

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 27 December 2018

Attendance

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Wendy Thompson

Review Applicant

Sgt Stephanie Reynolds
WPC Michelle Churm
PC Nicolas Clarke

West Midlands Police
West Midlands Police
West Midlands Police

Employees

Michelle James
Sarah Hardwick
Earl Piggott-Smith
Chris Howell

Licensing Policy Manager
Senior Solicitor
Democratic Services Officer
Licensing Manager

Premises Licence Holder

Duncan Craig
George Domleo
Sandi Tipton
Peter Thacker
William Reece

Barrister on behalf of the Premises Licence Holder
Solicitor on behalf of the Premises Licence Holder
Business Development Manager
Premises Licence Holder
Tenant of the premises
Proposed DPS

Item No. *Title*

1 Apologies for absence

Apologies were received from the following:

Parpinder Singh

2 Declarations of interest

There were no declarations of interest.

3 Exclusion of press and public for Appendix 3 and Appendix 7

Resolved:

To pass the following resolution:

Section 14 of the Local Government (Hearing) Regulations 2003, provides that “the licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.” Subsection (3) provides that “a party and any person assisting or representing a party may be treated as a member of the public.

Exempt information is defined in Section 100I of the Act as information relation to the items on Schedule 12A of the Act, and Schedule 12A(7) provides that exempt information includes: “Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.”

The committee agreed to exclude Peter Thacker and William Reece from the presentation of information relating to Appendix 3 and 7.

4 Application for a Review of a Premises Licence in respect of The Talisman, Wildtree Avenue, Wolverhampton, WV10 8LL

An application for a Review of a Premises Licence in respect of The Talisman, Wildtree Avenue, Wolverhampton, WV10 8LL, had been received from West Midlands Police.

The Chair led round-table introductions and outlined the review hearing procedure to be followed.

Duncan Craig, Barrister representing the Premises Licence Holder queried the receipt of additional supporting evidence submitted detailing the experience of the proposed DPS William Reece. Sarah Hardwick, Senior Solicitor, confirmed receipt of the email dated 21 December 2018.

The Chair invited Michelle James, Licensing Policy Manager, to make representations. The Licensing Policy Manager provided an outline of the application and advised the committee that the purpose of the meeting was to determine the licensing application for The Talisman, following a review on 6 December 2018, when a number of interim steps was agreed.

The Licensing Policy Manager advised the committee that the licence had been reviewed and was modified on 31 March 2016 following a full review. The Licensing Policy Manager referred to Appendix 1 and 15 and that letters of support had been received from the public, but they did not relate to the licensing objectives.

The Chair afforded all parties present the opportunity to question the Licensing Policy Manager.

The Chair invited West Midlands Police to present their application. Sgt Stephanie Reynolds presented evidence to the committee as per Appendix 3 and 7 of the report.

Sgt Reynolds expanded on evidence submitted and gave details of a lengthy undercover police operation where evidence of the involvement of staff and a tenant at The Talisman on the premises in organised drug dealing and the handling and sale of stolen goods on the premises, was presented.

Sgt Reynolds commented that no action was taken by the Designated Premises Supervisor (DPS) to implement the additional licencing conditions imposed on 31 March 2016 required for the prevention of crime and disorder, as detailed in Appendix 1.

Sarah Hardwick, Senior Solicitor, responded to a challenge from Duncan Craig that the information presented did expand on relevant representations made and should therefore have been shared prior to the meeting, to satisfy the principle of natural justice

The Senior Solicitor stated that Section 18 of the Local Government (Hearing) Regulations 2003, provides that in considering any representations made by a party the Authority may take into account documentary or other information produced by a party in support of their representation either before the hearing or, with consent of all the other parties, at the hearing. Therefore, the other information expanding upon representation could be accepted.

The committee agreed that a confidential copy of the notes referred to by Sgt Reynolds should be shared with the committee and others in attendance. The meeting was adjourned to allow time to consider the information.

The committee reconvened and agreed to accept the additional evidence presented by the police.

Sgt Stephanie Reynolds recommended that the committee consider a full revocation of the licence on the basis of the evidence presented and the benefits to the wider community that would arise from the closure.

The Chair afforded all parties present the opportunity to question the applicant in relation to her submission.

Sgt Stephanie Reynolds provided responses to the questions asked.

The re-admittance of the public and press to the meeting was agreed

The Chair invited the Premises Licence Holder to make representations.

