

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 14 OCTOBER 2009

Title of report	APPLICATION FOR A SUMMARY REVIEW OF A PREMISES LICENCE
Contacts	<p>Councillor Alison Smith 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Commercial Services Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Licensing Team Leader 01530 454838 Stephen.eyre@nwleicestershire.gov.uk</p>
Purpose of report	To determine whether it is necessary to take interim steps in relation to an application for a summary review of a premises licence in respect of premises trading as Zeus Café Bar and located at Market Street, Ashby de la Zouch, Leicestershire LE65 1AG.
Strategic aims	Strong and Safer Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant Corporate Action Team</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>There is no right of appeal to the magistrates' court against the licensing authority's decision at this stage.</p> <p>Safer CAT</p> <p>There are no risks of cost involved in the decision of the licensing authority as there is no right to appeal.</p> <p>Equality Impact Assessment to be undertaken during 2009/10.</p> <p>See the body of the report.</p> <p>N/A</p>

Consultees	Leicestershire Fire and Rescue Service, Trading Standards, Health and Safety, Environmental Protection, Planning and members of the public/local businesses by way of notice at the premises, on the Council's website and at the Council Offices, Coalville.
Background papers	Guidance issued under Section 182 of the Licensing Act 2003 - available for reference at www.culture.gov.uk . Licensing Act 2003 available for reference at www.opsi.gov.uk
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.

1. Background

- 1.1 Punch Taverns PLC hold the premises licence under the Licensing Act 2003 for Zeus Café Bar and the Designated Premises Supervisor (DPS) is Sian Louise Pointon.
- 1.2 On Friday 9 October 2009 following the execution of a search warrant at the premises Stuart Pointon was arrested on suspicion of possession of drugs with intent to supply. During the formal interview he admitted that the powder was in fact amphetamine but for his own use. The powder has yet to be analysed. Stuart Pointon is married to the DPS Sian Pointon and he lives and works on the premises. The execution of the search warrant was a result of intelligence gathering which strongly suggested that drugs were being dealt on the premises.
- 1.3 As a result the search warrant and subsequent seizures Superintendent Sally Healy completed a certificate under section 53A(1)(b) of the Licensing Act 2003 stating that in her opinion that the Zeus Café Bar was associated with serious crime (see Appendix 1). Resulting from that certificate the Leicestershire Constabulary have submitted an application for the summary review of the premises (see Appendix 2).
- 1.4 Further enquiries by the police concluded that the Sian Pointon had ceased to be DPS since March 2009 and had not been at the premises since. Lindsay Pointon confirmed this state of affairs. It is clear that since March 2009 the premises licence mandatory condition relating to the DPS has been breached and the sale of alcohol has been conducted illegally.
- 1.5 On 13 October 2009 an application was received to vary the DPS to Lindsay Gail Pointon, Sian Pointon's mother-in-law. The police have responded to this application by raising an objection as they feel that it would undermine the crime prevention by installing a close family member as the new DPS. This matter will be dealt by officers and is only included as an information item.

2.0 Review Process and Interim Steps

- 2.1 Within 48 hours of the receipt of the chief officer's application the Licensing Authority must complete the following:
- give the premises licence holder and responsible authorities a copy of the application and the Superintendent's certificate.
 - the Licensing Authority must advertise the review at the premises.
 - convene a licensing sub-committee to determine whether it is necessary to take any interim steps
- 2.2 The application was accepted from the police at 14:50 hours on 12 October 2009 and the above steps need to be completed by 14:50 hours on 14 October 2009. The responsible authorities and licence holder were given a copy of the application and certificate on 13 October 2009. A notice was posted at the premises on the same day(see Appendix 3). Copy of the notice has been posted to the Council's web site.
- 2.3 Following on from the Interim Steps meeting a Licence Review Hearing must take place within 28 days from the receipt of the original application that is on or before Monday 9 November 2009.
- 2.4 If representations are made in response to interim steps a further hearing must be convened within 48 hours.

3.0 Statutory Guidance

- 3.1 In making its decision, the Sub-Committee is not obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 although it can be consulted if it is thought necessary to impose extra conditions on the premises licence.

5.0 Observations

- 5.1 The interim steps that the committee must consider taking are:
- the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - the removal of the designated premises supervisor from the licence and
 - the suspension of the licence
- The police have expressed a preference in their application for a suspension of the licence. The Sub-Committee may decide to take no action.
- 5.2 There is no right of appeal to the Magistrates Court against the decision of the Sub-Committee when taking interim steps.

