

**Licensing Sub-Committee 1 - 22<sup>nd</sup> January 2010**

**Report of the Director of Corporate Resources**

**Application for Expedited Licence Review.**

**Purpose of Report**

1. To consider the application for summary licence review together with a certificate under section 53A (1)(b) of the licensing Act 2003 in respect of the Premises Licence for Envy, Unit 32–34 Waterfront East, Brierley Hill, West Midlands. DY5 1XR.

**Background**

2. On the 12<sup>th</sup> May 2009, an application was received from G & S Leisure Limited for the grant of a premises licence, in respect of the premises known as Envy, Unit 32–34 Waterfront East, Brierley Hill, West Midlands.
3. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities was received.
4. That Licence was granted on 15<sup>th</sup> July 2009, for the following days and times: -

Sale of Alcohol  
Monday to Sunday      11.00 – 03.00

Regulated Entertainment (playing of recorded music/dancing/performance of dance/performance of live music/entertainment of a similar description)  
Monday to Sunday (indoors only) 11.00 – 03.00

Late Night Refreshment (indoors only) 11.00 – 03.00

5. The current premises licence holder is G & S Leisure Limited and the designated premises supervisor is a Mr L Skelding.
6. On the 20<sup>th</sup> January 2010, the West Midlands Police made application for the summary licence review of the premises licence in respect of Envy, Units 32-34 Waterfront East, Brierley Hill, West Midlands. A copy of that application and certificate under section 53A(1)(b) of the Licensing Act 2003 is attached to this report as Appendix 1. A copy of that application and certificate has been served on the licence holder.

7. Confirmation that the application and certificate has been served on the relevant authorities has been received.
8. Following receipt of the application and certificate the Licensing Authority must consider under section 53B whether it is necessary to take interim steps pending the determination of a review of premises licence.
9. This application falls within the Council's recent responsibility for liquor licensing, which has a direct link to the Council's key corporate priority that safety matters.

### **Finance**

10. There are no financial implications.

### **Law**

11. The law relating to the review of the premises licence (premises associated with serious crime or disorder) is governed by the Licensing Act 2003 Section 53A.
12. Within 48 hours of the time of receipt of application and certificate the Licensing Authority must consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence.
13. The steps are: -
  - (a) the modification of conditions of the premises licence
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence.
  - (c) the removal of the designated premises supervisor from the licence
  - (d) the suspension of the licence
14. Where on its consideration the Licensing Authority does take one or more of these steps:
  - (a) The decision takes effect immediately or as soon after as the Licensing Authority directs.
  - (b) It must give immediate notice of its decision and of its reasons for making it to:-
    - (i) The holder of the licence and
    - (ii) the chief Officer of Police
15. If the holder of the premises licence makes and does not withdraw representations against the interim steps taken by the Licensing Authority, the

Authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

16. The Licensing Authority must give advance notice of the hearing to the
  - (a) The holder of the premises licence
  - (b) The Chief Officer of Police
17. At the hearing the Licensing Authority must
  - (a) consider whether the interim steps are necessary for the promotion of the licensing objectives: and
  - (b) Determine whether to withdraw or modify the steps taken
18. In considering those matters the licensing authority must have regard to
  - (a) the certificate that accompanied the application
  - (b) any representations made by the Chief Officer of Police
  - (c) any representations made by the holder of the premises licence.

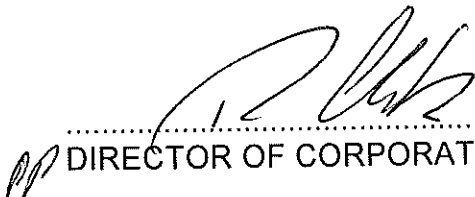
Hold a full Review within 28 Days of receipt of application

### **Equality Impact**

19. This report complies with the Council's policy on equal opportunities.
20. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
21. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

22. That the Sub-Committee consider the application.



.....  
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs J Elliott 5377  
Telephone: 01384 815377  
Email: [janet.elliott@dudley.gov.uk](mailto:janet.elliott@dudley.gov.uk)

### **List of Background Papers**

none

# WEST MIDLANDS POLICE

## 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 both serious crime and serious disorder.

**Premises;** Envoy (Envy)  
Unit32/34, Waterfront East  
Brierley Hill,  
West Midlands DY5 1XR

**Premises Licence Number**  
DY/51/1212

**Name of Premises Supervisor;**  
Lee Skelding DY/50/1788

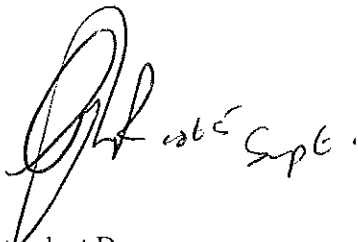
### I am a Superintendent in the West Midlands Police

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because: the standard review procedures are thought to be inappropriate due to the seriousness of the crime and past history of compliance in relation to the premises concerned.

