



Walsall Council

REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

LICENSING SUB - COMMITTEE

12 MAY 2022

APPLICATION FOR A PREMISES LICENCE REVIEW UNDER SECTION 167 OF THE LICENSING ACT 2003

**SPAR (formerly Known as Aldridge News & Booze)
62 Walsall Road
Aldridge
Walsall
WS9 0JW**

1.0 Summary of Report

- 1.1 For members of the licensing sub-committee to determine a review of a premises licence in respect of a "Spar" convenience store at 62 Walsall Road, Aldridge, Walsall WS9 0JW. The licence is held by Mr Paul Sapra who is also the Designated Premises Supervisor ("DPS"). This review hearing is triggered automatically under the terms of section 167 of the Licensing Act 2003. It follows the making of a Closure Order by Black Country Magistrates' Court on 23 March 2022. The Court made that Closure Order following an application by West Midlands Police ("WMP") under the Anti-Social Behaviour, Crime and Policing Act 2014. (A further review application made by WMP under section 51 of the Licensing Act 2003 is duplicative and has been withdrawn by WMP prior to hearing).
- 1.2 The application cannot be determined under officer-delegated authority.

2.0 Recommendations

- 2.1 That the licensing sub-committee hold a hearing to consider the Closure Order and the further relevant representations and take such steps, if any, as it considers appropriate and proportionate for the promotion of the licensing objectives in relation to this premises.
- 2.2 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- (a) modify the conditions of the premises licence (which includes adding new conditions or altering or omitting any existing condition including permitted hours);
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months; or
- (e) revoke the licence.

(Where the authority takes a step within (a) or (b) above, it may provide that the modification or exclusion is to have effect only for a specified period not exceeding three months).

- 2.3 The Licensing Authority must reach a determination on the review no later than 28 days after the day on which it receives the notice from the Magistrates' Court of the Closure Order (under section 167(3) of the Licensing Act 2003 Act). The Court emailed its notification to the Licensing Authority on 20 April 2022.

Determination of the review must therefore be made by 18 May 2022 (although detailed reasons may follow after this date if necessary).

3.0 Background information

- 3.1 The current premises licence which includes the conditions and premises plan is attached as **Appendix 1**. The premises was previously licensed under the Licensing Act 1964 which was replaced by the Licensing Act 2003 which came in to force on the 24th November 2005. The current licence has been in place since then. Mr Paul Singh Sapra took over the premises and became the premises licence holder from the 3rd January 2020 following a transfer of the premises licence and application to vary the Designated Premises Supervisor ("DPS").
- 3.2 The premises is licensed for the sale of alcohol for consumption off the premises (only) during these hours:
- Monday to Saturday: 08:00 – 23:00
 Sunday: 10:00 – 22:30
- (There are currently no stipulated restrictions on "Opening Hours" and so the premises may open for 24 hours a day all week.)
- 3.3 A street map of the locality and shop front is given as **Appendix 2**.
- 3.4 WMP initially served a Closure Notice on the Premises Licence Holder on 21 March 2022. The police provide information relating to the following concerns:

- (a) A large scale disorder near to the store in Oakley Avenue, Aldridge on 14 February 2022 linked to youths aged 15-16 engaged in “postcode wars” who frequented the Spar store and were using the side alleyway of the store as a place to hide weapons (including a claw hammer).

CCTV evidence showed one of the youths involved in the disorder enter the store asking for the hammer.

