

Received app
9/1/09.

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

APPENDIX 1

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 this 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.

You may wish to keep a copy of the completed form for your records.

I For and on behalf of the Chief Constable of West Midlands Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Steve James Snooker Club, 5a High Oak, Pensnett, Brierley Hill, West Midlands	
Post town	Post code (if known) DY5 4LA

Name of premises licence holder or club holding club premises certificate (if known) Mr Steve James and Mr Jarnail Singh
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Number of premises licence or club premises certificate (if known) DY/50/1095

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC David Smith for and on behalf of the Chief Constable of West Midlands Police Licensing Officer West Midlands Police Brierley Hill Police Station Bank Street Brierley Hill DY5 3DH
Telephone number (if any) 0121 626 8076
E-mail address (optional) david.smith@west-midlands.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The Licensing Objectives of: the prevention of Crime and Disorder and the protection of children from harm have been seriously undermined in that:

On 15 August 2008 at 0213 hours the premises were still open and approximately 20 persons were having a private party;

On 9 September 2008 at 0233 hours persons were still present in the premises;

On 31 October 2008 at 19.50 hours amplified music was being played at the premises and children under 14 years old were present;

On 7 November 2008 at 21.40 hours evidence of cocaine use was found at the Premises and evidence to suggest people smoking inside the Premises;

On 14 November 2008 non-members were found inside the Premises and sales of alcohol took place outside the permitted hours

On 23 November 2008 at 23.50 hours the premises were still open and approximately 9 persons were having a private party.

At all material times, the holders of the Premises Licence and operators of the said venue were Mr James and Mr Singh. The Designated Premises Supervisor and manager was, on all occasions Mr James. It is clear that the operation and management of the Premises has fallen well below that expected of competent operators. This indicates that:

Management at the Premises is inadequate; and, the Designated Premises Supervisor is not meeting his responsibilities in relation to the Licensing Objectives.

By reason of the matters aforesaid, it is felt that it would be a necessary and proportionate response to request a review of the premises licence with a view to a revocation of the Premises Licence. Alternatively by suspending the Premises Licence for a period of three months. The suspension of this Premises Licence should then only be lifted once additional conditions are complied with namely:

1. CCTV to be installed to the specifications and locations of West Midlands Police (Licensing Dept at Brierley Hill Police Station);
2. CCTV to be recording at all times premises are open for any licensable activity;
3. All images from the CCTV system are to be held for a minimum of 28 days;
4. All images held on CCTV are to be made available immediately on request by any of the responsible authorities;
5. Membership cards be provided to all existing and new members and these shall be checked by staff when customers are entering the premises. Anyone who fails to show their membership card will not be admitted;
6. A computerised log of all members shall be made and updated at regular intervals;
7. Signs outside the premises indicating that the door policy is members only and that no one under the age of 14 years old will be admitted;
8. Signage at the premises to say that there is an absolute zero tolerance in relation to Misuse of Drugs;
9. Any person within the premises who is suspected of being in possession of unlawful drugs will be asked to submit to search. If they decline, they will be removed from the Premises.

Please provide as much information as possible to support the application
(please read guidance note 2)

On Friday 15th August 2008 at 0213hours a call was received reporting a disturbance in the street in High Oak, Pensnett officers attended and visited Steve James Snooker club, the premises were still open with some 20 persons having a private party, the owner was advised and the persons left.(Police log 202 15/08/2008 refers together with Statement from Inspector Danks).

On Tuesday 9th September 2008 at 02.33hours a person was arrested in High Oak, Pensnett it had been established that he had only just left the Steve James Snooker club, officers attended the premises and there were still persons in the premises and the owner of the premises was advised (Police log 188 09/09/08 refers together with statement from Inspector Bradbury).

Between 27th October 2008 and 9th November 2008 the Pensnett Neighbourhood was targeted in an operation involving Police and partner agencies, part of this operation involved Licensed premises with in the neighbourhood and it was agreed that a walk through of the licensed premises would be made to monitor their compliance with the Licensing Act and individual premises complying with the conditions of their Premises licence.