ANNEX B

Leicestershire Constabulary Licensing Department,
Mansfield House,
74, Belgrave gate,
Leicester LE1 3GG

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 serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:
Zeus Café Bar,
Market Street,
Ashby de la Zouch,
Leicestershire LE65 1AG

Premises licence number (if known): NWL20315

Name of premises supervisor (if known): Sian Louise Pointon

I am a Superintendent ³ in the Leicestershire police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

I am satisfied, on the balance of probability, that these premises have been used for the sale and supply of class A drugs, a serious crime for which a person aged 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years.

That being the case and bearing in mind that the designated premises supervisor and her husband, Sian and Stuart Pointon, were advised of police concerns regarding reports of drug dealing at the premises as long ago as August 2008, a suspension of the licence pending a full review would, in my

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

view, be a fair and proportionate response to these events.

.....
(Signed)

(Date)

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Ps567 Sean Moore officer of police for the Leicestershire Constabulary apply for the review of a premises licence under section 53A of the Licensing Act 2003.	[on behalf of] the chief police area
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1. Premises details:

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

**Zeus Café Bar,
Market Street,**

Post town: Ashby de la Zouch,

Post code (if known): **LE65 1AG**

2. Premises licence details:

Name of premises licence holder (if known): Punch Taverns PLC

Number of premises licence holder (if known): NWL203

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]

1. This application follows the execution of a search warrant under the Misuse of Drugs Act at Zeus Café Bar, on Friday the 9th October 2009. The premises licence is held by Punch Taverns PLC and their tenants are the Pointon family. Stuart Pointon lives and works at the premises and he was arrested on suspicion of possessing drugs with intent to supply. When interviewed he stated that the white powder found at the premises was amphetamine for his own use. The powder has yet to be analysed and he is currently on police bail to report at Loughborough police station at noon on Wednesday the 14th October.

The circumstances leading to this state of affairs is as follows:

- 2. Sian Louise Pointon, wife of Stuart, became the designated premises supervisor at the premises in December 2005.**
- 3. On the 18th August 2008 Pc Mark Arjoo received anonymous information that there was drug dealing at the premises.**
- 4. On the 20th August 2008 Pc Arjoo met with Stuart and Sian at Ashby police station and advised them that he had received intelligence regarding drug dealing at their premises. They agreed to discuss the issue with Stuart's parents and come up with an action plan.**
- 5. On the 22nd August 2008 Stuart Pointon informed Pc Arjoo that he had banned a known drug dealer from the premises.**
- 6. On the 6th March 2009 Pc Arjoo received information that Stuart Pointon was dealing cocaine.**
- 7. On the 2nd October 2009 Pc Arjoo received information that a mother had complained that Stuart Pointon had offered her daughter cocaine, that the premises was open until 04:00 and that some customers were under 18.**
- 8. When the warrant was executed it was confirmed by Mrs Poiton senior that her daughter in law had ceased to be the DPS in March 2009 and had not been at the premises since. Mrs Pointon senior had obtained a personal licence and asked Punch Taverns PLC to vary the licence to nominate her as the DPS to replace Sian Pointon. This has not happened up to date.**
- 9. Mr and Mrs Pointon senior agreed to close the premises under these circumstances.**
- 10. Given all these circumstances the police view is that the licensing objectives would best be promoted by suspending the licence pending the full review hearing.**
- 11. In making this application we are mindful of paragraph 11.24 of the**

Guidance under section 182 of the Act and that this and related documents should not enter the public domain as to do so might prejudice criminal proceedings.

Signature of applicant: Sean Moore Ps567
Date: 121009
Capacity:

Contact details for matters concerning this application:
Address: **Licensing Officer**

Telephone number(s): 0116 248 4330

Email: sean.moore@leicestershire.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

**APPLICATION FOR A SUMMARY REVIEW OF A PREMISES
LICENCE**

Notice is hereby given that the **Chief Constable of Leicestershire** has applied for a summary review of the premises licence for the premises known as the

**Zeus Café Bar
Market Street
Ashby de la Zouch
Leicestershire
LE65 1AG**

The grounds for the review are:

- Association of the premises with serious crime.

Dated: 13th October 2009

Representations may be made by the premises licence holder, responsible authority and interested parties and should be made in writing to the Licensing Section, North West Leicestershire District Council, Council Offices, Coalville, Leicestershire, LE67 3FJ.

Representations must be received by 23rd October 2009.

The applicant will be supplied with copies of any objections. A record of the application can be inspected at the Council Offices at the aforementioned address during normal office hours. It is an offence to knowingly or recklessly make a false statement in or in connection with an application. Any person found guilty of such an offence shall be liable on summary conviction to a maximum fine in the sum of £5000.