

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing Sub-Committee

28th April 2009

Report of Head of Legal & Democratic Services

Subject Licensing Act 2003:
Application for Summary Review of a Premises Licence -
Raj Villa, 15 Prince of Wales Road, Norwich, NR1 1BD

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider an application by a Chief Officer of Police at Norfolk Constabulary for the summary review of a premises licence under Section 53A of the Licensing Act 2003 ("the Act").

Recommendation

That Members determine the summary review application respect of Raj Villa, 15 Prince of Wales Road, Norwich in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

Financial Consequences

The financial consequences for this report are nil.

Corporate Objective/Service Plan Priority

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

Contact Officers

Ruth Kemp

Phone No 212760

Background Documents

The Licensing Act 2003
Guidance issued under Section 182 of the Licensing Act 2003
Norwich City Council Statement of Licensing Policy

1.0 Licensing Act 2003 (The Act): Summary Review Applications

1.1 A new procedure for the review of premises licences has been introduced by amendments to the Licensing Act 2003 by virtue of Sections 21 and 22 of the Violent Crime Reduction Act 2006.

1.2 These provisions, which came into effect on 1st October 2007, allow for a quick process for attaching interim conditions to a licence and a fast-track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).

1.3 The new powers only apply where a premises licence authorises the sale of alcohol. They do not, however, apply in respect of other premises licences or club premises certificates.

1.4 The purpose of the new powers is to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises.

1.5 The new procedure allows:

- The police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
- The Licensing Authority to respond by taking interim steps quickly, where it is appropriate to do so.

2.0 Summary of the New Procedures

2.1 The process that needs to be followed by the Police and Licensing Authority is summarised below:

2.2 A senior police officer (defined as an Officer is who a Superintendent or above) must give a certificate to the Licensing Authority which states that it is his opinion that the premises are associated with serious crime or serious disorder or both.

2.3 Upon receipt of the application, the Licensing Authority must give consideration as to whether it is necessary for any Interim Steps to be taken pending the outcome of the review hearing. The decision must be made within 48 hours from when the application is made. The decision to impose Interim Steps can only be made by members of the Licensing Committee.

2.4. The steps that must be considered are:

- Modifying the conditions of the premises licence;
- Excluding the sale by retail of alcohol from the scope of the licence;
- Removing the designated premises supervisor from the licence;
- Suspending the licence.

2.5 In considering whether Interim Steps need to be taken within the first 48 hours of receipt of the application, it is not necessary for the holder of the premises licence to be given the opportunity to make representations to the Licensing Authority.

2.6 If Interim Steps are imposed, then the decision will take effect immediately or as soon after that as the Committee direct.

2.7 Additionally, a review hearing of the premises licence must take place within 28 days in accordance with Section 53C of the Licensing Act 2003, and the Licensing Sub-Committee must reach a decision on that review.

2.8 If the Licensing Authority takes one or more of the Interim Steps outlined previously in paragraph 2.4, immediate notice of its decision and the reasons for making it must be given to the holder of the premises licence and the police.

2.9 In cases where Interim Steps are imposed and the premises licence holder has not previously been given the opportunity to make representations in the initial 48 hour period, then they may make representations against the Interim Steps. The Licensing Authority must then hold a hearing within 48 hours from receiving those representations unless they are withdrawn by the premises licence holder.

2.10 There is no right of appeal to a magistrate's court against the Licensing Authority's decision at this stage.

2.11 After consideration of any Interim Steps, the Licensing Authority must review the premises licence at a subsequent meeting and reach a decision on that review within 28 days of the application being received. This meeting must take place even if the Chief Officer of Police asks to withdraw his application or representations.

3.0 Consideration of the Review Application

3.1 The purpose of the hearing today is for Members to:

3.2 Consider the application for the review and any relevant representations;

3.3 Consider what steps it considers necessary for the promotion of the licensing objectives; and

3.4 Consider what steps should be taken to secure the promotion of the licensing objectives, including whether the interim steps previously taken should be made permanent.

3.5 The steps the Committee can take are:

- The modification of the conditions of the premises licence;
- The exclusion of a licensable activity from the scope of the licence;
- The removal of the designated premises supervisor from the licence;
- The suspension of the licence for a period not exceeding three months; or
- The revocation of the licence.

3.6 The Committee must ensure that, from the coming into effect of their decision upon the review application, any interim steps imposed pending the review of the premises licence cease to have effect (except in those circumstances where any interim steps form part of the determination of the review application).

3.7 For the purposes of 3.5 above, the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

3.8 Members should also be aware that the Act provides that where a decision is reached either to modify the conditions of a premises licence or to exclude a licensable activity from the scope of the licence, the Committee may provide that such modification or exclusion is to have effect only for a specified period, but this must not exceed a maximum period of three months.

3.9 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrate's court. An appeal may be made by:

- The Chief Officer of Police;
- The Holder of the premises licence; or
- Any other person who made relevant representations in relation to the application.

3.10 The decision of the Committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.

4.0 Application for Summary Review

4.1 On 1st April 2009 an application was received from Superintendent Nicholas Dean of Norfolk Constabulary requesting a review of the premises licence for Raj Villa, 15 Prince of Wales Road, Norwich, in accordance with the provisions of Section 53A of the Licensing Act 2003. A copy of the current premises licence detailing the permitted licensable activities and licence conditions is attached to the report as Appendix A.