- (b) On 19 February 2022 due to concerns of violence and tensions within the school and the local area WMP was in the area and attended the store. An officer was approached by the Premises Licence Holder who disclosed a metal wrench had been found in the alleyway.
- (c) WMP cite a “high-level” of intelligence reports suggesting that the store was facilitating county lines drugs supply by using young students and ex-students of Aldridge School to sell cannabis from the shop and use it to store weapons. A “multitude” of intelligence reports suggested the shop was responsible for selling alcohol, cigarettes and illegal vapes to children.
- (d) On 23 February 2022 a Trading Standards operation was completed at the store where a 15 year old volunteer was able to purchase a “Elux Blueberry Raspberry Vape Bar” (which contains nicotine and is age-restricted to 18 plus). The seller was not the licence holder and he did not ask the volunteer for his age or identification. The sale of products containing nicotine to children is a criminal offence. 57 illegal vapes were removed from the store as they were non-compliant with safety legislation by virtue of containing an excess amount of e-liquid. (The licence holder and seller are under investigation by Trading Standards for criminal offences).
- (e) Later on 23 February 2022, a member of staff was later arrested at the store for possession of cannabis (found in the kitchen area) and an offensive weapon (a “Rambo” style knife found underneath the counter). On 15 March 2022 this staff member was later found guilty of possession of cannabis and received a court fine.
- (f) Due to continued concerns of anti-social behaviour and potential violence within the area extra police patrols were deployed around the nearby school and store.
- (g) On 17 March 2022 youths are seen on CCTV coming and going from the store. These youths include a female who appeared to be under the age of 18 vaping on the car park. Two youths are seen entering the store, one wearing a balaclava. One youth is a named offender alleged to be involved in the violent disorder on 14 February 2022 (where a “Zombie-knife” was involved”).

They have hidden in the rear of the store with the apparent permission of the Premises Licence Holder, Mr Paul Sapra, who was present. A male, who appeared under the age of 18, was seen standing in the doorway with a balloon in his mouth (believed to contain illegal nitrous oxide gas). A teacher from the local school is later seen entering the store. CCTV footage was viewed by police the following day which revealed further information. Groups of youths are seen attending the store. Some were seen vaping freely inside the premises without being challenged. They were in school uniform and appeared to be under the age of 18.

The Premises Licence Holder, Mr Paul Sapra, was in the store at the time. Mr Sapra can be heard saying “teachers are coming” as if to warn the students. The youths verbally abuse the teacher when he enters. Once the teacher leaves the store Mr Sapra can be heard saying “not inside the shop, you can beat him up outside, I don’t care, just not inside the shop”. A large dog can be seen behind the counter. A male can be seen returning from the back of the store and putting his balaclava back on prior to leaving the store.

- (h) WMP have concerns in relation to young and vulnerable children attending the store and have made a number of referrals to social services. WMP have liaised with Aldridge School on a regular basis. There are community tensions and risks of further disorder occurring in and around the area of the Spar store that is negatively impacting the community. This has increased significantly over the past 6 months
- (i) On 21 March 2022 WMP served a Closure Notice on the Premises Licence Holder under section 76 of the Anti-social Behaviour, Crime & Policing Act 2014.
- (j) On 23 March 2022 Black Country Magistrates’ Court considered the Closure Notice at a hearing and issued a Closure Order under section 80 of the same Act for a period of 3 months effective until 15 June 2022. The Closure Order did not close the premises. Instead, it permitted the premises to open but subject to the following restrictions agreed to by the CPS and defendant’s legal representative:
 - a. A named member of staff (Mr Gafar Hussain) to be banned indefinitely from the store and not to be present there at any time from 24 March 2022;
 - b. To utilise SIA accredited staff at the store between the hours of 08:00-10:00hrs and 14:00-17:00hrs;
 - c. No under 18’s to be present in the store unless accompanied by an adult over the age of 21;

- d. To only utilise appropriate staff having conducted appropriate background checks as to suitability.

A copy of the notice from Magistrates' Court together with the Closure Order is attached as **Appendix 3**.