The level and seriousness of the incidents does in my view warrant the use of this power for expedited review. I have considered whether other powers including a standard review would be sufficient to uphold the crime and disorder objective. A closure order was not issued on 16<sup>th</sup> January 2010, however given the grave circumstances (attempted Murder) of the offence on the 16<sup>th</sup> January 2010, I feel that this matter needs to be brought urgently to the attention of the licensing authority with a view to suspending all licensable activities, and closing the licensed premises

The concern of the West Midlands Police is that further serious incidents of a nature similar to that on the 16<sup>th</sup> January 2010 may take place if immediate steps are not taken to consider the effective proper running of the premises. I am conscious of the DCMS guidance on the use of 'Expedited Reviews' and given the emphasis that is given to the use the power to tackle the use of weapons, my feelings that this process is appropriate are further enforced.

Signed



Superintendent Dyer  
Brierley Hill Police Station

Wednesday 20th January 2010

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[INSERT NAME AND ADDRESS OF RELEVANT LICENSING AUTHORITY AND ITS REFERENCE NUMBER]

**Dudley Metropolitan Borough Council DY/51/1212**

**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 Laurie Dyer (Superintendent Brierley Hill Police Station  
[on behalf of] the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the licensing Act 2003**

#### 1. Premises details

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

**Envoy (Envy)**

**Unit 32/34, Waterfront East**

Post Town: **Brierley Hill**

Post code (if known) **DY5 1XR**

#### 2. Premises Licence Details

Name of premises licence holder (if known)	<b>G &amp; S Leisure Limited</b>
Number of premises licence holder (if known)	<b>DY/51/1212</b>

#### 3. Certificate under section 53A (1) (b) of the Licensing Act 2003 [please read guidance note 1]

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]

At approximately 0230hours on Saturday 16<sup>th</sup> January 2010 an attempt murder took place at the premises involving door staff and a group of customers, this was regards to a customer not adhering to the dress code with regards to headwear.

At this point a firearm was drawn and several shots discharged resulting in one of the door staff receiving an injury to his stomach.

A disorder then ensued involving the person with the firearm and his associates and the door staff, as a result 3 other door staff received injuries from being struck with glasses/glass bottles.

The offenders made good their escape from the premises, the firearm was left at the scene together with spent cartridges. The firearm has been confirmed as being genuine.

The injury caused by the firearm is only of a minor nature however it could have proved fatal had it have not been for the member of door staff wearing a covert bullet proof vest at the time of the incident.

No arrests were made at the time as the offender forced their way out of the premises and left the area.

A thorough search of the premises took place after the incident by the police, this further resulted in evidence of class A drug use taking place in both male and female toilets as well as the bar area of the premises.

The premises open late and attract a very niche clientele which generally are very young, it plays specialised music which does not cater for the mainstream audience.

The management at the premises have no intention of changing from this.

The Police have worked extremely hard over a sustained period of time to co-operate with and support the premises licence holder, designated premises supervisor Mr Lee Skelding following a catalogue of violence and disorder at the premises.

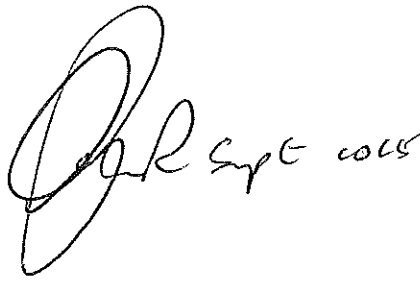
The dedicated premises supervisor has refused to co-operate with the Police with regards to a voluntary closure order on the premises for the forthcoming weekend consider closing earlier. He has not put forward any suitable policy with regards to searching customers with regards to the issue of firearms, offensive weapons and drugs getting into his premises nor a satisfactory policy with regards to securing the outside smoking area to prevent the above items being brought into the premises when customers go into the designated smoking area.

There has been no policy put forward stating how the management intend to tackle the blatant use of hard drugs within the premises.

The offences under investigation are attempted murder on one person and a serious wounding (section 18 offences against the persons act 1861) on another person both of which if a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years, these constitute **serious crimes**

This incident and other incident previously reported show that the management have no control of the premises and there is likely to be further incidents of serious disorder Due to the very nature of the incident West midlands Police are seeking the suspension of the premises licence under section 53B(3)(d) Licensing Act 2003 pending the full hearing when West Midlands Police will be seeking full revocation of the premises licence.

**Signature of applicant**

A handwritten signature in black ink, appearing to read 'David Smith', with a large, stylized initial 'D'.

**Date: 20th January 2010**

**Capacity: Superintendent (Dudley North Operations Manager)**

**Contact details for matters concerning this application**

**Address PC 2620 David Smith Licensing officer**

**Brierley Hill Police Station,**

**Bank Street, Brierley Hill**

**Telephone 0121 626 8076 /0845 113 5000 ext 7902 6535**

**Email: [david.smith@west-midlands.pnn.police.uk/](mailto:david.smith@west-midlands.pnn.police.uk/)**

**[j1\\_licensing@west-midlands.pnn.police.uk](mailto:j1_licensing@west-midlands.pnn.police.uk)**