4.2 A copy of the application and certificate received for the expedited summary is attached at Appendix B.

The grounds for the review relate to:

- Serious crime
- Serious disorder

4.3 On 3rd April 2009 a hearing was held before the Licensing Sub-Committee to hear evidence and consider whether it was necessary to take interim steps in accordance with Section 53B of the Licensing Act 2003, pending the full review of the premises licence.

4.4 The Sub-Committee decided it was necessary to **take** the interim steps as detailed below, with immediate effect, pending the determination of the review of the premises licence on 28th April 2009.

The Sub-Committee resolved to suspend the premises licence in its entirety for the following reasons:

- That they found serious crime
- That interim steps are needed
- They found that the Designated Premises Supervisor failed to comply with promoting the licensing objective of the prevention of crime and disorder. There is evidence of drug use on the premises, large quantities of Class A drugs and money and paraphernalia which at present support the Police allegation of possible supply.

4.5 The notice of the review has been properly served on all the responsible authorities. The Council has complied with the legislative process and displayed the appropriate notice at or on the premises as required when the application for the review was made.

4. Relevant Representations

4.1 The responses from the Responsible Authorities are as follows:

- Police – Representation received (attached at Appendix C)
- Environmental Services – No representations.
- Fire Officer – No representations.
- Planning Officer – No representations.
- Area Child Protection Committee – No representations.
- Trading Standards – No representations.

4.2 There has been one interested party representation regarding the review application. This is attached to the report as Appendix D. Members will note that the letter refers to a number of issues on Prince of Wales Road that cannot be considered as relevant to this review application, but it does refer to problems at the specific premises taking place over the last year.

4.3 A site map of the area identifying the premises to which the application relates is attached as Appendix E. A more detailed map of the area detailing the Interested Parties' residences will be available at your meeting.

5.0 Norwich City Council Statement of Licensing Policy

5.1 Attached at Appendix F are the elements of the City Council's local Licensing Policy which are considered to have a bearing upon the application.

6.0 National Guidance (issued under section 182 of the Licensing Act 2003)

6.1 Attached at Appendix G are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

7.0 Summary

7.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

7.2 In making its decision, the Sub-Committee is also obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003 (National Guidance) and the Council's own local licensing policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears.

7.3 If, after considering the application and relevant evidence, action is considered necessary, the Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- To modify the conditions of the Premises Licence (which includes adding new conditions or any alteration or omission of an existing condition);
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor (for example, because they consider that the problems are the result of poor management);
- To suspend the licence for a period not exceeding three months; and
- To revoke the licence.

7.4 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

7.5 The application for review, and the representations in support of the review, appear to relate to issues that fall under the licensing objective of the prevention of crime and disorder. The Sub-Committee is directed to paragraph 21 of the local licensing policy at Appendix F that contains examples of factors which can impact on the licensing objective of the prevention of crime and disorder. These paragraphs also contain examples of control measures that may be taken into account having regard to the type of premises and/or the licensable activities.



NORWICH
City Council

Schedule 12

Regulation 33,34

Premises Licence

Premises Licence Number

07/02195/PREM

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Raj Villa
15 Prince Of Wales Road
Norwich
Norfolk
NR1 1BD

Telephone number 01603 616101

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Late Night Refreshment
Live Music
Performances of Dance
Provision of Dance Facilities
Sale by Retail of Alcohol
Recorded Music

The times the licence authorises the carrying out of licensable activities

| | | |
|-------------------------------|-----------|---------------|
| Late Night Refreshment | Every Day | 23:00 - 02:00 |
| Live Music | Every Day | 18:00 - 02:00 |
| Performances of Dance | Every Day | 18:00 - 02:00 |
| Provision of Dance Facilities | Every Day | 18:00 - 02:00 |
| Sale by Retail of Alcohol | Every Day | 10:00 - 02:00 |
| Recorded Music | Every Day | 18:00 - 02:00 |

Non Standard/Seasonal Timings

New Years Eve: From the end of permitted alcohol hours on New Years Eve to the start of permitted alcohol hours on New Years Day.

The opening hours of the premises

| | |
|-----------|---------------|
| Monday | 10:00 - 02:30 |
| Tuesday | 10:00 - 02:30 |
| Wednesday | 10:00 - 02:30 |
| Thursday | 10:00 - 02:30 |
| Friday | 10:00 - 02:30 |
| Saturday | 10:00 - 02:30 |
| Sunday | 10:00 - 02:30 |

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premise

State whether access to the club premises by children is restricted or prohibited

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Kamal Ahmed Siddiquee
Raj Villa
15 Prince Of Wales Road
Norwich
NR1 1BD

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Kamal Ahmed Siddiquee
Raj Villa
15 Prince Of Wales Road
Norwich
NR1 1BD

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: 05/02169/PERSTR

Licensing Authority: Norwich City Council

Annex 1 – Mandatory conditions

1 No supply of alcohol may be made under a premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the Operating Schedule

1 **General - all four licensing objectives**

2 The Licensee, that is the person in whose name the premises licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

3 There will be a 30 minute "chill out" / wind down period after all licensed activities have ended.

4 **The Prevention of Crime and Disorder**

5 The Licensee and designated premises supervisor shall ensure that there are effective management arrangements in place to enable them to know how many persons there are in the premises at all times when the premises are open for a licensable activity.