- 3.5 The Closure Order states that the Court was satisfied that a person has engaged in anti-social behaviour on the premises and the use of the premises is associated with significant and persistent disorder or serious nuisance to members of the public.
- 3.6 Following the issuance of the Closure Order on 23 March 2022, the police have visited the store and witnessed breaches of the terms of the Court's Closure Order by the Premises Licence Holder as follows:
 - (a) On 28 March 2022 police attended the store at 16:22hrs. The store was open but operating without SIA accredited door staff.
 - (b) On 29 March 2022 police attended the store at 16:25hrs. The store was open but operating without SIA accredited door staff.
- 3.7 On 19 April 2022 WMP applied for a (duplicative) review of the premises licence under section 51 of the Licensing Act 2003. The police believe that since the Premises Licence Holder has not complied with the terms of the Closure Order, he is unlikely to comply with conditions on his Premises Licence. Given the issues relating to weapons, drugs, illegal vaping, underage sales at the store and associated anti-social behaviour, the police believe operation of the store undermines all four of the licensing objectives, namely the prevention of crime and disorder, prevention of public nuisance, public safety, and the protection of children from harm. WMP believe there has been a serious lack of management at this premises and request that the Licensing Authority revoke the Premises Licence.
- 3.8 In accordance with Regulation 37 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 a notice was served to the premises licence holder and all statutory responsible authorities under the act notifying them of the Licensing Authorities duty to review the premises licence following the Closure Notice. A copy of the notice is attached as **Appendix 4**. This notice was served to all relevant parties on the 20/04/2022.
- 3.9 The application was advertised on a pale blue notice under regulation 38 for a period of 7 days at the premises and also on the council's website and building. The last date for representations to the application was 27/04/2022.

4. **Representations**

4.1 Representations/Responses from Responsible Authorities

Police

Appendix 5 is a copy of the police representation together with statements from Police Officers in relation to the activities that have been taking place at the premises and police concerns. The email was received from West Midlands Police on the 26 April 2022. The police ask for the Premises Licence to be revoked.

Trading Standards

Appendix 6 is a copy of the representation received from Walsall Council Trading Standards on the grounds of Crime & Disorder. The representations relate to the incident involving a worker at the premises who sold a vape to a child on 23 February 2022 and the seizure of 57 non-compliant vapes. The officer also cites five complaints made to Trading Standards over the last few years alleging that the staff at this store regularly sell alcohol, vapes and cigarettes to minors some as young as 12 or 13 years of age. The Trading Standards officer supports the police proposal that the Premises Licence be revoked.

4.2 Representations from 'other persons'

During the consultation period, the Licensing Authority received 5 representations from the landlord of the property and people who live locally. These representations are supportive of the Premises Licence Holder. Suggestions are made that the issues that gave rise to this review were the fault of a member of staff employed by the Licence Holder. They indicate the store provides a valuable service to the locality. Copies of the representations are attached as **Appendix 7**.

5. **Walsall Council Licensing Policy**

5.1 Please click this link to access Walsall Council's Statement of Licensing Policy or copy the URL address into a search bar:

https://go.walsall.gov.uk/business/licensing_and_regulation/alcohol_and_entertainment/premises_licence

6. **Resource Considerations.**

6.1 **Financial:** Any decision taken by the Licensing Authority may be appealed to the Magistrates' Court. The Licensing Authority would have to bear the costs of defending such an appeal.

- 6.2 **Legal:** Any received application for review must be relevant to the promotion of the licensing objectives namely: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm.

In determining the review application the licensing sub committee must have regard to:

- The need to promote the four licensing objectives.
- Representations made.
- Relevant sections of the Licensing Act 2003.
- Relevant sections of the statutory guidance issued under s.182 of the Licensing Act 2003.
- The Licensing Authority's Statement of Licensing Policy.

7. Relevant extracts from Section 182 Guidance:

- 7.1 Paragraph 10.28 of Section 182 Guidance issued under The Licensing Act 2003 states:

The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Reviews

- 7.2 Chapter 11 of the section 182 Guidance deals with "Reviews". The following paragraphs may be of particularly relevance:

11.1 - *The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate*

11.7 - *In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a*

geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.10 - Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

11.19 - Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- 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;*
- 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);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence.*

11.20 - 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 that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 - *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.*

11.22 - *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 that impact upon the licensing objectives.*

Reviews arising in connection with crime

11.24 - *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, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*

11.25 - *Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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 beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.*

11.26 - *Where the licensing authority is conducting a review on the grounds 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 licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 - There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 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 illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- for prostitution or the sale of unlawful pornography;*
- by organised groups of paedophiles to groom children;*
- as the base for the organisation of criminal activity, particularly by gangs;*
- for the organisation of racist activity or the promotion of racist attacks;*
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;*
- for unlawful gambling; and*
- for the sale or storage of smuggled tobacco and alcohol.*

11.28 - It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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.