On Friday 31st October 2008 at 1950hours officers attended Steve James Snooker Club, on arrival Steve James the DPS was not present however Wayne Willetts who is a business partner of Steve James was present, at the premises there were between 20 and 30 customers and there was a disco in operation with amplified music being played through a professional deck system it was also noted that there were young children some toddlers at the premises. It was pointed out to Mr Willetts that there were breaches being committed with regards to amplified music being played at the premises and young children under the age of 14 years being on the premises.

On Friday 7th November 2008 at 2140hours officers again attended the Steve James Snooker Club. On this occasion dog handlers with passive drug dogs also attended the premises. On entering the premises Steve James and Wayne Willetts were behind the bar serving, there were 30 – 40 customers in the premises, at the rear of the premises there is a room that is used as a snooker lounge this consists of a separate room with snooker tables and seating around part of the perimeter, on entering this part of the premises officers discovered cocaine and discarded bags on the floor as well as some still containing cocaine. On a table in the premises there was still a line of cocaine ready to be used as well as a line of cocaine on the side of one of the snooker tables. The passive drug dog indicated 3 persons at the premises these persons were searched under the misuse of drugs act however no illegal drugs were found in their possession. Of these 3 persons one is a member of the snooker club according to the membership book.

This scene was photographed (photographs can be produced if required) and the cocaine was seized with a view to be being booked into detained property and then to be disposed of. No individuals could be identified as possessing the drugs as all the customers were all in the same area when officers entered this part of the premises (a plan of the premises can be provided) Some of the customers were causing problems and were obstructive the owner was advised to close the premises which he did voluntarily as he agreed that he did not have control of the premises.

On Monday 10th November 2008 the owner Steve James attended Brierley Hill Police Station where he saw PC Dave Smith the licensing officer, during the conversation Steve James accepted that what had occurred was unacceptable and

that he had no idea what was happening in his premises and that no walk rounds had been made at the premises by either himself nor his staff. He stated that of the customers present only 3-4 were members but he had allowed the others to come in through the front door that has a buzzer system in operation. He accepted that there had never been any membership cards issued and all his system consisted of names and addresses in a book. He accepted that he was not strong enough and that the customers were difficult. He also stated that previously when clearing up he had discovered bags that may have contained drug residue. A letter outlining the conversation was prepared and a copy has been hand delivered to the premises.

The membership book from the premises has been copied and a plan of the premises was taken to the premises where it was established that the interior of the premises had been altered with walls being moved but at no point has a variation of the premises been submitted. This has been brought to the attention of the licensing enforcement at the local authority who are of the opinion that the Premises are in breach of their conditions as there has not been any application to vary their premises licence. (Statement from Brian Hughes Local Authority Licensing Enforcement can be provided if required).

On Friday 14th November 2008 the premises were visited as part of a licensing visit by Inspector Danks and other officers, there was evidence of the DPS being intoxicated and the premises being frequented by persons who were not members and evidence of sales after the permitted hours. (Police log 2930 14/11/2008 refers together with statement from Inspector Danks)

At 2325hours on Sunday 23rd November 2008 officers attended High Oak Pensnett following a report of a distressed female, it was established that she was highly intoxicated and that she had been to the Pensnett Snooker Club, officers attended these premises and even though the shutters were pulled down there were persons still inside the premises, after a while the shutters were opened and officers entered it was stated that it was a private gathering of friends, the details of the occupants was placed onto the Police log. (Police log 2350 23/11/2008 refers together with witness statement from Acting Inspector Madden)

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Handwritten signature]

Date

6/1/09

Capacity

Ops. M.P.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) PC David Smith for and on behalf of the Chief Constable of West Midlands Police Licensing Officer West Midlands Police Brierley Hill Police Station Bank Street Brierley Hill	
Post town	Post Code DY5 3DH
Telephone number (if any) 0121 626 8076	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) david.smith@west-midlands.pnn.police.uk	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.