6 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

7 No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage.

8 The Licensee shall not advertise, promote, sell or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.

9 The licensee will ensure that there are sufficient staff on the premises to be able to monitor the behaviour of customers whilst inside and take action to alert the Police and prevent problems from escalating.

10 There shall be at least one of the managers present on the premises at all times.

11 The licensee shall give to the Police at least 7 days notice of any proposed hen night, stag night or striptease event at the premises.

12 The licensee shall operate a "No ID, No Service of Alcohol" policy for those persons who appear to be under the age of 21.

13 The licensee shall join the Norwich Licensing Forum and attend at least three meetings per year.

14 **Public Safety**

15 When obviously physically disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency.

16 All escape routes and exits must be kept unobstructed, in good order, free of trip hazards and clearly identified.

17 All exit doors whenever the premises are occupied must be able to be easily opened in the case of an emergency, without the use of a key, card, code or similar means.

18 All exit doors must be regularly checked to ensure that they function satisfactorily.

19 Any removable security fastenings must be removed whenever the premises are open to the public or occupied by staff.

20 All fire doors must be maintained effectively self closing and must not be held open other than by approved devices.

21 Fire fighting equipment must be provided in the licensed premises in accordance with the risk assessment with staff suitably trained as necessary.

22 Adequate and appropriate equipment and materials must be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.

23 In the absence of adequate daylight, the lighting in any area accessible to the public must be in operation when they are present.

24 The licensed premises must have a means of giving warning to persons in the event of an outbreak of fire or other emergency. Where determined by the risk assessment that a mains electrical fire alarm is required, this must be designed to and installed in accordance with British Standard 5838 Current Edition.

25 Fire safety signs must be adequately illuminated.

26 Emergency lighting must be provided in accordance with BS5266 (current edition) or an equivalent standard approved by the Licensing Authority.

27 Emergency lighting must not be substantively altered without prior consent of the Licensing Authority.

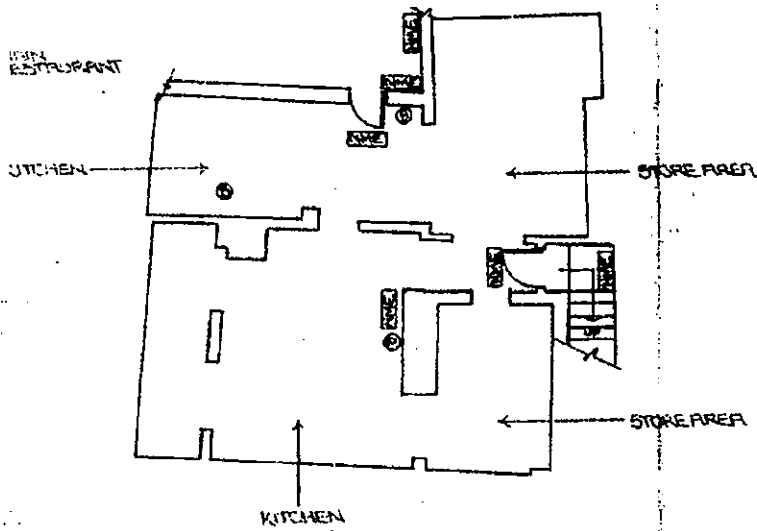
28 The emergency lighting system must be checked to ensure it is operating correctly at regular intervals.

- 29 In the interest of public safety the management policy is to close the doors to restrict further entry when this is necessary to prevent overcrowding. This does not compromise the means of escape in case of fire.
- 30 **The Prevention of Public Nuisance**
- 31 Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining premises.
- 32 Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.
- 33 Premises must remove their waste and refuse in a timely manner to a licensed waste disposal facility.
- 34 **The Protection of Children From Harm**
- 35 A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

Annex 3 – Conditions attached after a hearing by the licensing authority

- 1 There shall be no admission of patrons to the premises after 1.30 a.m. daily.
- 2 The licensee shall take all reasonable steps to keep the exterior of the premises free from litter and refuse whilst the premises are open, and particularly at closing time.

Annex 4 – Plans



LOWER GROUND FLOOR PLAN

NOTES:

All dimensions must be checked on site and not scaled from this drawing.

