

RESTRICTED (when complete)Form 262
(R 10/09)**APPLICATION AND CERTIFICATE FOR SUMMARY
REVIEW OF PREMISES LICENCES**

(Section 53A Licensing Act 2003)

Derby City Council
The Licensing Team
Environment & Regulatory Services
The Council House
Corporation Street
DERBY, DE1 2FS

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime, serious disorder or both)

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 Police Constable 14051 Williamson

[on behalf of] the chief officer of police for the South Division of the Derbyshire Constabulary 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: Premier Rowditch 211-213 Uttoxeter New Road
Post town: Derby
Post code (if known): DE22 3LJ

2. Premises licence details:

Name of premises licence holder (if known): Balran Services Ltd
Number of premises licence (if known): PL10550117

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 their opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.	
(Please tick the box to confirm)	<input checked="" type="checkbox"/>

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4. Details of association of the above premises with serious crime, serious disorder or both:
[Please read guidance note 2]

At approximately 13:25 hours on Sunday 8th December 2019 police were called to an address on Uttoxeter New Road, Derby where a male had been the victim of an assault involving a weapon and subsequently received life threatening injuries. The victim is currently in hospital in a critical condition as a result of his injuries.

Through the police investigation, it has transpired that there is a causal link to the Premier Rowditch store, 211-213 Uttoxeter New Road, Derby however the details cannot currently be disclosed due to this being an ongoing criminal investigation.

CCTV was requested from the premises however this was not fulfilled as per the premises licence conditions. Due to the particulars of the case it is the opinion of the licensing team that we have lost confidence in the Premises Licence Holder and Designated Premises Supervisor

It is the view of the police that this incident has triggered an application for an expedited review under Section 53A of the Licensing Act 2003.

The police therefore kindly request that the Licensing Authority uses its powers to suspend the licence until such a time that a full review can take place and to give the police and Licensing Authority the assurance that the Licensing Objectives will be fully promoted. The police feel that at the present time to only action from the review is the consideration of revocation of the Premises Licence.

Whilst making this application I would ask the panel to consider regulation 14 of the Licensing Act 2003 (Hearings) Regulations. I would request that the authority takes the view that the public interest in excluding the public from this hearing, outweighs the public interest in the hearing, taking place in public.

I would ask that all members of the public are excluded, except for the Premises Licence Holder;

To clarify, the police are bringing forward matters that are part of ongoing criminal investigations which could be prejudiced by public disclosure of the facts.

Whilst making this application and signing the certificate, I have considered the following;

The home office states that the test to determine the kinds of conduct that amounts to serious crime are set out in section 81 (2) and (3)(a) and (b) of the regulation of investigatory powers act 2000. Those tests are that the conduct;

- (a) Constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment of 3 years or more
- Or
- (b) 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.

Alternative powers have been considered under the Licensing Act to address the issues but they have not been deemed suitable. These powers would be Section 19 which cannot be used for an off licence and section 51.

To reiterate the Chief Officer of Police is therefore of the opinion that the suspension of the Premises License pending the full Licensing Review (53c) is appropriate, proportionate and reasonable. The action taken is in line with the licensing objectives of the prevention of crime.

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- 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, eg the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

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DERBYSHIRE CONSTABULARY
D DIVISION HEADQUARTERS
PRIME PARKWAY
CHESTER GREEN
DERBY
DE1 3AB

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.

Premises

**Premier Rowditch
211-213 Uttoxeter New Road**

Premises licence number (if known): **PL10550117**

Name of premises licence holder (if known): **Balran Services LTD**

Name of premises supervisor (if known): **Mrs Baljinder Kaur Mann**

I am a Superintendent³ of the Derbyshire Constabulary

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴; immediate action is required to prevent further serious crime and disorder and also to permit a thorough investigation with regards to serious concerns of persons involved in the management and supervision of the premises.

Sydney

.....
.....
(Signed)

Thursday 12th December 2019

(Date)

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Contact details for matters concerning this application:

Address: The Licensing Department, D Division HQ, Prime Parkway, DERBY, DE1 3AB

Telephone number(s): 0300 122 5408

Email: derby.licensing@derbyshire.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 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.

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At the present time therefore it is submitted that the only reasonable action upon review is one of requesting the consideration of revocation of the premises licence.

Signature of applicant: G.Williamson

Date: 12/12/19

Capacity: Police Constable