Mr Duncan Craig, Barrister on behalf of the Premises Licence Holder, William Reece, Proposed DPS, and Sandi Tipton, Business Development Manager for the Premises Licence Holder, presented evidence and stated the following

- The additional evidence presented by the police had disadvantaged the ability to present a case. It was not possible to speak to Mr Thacker to comment on the allegations made against him by the police.
- The police made general claims about the behaviour of staff and the tenant as a result of the police undercover operation, but in verbal evidence to the committee the allegations made by the police stated that there was a more direct involvement by Mr Thacker in criminal activities centered on The Talisman, than was detailed in the written evidence.
- A change in the proposed DPS was needed to promote the licensing objectives going forward.
- This is a community pub and located in the socially challenging area and drug use is of part of the culture of the estate and is bound to permeate in the pub.
- A number of immediate steps to be taken to promote the licensing objectives, other action would depend on the outcome of the licensing hearing.
- William Reece is the proposed DPS going forward. William Reece has a wealth of experience of managing pubs.
- Further discussions to be held with Peter Thacker about ending the tenancy agreement.
- A quote for bollards to be fitted in the car park to restrict access. The bollards could be fitted within 14 days. In addition, CCTV has been installed to cover the car park area with the facility to identify licence plates from vehicles entering.
- Extensive training has been given to staff. New staff have been appointed.
- The incident log book has been re-installed at the pub.
- A reduction in the opening hours would not support the aim of providing a community asset. If the committee consider that action needed to deal with allegations of criminal activity, then this could be achieved by reducing the licenced opening hours.

- The suspension of the licence for three months should be considered as being appropriate, if the committee consider this action necessary.
- William Reece gave details of his previous experience and plans for changing the profile of users and encouraging older residents and to discourage people linked to criminal activity from using the pub. William Reece proposed introducing the Pub Watch scheme

The Chair invited all parties present to question the Premises Licence Holder in relation to his submission.

- Duncan Craig stated that the Premises Licence Holder was not aware of the extent of ongoing criminal activity. A visit by Sandi Tipton earlier in the year did not reveal any specific concerns about the staff or the management of the pub.
- The committee were concerned about the measures that would prevent the risk of staff who have been dismissed from being re-employed.
- William Reece stated that it would expect to see progress made in turning around the pub within three months. If the police can provide a list of names of people suspected of being involved in criminal activity this would help this process.
- Assurances given about how the staff would deal with the criminal gang identified by the police as working in the area, who have previously used the pub for drug dealing and the sale of stolen goods.
- Work will be done to improve communications with the police and the licensing authority to deal with issues at an early stage and then get the necessary measures in place. The importance of having a good working relationship with different agencies was highlighted.
- The committee was reassured that the proposed DPS William Reece had the necessary relevant experience of working in pubs located in challenging areas to deal with potentially confrontational situations at the pub.
- The committee were reassured that the proposed DPS William Reece would be able to deal with organised criminal gangs and work will be supported by CCTV. In addition, work will be done to encourage older residents to arrange special events to create a friendlier atmosphere in the pub.
- The Chair queried if the tenant Peter Thacker was a member of staff as he appeared to be performing staff duties according to the evidence. Duncan Craig, Barrister on behalf of the licence holder, confirmed that he was not an employee.
- The tenant would require six months' notice before being evicted. However, this could be done sooner depending on the reasons for wanting to evict a tenant.

- The closing time could be reduced from 2.30am to reflect the different group of people that the proposed DPS wants to encourage to visit.

The Chair invited the Licensing Authority to make representations.

Chris Howell, Licensing Authority, expressed concerns about the management of the pub and the evidence of the pub being used for crime and public disorder. The licensing conditions have not been followed. Chris Howell made representations as per Appendix 4 of the report. The Chair invited all parties present to questions the Licensing Authority in relations to its submission.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Chris Howell provided responses to questions asked.

Chris Howell did not accept that The Talisman was community asset and was not aware of any community groups used the pub.

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

Mr Chris Howell, Mr Duncan Craig and Sgt Steph Reynolds made closing statements.

All interested parties, with the exception of the Senior Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Sarah Hardwick, Senior Solicitor

Resolved:

An application was made by the West Midlands Police on 4 December 2018 for a review of the premises licence in respect of The Talisman, Wildtree Avenue, Wolverhampton, WV10 8LL.

At the hearing to review the Premises Licence, the Licensing Sub-Committee listened carefully to all the representations made by the people who spoke at the hearing and considered all the evidence presented to them.