FIRE SAFETY LEGEND

- ☉ - SMOKE DETECTOR
- ⊗ - FIRE BLANKET
- ⊙ - MANUAL CALL POINT
- ⊕ - FOAM FIRE EXTINGUISHER
- ⊖ - POWDER FIRE EXTINGUISHER
- ⊗ - WATER FIRE EXTINGUISHER
- ⊙ - FIRE ALARM SOUNDER
- ⊙ - N.M.E. - NON MAINTAINED EMERGENCY LIGHT
- ⊙ - N.M.E. WITH DIRECTIONAL ARROW
- ⊙ - N.M.E. WITH DIRECTIONAL ARROW AND RUNNING MAN
- ⊙ - N.M.E. - ILLUMINATED EXIT SIGN

| A | Date | Revisions |
|---|------|-----------|
| | | |

© copyright interior designers

14 St. Andrew Street,
Norwich, NR2 4AE
Tel 01603 61628 Fax 01603 61619

Client
MR KAMAL - RAJ VILLA

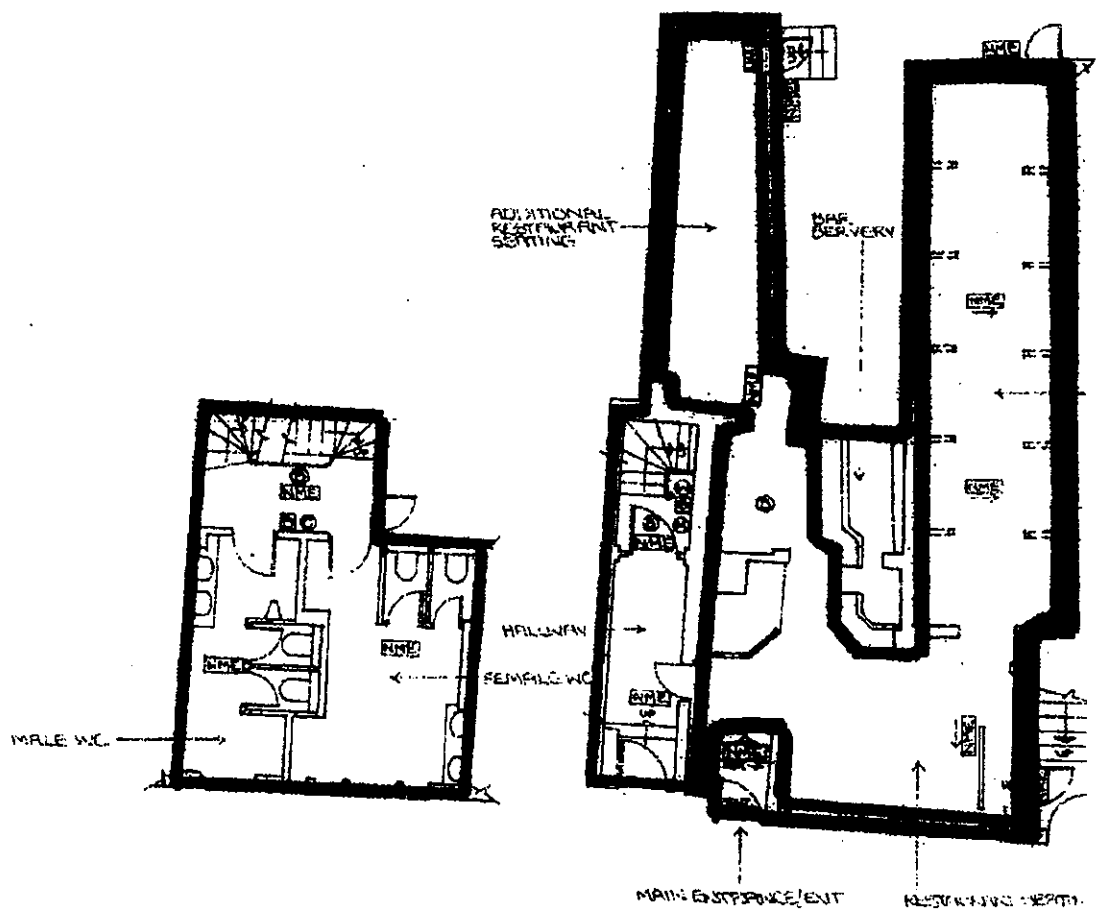
Job Title
**PREMISE PLANS FOR:
RAJ VILLA
15 PRINCE OF WALES ROAD
NORWICH
NORFOLK
NR1 1BD**

Drawing Title
GENERAL LAYOUTS

Scale
1:100



Date **14/07/06** Drawn by **BP**

Dwg No. **241/02** Rev



FIRST FLOOR PLAN

GROUND FLOOR PLAN

-  LICENSED AREA
-  LATE NIGHT REFRESHMENT AND REGULATED ENTERTAINMENT

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

ANNEX C

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

NORWICH CITY COUNCIL, CITY HALL, ST PETERS STREET, NORWICH, NR2 1NH
07/02195/PREM

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.

| | |
|---|-----|
| <p>I SUPERINTENDENT NICHOLAS DEAN behalf of] the chief officer of police for the NORFOLK CONSTABULARY police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.</p> | [on |
|---|-----|

1. Premises details:

| |
|---|
| <p>Postal address of premises, or if none or not known, ordnance survey map reference or description: RAJ VILLA, 15 PRINCE OF WALES ROAD</p> <p>Post town: NORWICH</p> <p>Post code (if known): NR1 1BD</p> |
|---|

2. Premises licence details:

| |
|---|
| Name of premises licence holder (if known): KAMAL AHMED SIDDIQUEE |
| Number of premises licence holder (if known): 07/02195/PREM |

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]

On the 1 April 2009 a warrant was executed under the Misuse of Drugs Act 1971 at the Raj Villa and the accommodation above the premises. This action was taken by Norfolk Constabulary following receipt of significant intelligence regarding the supply of Class A drugs from the premises.

