

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 6 December 2018

Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Wendy Thompson

Cllr Rita Potter

Review Applicant

Sgt Steph Reynolds

West Midlands Police

Employees

Michelle James

Sarah Hardwick

Donna Cope

Kirsty Tuffin

Licensing Policy Manager

Senior Solicitor

Democratic Services Officer

Democratic Services Officer (observing)

Premises Licence Holder

Duncan Craig

George Domleo

Sandi Tipton

Karen Nicholls

Barrister on behalf of the Premises Licence Holder

Solicitor on behalf of the Premises Licence Holder

Business Development Manager for Premises Licence Holder

Designated Premises Supervisor of The Talisman

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

Resolved:

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 items of business as they involve the likely disclosure of exempt information falling within paragraph 7 of Schedule 12A to the Act.

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

An application for an expedited summary 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 procedure to be followed. All parties confirmed that they understood the procedure.

Michelle James, Licensing Policy Manager, provided an outline of the application. She highlighted some discrepancies regarding the premises licence holder and sought clarification on this.

Duncan Craig, Barrister representing the Premises Licence Holder, confirmed the licence was held by Heineken UK, Star Pubs & Bars.

The Chair afforded all parties present the opportunity to question the report content.

No questions were asked.

The Chair invited West Midlands Police to present their application.

Sgt Steph Reynolds, West Midlands Police, stated the grounds for review as per Appendix 3 of the restricted report and requested that the premises licence be suspended.

The Chair afforded all parties present the opportunity to question the Review applicant in relation to its representation. Sgt Steph Reynolds provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations. Duncan Craig, Barrister representing the Premises Licence Holder, made representations.

The Chair invited all parties present to question Duncan Craig in relation to his submission.

No questions were asked.

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

West Midlands Police and Duncan Craig made no further submissions.

All interested parties, with the exception of the Senior Solicitor and the Democratic Services Officers, 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 Senior Solicitor.

Duncan Craig, Barrister representing the Premises Licence Holder, requested that Karen Nicholls, current DPS of the premises, be given the opportunity to make a statement.

The Sub-Committee agreed to the request.

Ms Nicholls confirmed that she had been employed at the premises for 15 years and loved the place. She loved the people there and felt sorry for the regular customers should the licence be suspended. She said she wanted to work with the police to keep the premises trading.

Resolved:

An Application had been received from the West Midlands Police on 04 December 2018 for an expedited review of the Premises Licence in respect of The Talisman, Wildtree Avenue, Wolverhampton, WV10 8LL.

The Chief of Police had given a certificate under Section 53A (1) (b) of the Licensing Act 2003 (the Act), stating that in their opinion the premises were associated with serious crime and disorder and had requested that interim steps be applied to the premises licence pending a full review hearing.

The Act and Home Office Guidance state that the tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. These tests include conduct which constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and which involves the use of violence.

The Sub-Committee were satisfied that a serious crime had occurred at the premises.

They were further satisfied that serious disorder had occurred on the premises. Serious disorder was to be given its plain ordinary meaning.

Based upon the evidence presented, consideration was given as to whether it was necessary to take interim steps pending determination of the review (s53C LA 2003). The LSC were satisfied that interim steps were necessary. In accordance with Section 53B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee was to suspend the premises licence pending the full review hearing.