Representations from Responsible Authorities

- 7.3 Paragraph 9.12 of the Section 182 Guidance relates to the role of responsible authorities and states:

9.12 - Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Public Nuisance

- 7.4 Paragraphs 2.15 - 2.16 of the Section 182 Guidance concerns the meaning of "public nuisance" and states:

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in

the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

8. Relevant Representations

8.1 In determining whether a representation is 'relevant', and may therefore be taken into account, the Sub-Committee must have regard to Sections 18(6) and 18(7) of the Licensing Act 2003, which state:

8.2 18(6) For the purposes of this section, "relevant representations" means representations which—

- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives;
- (b) meet the requirements of subsection (7);
- (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9); and
- (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).

18(7) the requirements of Section 18 subsection (7), referenced above, are—

- (a) that the representations were made by a responsible authority or other person] within the period prescribed under section 17(5)(c);
- (b) that they have not been withdrawn; and
- (c) in the case of representations made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious

8.3 Licensing Objectives

The Licensing Objectives are:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- Public Safety; and
- The protection of children from harm.

8.4 Conditions

Any conditions imposed on the Premises Licence :

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

8.5 Conditions must be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally.

Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

8.6 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 8.7 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 8.8 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Appeals

- 8.9 Where the applicant, responsible authority, or other persons is aggrieved by the decision of the Licensing Authority, appeal is to Magistrates Court where the reasonableness or otherwise of the decision will be tested.

9. Anti-Social Behaviour, Crime and Policing Act 2014

- 9.1 Section 76 states:

A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds—

- (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or
- (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice. For the maximum period, see section 77.

(3) A closure notice may prohibit access—

- (a) by all persons except those specified, or by all persons except those of a specified description;
- (b) at all times, or at all times except those specified;
- (c) in all circumstances, or in all circumstances except those specified.

(4) A closure notice may not prohibit access by—

- (a) people who habitually live on the premises, or

- (b) the owner of the premises, and accordingly they must be specified under subsection (3)(a).

9.2 Section 80 states:

- (1) Whenever a closure notice is issued an application must be made to a magistrates' court for a closure order (unless the notice has been cancelled under section 78).
- (2) An application for a closure order must be made—
 - (a) by a constable, if the closure notice was issued by a police officer;
 - (b) by the authority that issued the closure notice, if the notice was issued by a local authority.
- (3) The application must be heard by the magistrates' court not later than 48 hours after service of the closure notice.
- (4) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.
- (5) The court may make a closure order if it is satisfied—
 - (a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
 - (b) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
 - (c) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.
- (6) A closure order is an order prohibiting access to the premises for a period specified in the order. The period may not exceed 3 months.
- (7) A closure order may prohibit access—
 - (a) by all persons, or by all persons except those specified, or by all persons except those of a specified description;
 - (b) at all times, or at all times except those specified;
 - (c) in all circumstances, or in all circumstances except those specified.
- (8) A closure order—
 - (a) may be made in respect of the whole or any part of the premises;
 - (b) may include provision about access to a part of the building or structure of which the premises form part.
- (9) The court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

10. Staffing: Nothing arising from this report.

11. Citizen impact

11.1 None arising from this report.

12. Community Safety.

12.1 Is addressed through the review hearing process.

13. Environmental impact

13.1 None arising from this report.

14. Performance and risk management issues

14.1 None arising from this report.

15. Equality implications

15.1 When considering this review and reaching a determination the Licensing Authority must always have due regard to the Public Sector Equality Duty set out in section 149 of the Equality Act 2010:

A public authority must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

16. Consultation

16.1 Carried out in accordance with prescribed regulation.

17.0 Contact Officer

17.1 Sayful Alom – Sayful.alom@walsall.gov.uk

18.0 Appendices

18.1 Appendix 1 – Current premises licence.
Appendix 2 – Street map of the locality.
Appendix 3 – Notice from Magistrate's and Closure Order
Appendix 4 – Notice of Review to Licence Holder and RA's

Appendix 5 – Police Representation

Appendix 6 – Trading Standards Representation

Appendix 7 – Representations from ‘Other Persons’