A significant quantity of, what we believe to be, heroin and crack cocaine was recovered, along with a large quantity of cash. Notably, the drugs were wrapped in individual 'deals' which would appear to confirm the intelligence that not only were drugs being used on the premises but they were being supplied from the premises. Persons arrested for possession of the drugs with intent to supply, were all confirmed to be employees of the premises. Officers of UK Border Agency also attended the warrant and detained at least one individual for immigration offences.

Norfolk Constabulary would suggest that the offences committed would constitute 'serious crime' as set out in s.81 Regulation of Investigative Powers Act 2000, being an offence where an individual of 18 years or over could reasonably be expected to receive a sentence of 3 years imprisonment or more.

Norfolk Constabulary would also suggest that the seriousness of these offences would justify utilising the expedited review procedure as a proportionate response. The drugs recovered, the arrest of a number of the employees and the wealth of intelligence regarding the unlawful activities occurring at / associated with the premises indicate that the criminal activity was intrinsically linked with the operation of the premises. Although this is the first time Norfolk Constabulary have intervened in this manner with the premises, the seriousness of the intervention and offences committed require a significant and robust response.

Norfolk Constabulary would therefore seek the following interim steps as a method of addressing the problems at the premises;

1. suspension of the licence to sell alcohol
2. suspension of the licence to provide late night refreshment after 23.00 hours.

There are no alternative powers that Norfolk Constabulary feel could be used as a substitute in these circumstances. Norfolk Constabulary feels that the offences committed in connection with the premises are so serious that we cannot wait 28 days for a standard review under section 51 Licensing Act 2003 which would potentially allow serious criminality to continue from the premises.

Signature of applicant:

Date:

Capacity:



District Superintendent Norwich City.

Contact details for matters concerning this application:

Address: APS SHEPHERD, NORFOLK CONSTABULARY LICENSING
DEPARTMENT, BETHEL STREET POLICE STATION, NORWICH, NR2 1NN

Telephone number(s): 01603 276017

Email: shepherdm@norfolk.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.

NORFOLK CONSTABULARY C/O LICENSING DEPARTMENT, BETHEL
STREET POLICE STATION, NORWICH, NR2 1NN

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:

RAJ VILLA, 15 PRINCE OF WALES ROAD, NORWICH, NR1 1BD

Premises licence number (if known): 07/02195/PREM

Name of premises supervisor (if known): KAMAL AHMED SIDDIQUEE

I am a SUPERINTENDENT NICHOLAS DEAN ³ in the NORFOLK
CONSTABULARY
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:

On the 1 April 2009 a warrant was executed under the Misuse of Drugs Act 1971 at the Raj Villa and the accommodation above the premises. This action was taken by Norfolk Constabulary following receipt of significant intelligence regarding the supply of Class A drugs from the premises. A significant quantity of, what we believe to be, heroin and crack cocaine was recovered, along with a large quantity of cash. Notably, the drugs were wrapped in individual 'deals' which would appear to confirm the intelligence that not only were drugs being used on the premises but they were being supplied from the premises. Persons arrested for possession of the drugs with intent to supply, were all confirmed to be employees of the premises. Officers of UK Border Agency also attended the warrant and detained at least one individual for immigration offences.

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.

Norfolk Constabulary would suggest that the offences committed would constitute 'serious crime' as set out in s.81 Regulation of Investigative Powers Act 2000, being an offence where an individual of 18 years or over could reasonably be expected to receive a sentence of 3 years imprisonment or more.

Norfolk Constabulary would also suggest that the seriousness of these offences would justify utilising the expedited review procedure as a proportionate response. The drugs recovered, the arrest of a number of the employees and the wealth of intelligence regarding the unlawful activities occurring at / associated with the premises indicate that the criminal activity was intrinsically linked with the operation of the premises. Although this is the first time Norfolk Constabulary have intervened in this manner with the premise, the seriousness of the intervention and offences committed require a significant and robust response.

Norfolk Constabulary would therefore seek the following interim steps as an appropriate, necessary and proportionate method of addressing the problems at the premises;

1. suspension of the licence to sell alcohol
2. suspension of the licence to provide late night refreshment after 23.00 hours.

There are no alternative powers that Norfolk Constabulary feel could be used as a substitute in these circumstances. Norfolk Constabulary feels that the offences committed in connection with the premises are so serious that we cannot wait 28 days for a standard review under section 51 Licensing Act 2003 which would potentially allow serious criminality to continue from the premises.

Nicki D. DEAN 1/4/09.

(Signed)

(Date)

APPENDIX C

Fuller, Maxine

From: Bartram, Michelle
Sent: 17 April 2009 10:39
To: Licensing; Fuller, Maxine; Kemp, Ruth
Cc: Brian Hardie
Subject: raj villa representation (2)
Attachments: raj villa representation (2).doc

Good Morning Licensing

Please see a copy of the Police representation attached for the review of Raj Villa which is set to be held on 28th April.

