by the Licensing Authority, summarising his reasons why the premises licence should not be revoked and appending some cash flow information, which was printed and circulated to all parties at the hearing.

Mr S S Dhillon drew attention to the issue with waste disposal, which he stated was the only problem he had when holding the premises licence. He further advised that he was currently awaiting a DBS check on a potential applicant to take over the premises.

Responding to questions, Mr S S Dhillon advised that the proposed new owner was not a relative of his. He advised that the management responsibilities were not confused and that he was responsible for buying and selling and for the end of year accounts.

At this juncture Elaine Moreton outlined the representations made by the Licensing Authority in support the review request made by the West Midlands Police. She advised that there had been no evidence forthcoming that either Mr SS Dhillon or Mr P S Dhillon had submitted the correct documentation to enable permits to be issued in respect of the employment of children. The Council's legal team were investigating the matter. Jan Hickman, Child Employment Officer had furnished Mr P S Dhillon with the relevant documentation and he had indicated that he had completed it and forwarded it to the child's mother who had not returned it to him. The officer was alarmed to learn from the hearing on 20 May, therefore, that children were still being employed at the premises in connection with festivals.

Responding to questions, the Child Employment Officer advised the law also applied to family members. Mr P S Dhillon expressed the belief that many shopkeepers were not aware of the child employment laws and the officer advised that information in this regard was available on the Council and Government web sites and in various public buildings. She confirmed that, notwithstanding the need permits, children under the age of twelve years cannot be employed.

Paul Dosanjh, Service Lead for Trading Standards, advised that he had read the approved minutes from the licensing hearing on 20 May which led him to the conclusion that credit had been provided by the premises licence holder, without a licence on more than one occasion and involving significant amounts of money. He stated illegal permission of credit was a criminal offence and, given the fact that a child was involved, the activity had a sinister element with an unequal relationship between the lender and borrower. This matter had been referred to the Illegal Money Lending Team to investigate.

Responding to questions, Mr S S Dhillon stated that it was normal practice in any shop to give 'tick'. Mr P S Dhillon advised that the £150 loan was made up of multiple loans over a period of one year.

Elaine Moreton stated that the Issues relating to illegal money lending and employment of children without the necessary permits showed a blatant disregard of the licensing objectives. Mr S S Dhillon had shown a lack of management responsibility due to his persistent non-attendance at the premises. She stated that should the Sub-Committee be satisfied that illegal Activities had taken place, they would need to consider what action should be taken and she would ask that consideration be given to revocation of the premises licence.

At this juncture all parties were given the opportunity to make a closing statement.

Elaine Moreton requested that, due to the serious nature of the allegations being investigated by the police, the employment of children without the necessary permits and illegal money lending, the Licensing Authority would wish the Licensing Sub-Committee to revoke the premises licence.

Mr P S Dhillon stated that the allegations against him had not been proven and that the premises would remain open without the benefit of a premises licence. He could not be removed from the premises, but the business was to be sold and he would be continuing to do festivals.

Mr S S Dhillon admitted that some mistakes had been made along the way, that he had been trading for a long time but did not know all the laws and that everyone gave 'strap'. He stated that he had never employed children.

PC Harvey asked the Sub-Committee to consider revocation of the licence for the period of the police investigation and the investigation into money lending.

All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to consider the review application. The Solicitor advised them of the options open to them in determining the matter.

The parties returned to the meeting and were advised of the decision of the Sub-Committee as follows:

Resolved, that:

An application has been made by the West Midlands Police for a review of the premises licence in respect of Evo's Spirit, 65 High Street, Bilston, Wolverhampton. This review follows a request made by the Chief of Police for an expedited summary review, following receipt of allegations that a serious crime had been committed on the premises.

At the expedited review hearing before the Licensing Sub-Committee on 15 May 2015, in accordance with Section 53B(3)(d) of the Licensing Act 2003, the Licensing Authority deemed it necessary to take interim steps against the premises licence for Evo's Spirit and suspended the licence.

At the Licensing Sub-Committee hearing on 20 May 2015, following receipt of representations from the premises licence holder against the interim steps taken on 15 May, and having considered all evidence the Licensing Sub-Committee determined that, in accordance with Section 53B(8), interim steps were still necessary for the promotion of the Licensing Objectives. However, the interim steps were modified to add a condition to the licence requiring Permjit Singh Dhillon to be accompanied by an adult at all times whilst at the premises.

The Sub-Committee have heard from the West Midlands Police that:

1. following the hearing on 20 May 2015, investigations into the allegations of sexual assault are continuing. The Police had visited the premises and Permjit Singh Dhillon was complying with the conditions of the premises licence added on 20 May, but they were still concerned that children are at risk at the premises.

At the hearing on 10 June, the Sub-Committee have heard from the Licencing Authority, as responsible authority, that:

1. they support the review brought by the West Midlands Police in support of the protection of children from harm and prevention of crime and disorder licensing objectives, and,
2. there have been serious allegations of sexual assault at the premises and, in addition, there is concern over the current and past management of the premises for the following reasons:

- a) Children over the age of thirteen have been employed at the premises without required permission from the Council, in breach of byelaws relating to the employment of children. Jan Hickman (Local Authority Child Employment Officer) has given evidence of this. The Section Leader (Licensing), Responsible Authority for Licensing, believed issues had arisen whilst Serinder Singh Dhillon and Permjit Singh Dhillon were Premises Licence Holder and Designated Premises Supervisor.
- b) There has been potential illegal money lending at the premises, which Permjit Singh Dhillon made reference to at the hearing on 20 May 2015. Paul Dosanjh (Section Lead, Trading Standards) at the Council gave evidence in relation to this and confirmed that the matter had been referred to the Illegal Money Lending Team for further investigation.

Having considered the evidence the Sub-Committee are satisfied that, in addition to the continuing investigation relating to allegations of a serious crime being committed at the premises, there has been disregard for the law indicating that there has been mismanagement of the premises during the time both Serinder Singh Dhillon and Permjit Singh Dhillon were Premises Licence Holder and Designated Premises Supervisor. This disregard for the law relates to the employment of children and potential money lending.

In accordance with Section 53C of the Licensing Act 2003, the Licensing Sub-Committee are now required to review the premises licence.

On consideration of the facts and evidence, the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. Those steps are to revoke the premises licence in support of the prevention of crime and disorder and protection of children from harm licensing objectives.

In accordance with Section 53C(2)(c) the interim steps put in place following the hearing on 20 May 2015 will cease to have effect from the coming into effect of the decision on review today.

Written notice of this decision will be given to the holder of the licence, the applicant, any other person who has made relevant representations.

An appeal may be made to the Magistrates' Court against the decision by the applicant, the holder of the premises licence or any other person who made a relevant representation, within twenty one days from the date of written notice of this decision

[NOT PROTECTIVELY MARKED]