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

1. In March 2016 a drugs warrant was executed at the Talisman. During the operation drugs and equipment associated with drugs were discovered at the premises. One of those arrested was Karen Nicholls who is now the Designated Premises Supervisor (DPS). This operation led to an expedited summary review under the provisions contained within the Act. At the hearing on 9 March 2016 the Licensing Sub-Committee (LSC) deemed it appropriate to take interim steps and suspended the premises licence

pending a full review hearing. At the full review hearing on 31 March 2016 the Licensing Sub-Committee determined to modify the conditions of the licence.

2. The premises are in close proximity to vulnerable people including both young and old. Open drug deals have taken place at the location.
3. There is evidence of staff association with key offenders who have frequently visited the premises.
4. In December 2018, a serious crime relating to entrenched criminal activity was discovered at the premises following an undercover police operation. The West Midlands Police then applied to the Licensing Authority for an expedited summary review of the premise's licence. The hearing took place on 6 December 2018. Due to the serious nature of the criminal activity at the premises, the Licensing Sub-Committee determined to suspend the premises licence pending a full review of the licence, in accordance with Section 53 of the Licensing Act 2003. This was the reason the Sub-Committee was convened today.
5. The entrenched criminal activity discovered at the premises included large amounts of Class A drugs that were being delivered to and dealt from the premises. In addition, large amounts of recently stolen goods are being stored and sold from the premises.
6. The undercover police operation has highlighted multiple offenders who are all associated with illegal drug dealing, conspiracy, theft and handling of stolen goods offences.
7. Evidence shows that this criminal behaviour often occurs on the premises.
8. The staff who worked at the premises in 2016 are still in place there.
9. There has been breach of licence conditions.
10. The Licensing Objective of Crime and Disorder is not being promoted.
11. There was evidence that organised crime gang nominals had been at the premises.
12. There had been repeated failings at the premises. There is no confidence in the management structure. Therefore, in promoting the prevention of crime licensing objectives, revocation of the licence is appropriate.

The Sub-Committee heard from Chris Howell, Licensing Authority (as Responsible Authority), that he had attended this hearing to support the application made by the West Midlands Police and that the proposed following steps would be appropriate. Reduction of trading hours in line with a family pub, removal of the current DPS and or suspension of the licence for 3 months.

The Sub-Committee heard from the Premises Licence Holder (PLH) and their legal representative, that:

1. This is a community pub.
2. People involved in management are key.

3. The premises have now taken significant steps to promote the Licensing Objectives (LO's):
 - a. It is acknowledged that Karen Nicholls has not been fulfilling her role and is to be replaced by Bill Reece, who is present today to talk to the LSC. He has extensive experience in the pub trade and has been appointed by Sandi Tipton (representing the PLH) who supervises a number of alcohol premises and has a wealth of experience and knowledge.
 - b. Quotes for bollards to restrict access to the carpark have been obtained and CCTV issues are now resolved with ANPR being installed.
 - c. Extensive staff training will be provided, and any existing staff are no longer at the premises.
 - d. Steps proposed by the LA relates to reduction in hours which, is felt would have limited benefit, the removal of the DPS which the premises would welcome and a suspension of the licence for up to 3 months. The premises have already been closed for almost a month. 3 months is excessive. A shorter period may be acceptable.

The Licensing Sub-Committee are satisfied on the evidence that:

1. There had been significant breaches of licence conditions and failure to comply with provisions of the Licensing Act
2. There had been serious crime on the premises (drugs and stolen goods being sold from the premises). These actions did not promote the licensing objectives.

Therefore, based upon the above and having regard to the application and the relevant representations made, the Sub-Committee decided to revoke the licence in accordance with Section 53C of the Licensing Act 2003.

The above action is considered an appropriate and proportionate action for the promotion of the Prevention of Crime and Disorder and Public Safety Licensing objectives.

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 21 days from the date of receipt of written notice of this decision.

Representations had been invited in relation to the Interim steps currently in place. The West Midlands Police and Premises Licence Holder have said that if the premises licence is revoked suspension needed to remain as an interim step.

Section 53D makes provision for the review of interim steps that have been taken by the relevant licensing authority under section 53B, before a decision under section 53C comes into effect. Having considered whether interim steps were appropriate for the promotion of the Licensing Objectives and any relevant representations, the

Licensing Authority have determined that the current interim steps should remain, that being suspension of the premises licence.

In accordance with Section 53D (5) of the Licensing Act 2003, the interim steps put in place following the hearing on 6 December 2018 will cease to have effect from the coming into effect of the decision on review today. A decision under section 53D may also be appealed.

[NOT PROTECTIVELY MARKED]