As discussed there will be 3 statements from officers included which will explain their findings in more detail but will not include any additional material other than the above.

These should be submitted to you later this afternoon

Kind regards

Michelle Bartram
Licensing
Norwich

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary Disclaimer](#)

17/04/2009

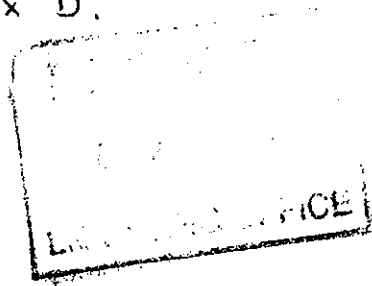
1. On the 1 April 2009 a warrant was executed under the Misuse of Drugs Act 1971 at the Raj Villa Restaurant and the accommodation above the premises. This action was taken by Norfolk Constabulary following receipt of significant intelligence regarding the supply of Class A drugs from the premises and the rooms above. Further details will be provided at the hearing regarding the specific intelligence received by Norfolk Constabulary.
2. A significant quantity of what we suspect to be heroin and crack cocaine was recovered by officers, from the accommodation above the restaurant, along with a large quantity of cash. Notably, some of the drugs found were wrapped in individual 'deals' which would appear to confirm the intelligence that not only were drugs being used on the premises, but they were also being supplied from the premises. Three people were arrested on suspicion of being concerned in the supply of controlled drugs. Two of those individuals arrested were confirmed to be employees of the Raj Villa Restaurant.
3. On 3 April 2009 the owner/manager of the Raj Villa Restaurant was also arrested on suspicion of being concerned in the supply of controlled drugs.
4. The criminal investigation is ongoing and there are potential issues of sub-judice that Norfolk Constabulary has to be alive to, in order to ensure that any subsequent prosecution is not prejudiced. However, further details of the findings of the warrant and the subsequent criminal investigation may be provided at the hearing, if deemed appropriate and necessary.
5. Officers of UK Border Agency also attended the warrant on 1 April 2009 and detained at least one individual, on suspicion of immigration offences. This individual was also an employee of the Raj Restaurant.
6. An ashtray with cigarette butts was noted during the warrant. This was located at a table in an area of the restaurant. This could potentially suggest smoking had been permitted on the premises in contravention of the Health Act 2006.
7. As a consequence of the warrant executed at the Raj Villa, Norfolk Constabulary applied for an 'expedited review' of the premises licence under section 53A of the Licensing Act 2003. This application was made on the basis that the premises were associated with serious crime and the seriousness of the offences committed by people associated with the premises, required a swift and robust response in order to prevent serious criminality from potentially continuing to occur from a licensed premises.
8. On the 3 April 2009 the matter was heard by Norwich City Council Licensing Sub-Committee. After hearing representations from Norfolk Constabulary and the Premises Licence Holder Mr Siddiquee, the sub-committee agreed to suspend the premises licence with immediate effect, until a full review could be determined.
9. Norfolk Constabulary would suggest that the presence of the drugs recovered from the private rooms associated with the premises, the arrest of three employees of the premises on suspicion of being concerned with the supply

of controlled drugs, and the intelligence received regarding the unlawful activities occurring at / associated with the premises, provides a strong indication that the criminal activity occurring, was intrinsically linked with the operation of the premises.

10. When the warrant was executed on the 1 April 2009, the Designated Premises Supervisor (who is also the Premises Licence Holder) was not present at the premises. The employees spoken to at the restaurant, informed officers that the DPS had not been present for a number of days due to family illness and that there was no nominated replacement. However, the intelligence regarding the unlawful activities at the premises dates back to the end of 2008 which suggests that this incident was not a 'one-off' occurring only whilst the Premises Licence Holder/DPS was away.
11. Norfolk Constabulary would suggest that the DPS, as an effective and competent manager of the premises, should have known about the situation regarding the supply of controlled drugs associated with the premises. Those arrested on suspicion of supply of controlled drugs were his employees, and one was in a position of management. In addition to this, Mr Siddiquee often stayed upstairs in the private accommodation where the drugs were recovered and where those arrested also resided.
12. Paragraph 11.23 of the Guidance issued under section 182 of the Licensing Act 2003 ("the Guidance") states that where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the licence conditions attached to the licence. In such circumstances the licensing authority is still empowered to take any steps to remedy the problems. Norfolk Constabulary would suggest that in the case of the Raj Villa, the staff and management failed to exercise best efforts to prevent the criminal activity from occurring and in fact some appear to be complicit in the activities.
13. Paragraph 11.25 of the Guidance gives a list of certain criminal activity that may arise in connection with licensed premises and which the Secretary of State considers should be treated particularly seriously. The sale and distribution of Class A drugs appears on that list.
14. Paragraph 11.26 states that responsible authorities such as Norfolk Constabulary should use the review procedure to deter such activities and crime from occurring in connection with licensed premises. It goes on to state that where the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.
15. Although Norfolk Constabulary acknowledges that this is the first time they have had to intervene with the premises, they feel that the seriousness of the criminal activity associated with the premises and the level of the intervention required by the police, justifies a robust response with regard to their premises licence. Unfortunately, Norfolk Constabulary has no confidence in

the management of the premises and particularly in the ability of the DPS/Premises Licence Holder to prevent crime from reoccurring. Accordingly, Norfolk Constabulary feels they have no other viable option to promote the licensing objectives but to invite the sub-committee to consider revoking the premises licence of the Raj Villa.

APPENDIX D.



Abdul Bashir
Prince Of India
19 Prince of Wales Road
Norwich
NR1 1BD

Licensing
Legal and Democratic Services
Norwich City Council
City Hall
St Peters Street
Norwich NR2 1NH

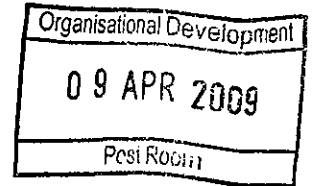
08/04/09

~~Dear~~ Whom this may concern,

I am in the above address for the last 25 years. It used to be a very nice place however since the year 1995, a number of night clubs have opened and more licence premises have been allocated and more crime has taken place. Drug dealings above restaurant Raj vill have taken place for almost a year, murders have also increased rapidly. I am strongly concerned and want to reduce licence premises and clubs, pubs and restaurant to get rid of late night openings to abolish any violence taken place.

Abdul Bashir

Norwich City Council Licensing Authority
Licensing Act 2003



Statement of support or objection to
an application for Summary Review of a premises licence

| | |
|---|--------------------------------|
| Your name/organisation name/name of body you represent (see note 1) | Abdul Bashir / Prince of India |
| Postal address | NR1 1BD |
| Email address | |
| Contact telephone number | |

| | |
|-------------------------|----------------------------------|
| Name of the premises | Prince of India |
| Address of the premises | 19 Prince of Wales Road, Norwich |

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

| Licensing Objective | Please set out your support or objections below. Please use separate sheets if necessary |
|-------------------------------|---|
| To prevent crime and disorder | Reduce the number of licence premises and nightclubs in the area. |
| Public safety | Too much licences premises in the street brought more violence. This caused drunken disorder, a number of murders in the area and causes a danger for the public. |
| To prevent public nuisance | Too much alcohol being distributed in these clubs causes a public nuisance and riots in the streets. |
| To protect children from harm | |

| | |
|--|--|
| Please suggest any conditions which would alleviate your concerns. | |
|--|--|

Signed:

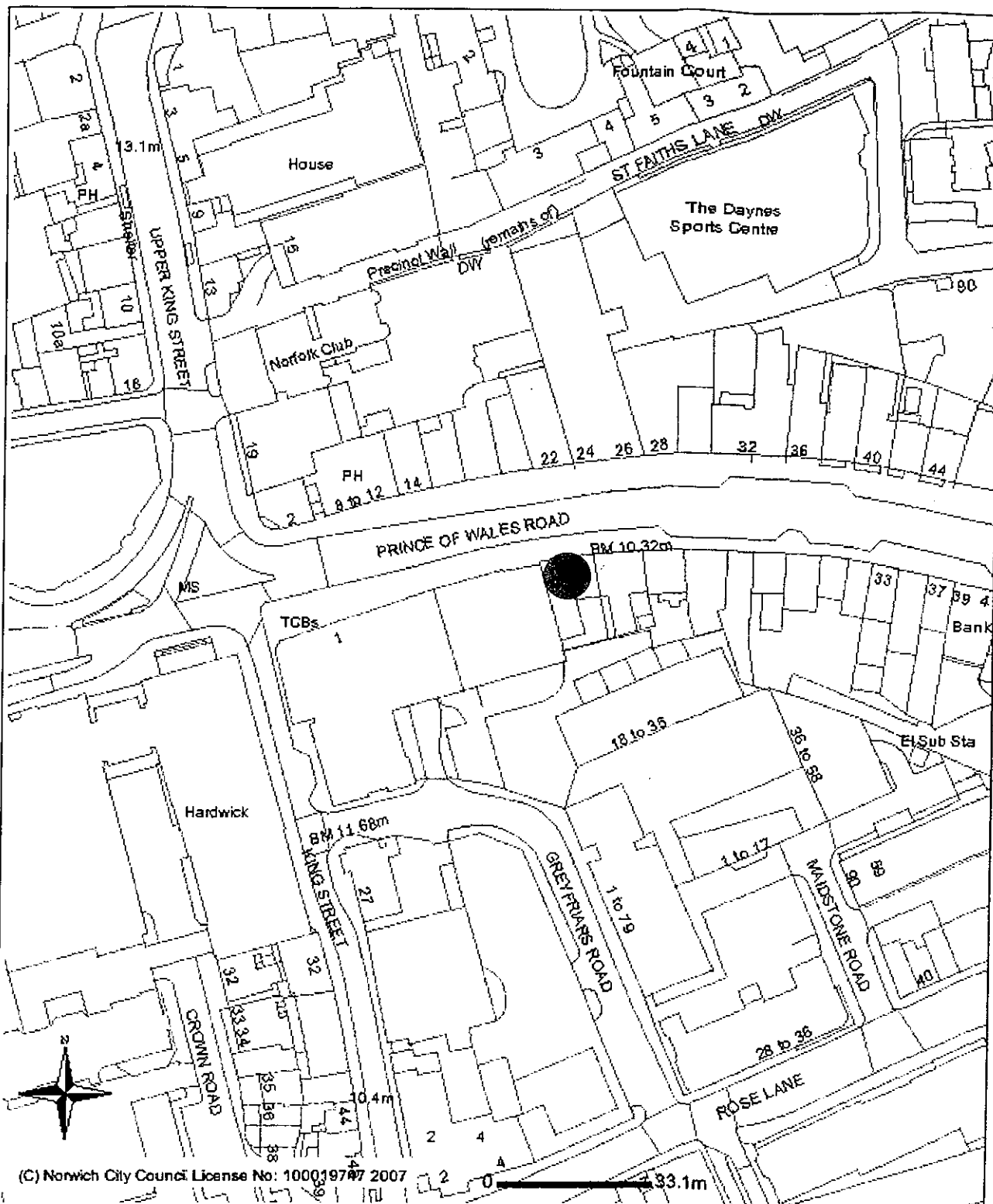
Date: 8-4-09

Please see notes on reverse



NORWICH
City Council

Norwich City Council
City Hall Norwich
NR2 1NH
Tel: 01603 212212
info@norwich.gov.uk



Scale: 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Norwich City Council, License 100019747 2007.

APPENDIX F

Local Policy considerations

1.0 Introduction

1.4 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.5 The 2003 Act also requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

4.1 "Responsible Authorities" will be asked to consider all applications and to make representations to the Council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered.

4.2 The Council will consider all representations from any "Interested Party" (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.

4.3 A representation, will only be accepted by the Council if it is 'relevant', in that it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representations, which are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the Council.

5.0 Conditions attaching to Licences

5.1 Where relevant representations are made, the Council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal

activity in the area concerned, and will cover matters that are within the control of individual licensees.

- 5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are necessary for the promotion of the licensing objectives.

11.0 Reviews of Licences and Certificates

- 11.1 A Licence or Certificate will be reviewed if valid representations are received by the Council. Where practicable, the Council will mediate between applicants, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to a premises licence. Where possible, the Council will mediate by:

- Identifying potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
- Negotiating, if possible, potential conditions to reflect resolutions of this mediation.

This process will not override the right of any interested party to ask that the Council consider their valid objections, or for any licence holder to decline to participate in a mediation meeting.

Where mediation is not practicable or fails, the Council will advise the parties of the provisions of the Act concerning a formal review of the licence.

- 11.2 Should Responsible Authorities and Interested Parties give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement, requests for a review of any licence will only be sought if such notice has failed to resolve the matter or problem.
- 11.3 The Council expects that any Responsible Authority or Interested Party will provide an evidentiary basis to support their application for a review of a premises licence.

21.0 Objective - Prevention of Crime and Disorder

- 21.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the City Council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 21.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating

schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

21.3 When addressing the issue of crime and disorder, the applicant should demonstrate that all those factors that impact on crime and disorder have been considered. These include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Keeping illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.
- Preventing disorderly and potentially violent behaviour on and outside the premises.
- Reducing Anti-social behaviour and Disorder inside and outside the premises
- Litter
- Unauthorised advertising
- Protecting people and property from theft, vandalism and assault
- Guard against glasses and bottles being used as weapons or causing accidents.

21.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or licensable activities:

- Effective and responsible management of premises
- Training and supervision of staff
- Employ sufficient numbers of staff to keep numbers down of people awaiting service
- Provide sufficient seating for customers
- Patrols of staff around the premises
- Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity.
- Introduce an entry policy – making people aware of it – and apply it consistently and fairly
- Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises
- Implement effective management of entrance queues – incorporating barriers if necessary
- Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA

- Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports
- Provision of effective CCTV in and around premises
- Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder
- Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up.
- Provision of toughened or plastic drinking vessels and bottles
- Provision of 'bottle bins' inside the premises and near exits.
- Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's
- Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs.
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise.
- Responsible advertising
- Distribution of promotional leaflets, posters etc.
- Drug Seizure Kits (available from Norfolk Police Operation Enterprise)
- Member of the 'NiteLink' radio scheme
- Working in partnership with the SOS Bus scheme
- Ban known offenders and share information with other licensed premises in the area
- Implement a dispersal policy
- Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish.

National Guidance (issued under section 182 of the Licensing Act 2003)

The Statutory Guidance (revised June 2007) provides advice in relation to the consideration of review applications.

The Review Process:

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.7 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of cooperation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

Powers of a Licensing Authority on the Determination of a Review:

- 11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise when it considers them necessary for the promotion of the licensing objectives.
- 11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.17 Where the licensing authority considers that action under its statutory powers is necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.
- 11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises

supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the building holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

Reviews Arising in Connection with Crime:

11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognize that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premise and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why

representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- For the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- For the sale and distribution of illegal firearms;
- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- For the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity of crime of young people;
- The prostitution or the sale of unlawful pornography;
- By organised groups of paedophiles to groom children;
- As the base for the organization of criminal activity, particularly by gangs;
- For the organisation of racist activity or the promotion of racist attacks;
- For unlawful gaming and gambling; and
- For the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.