

Avon and Somerset Constabulary

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.

Wunderbar
Basement
2 High Street
Midsomer Norton
BA3 2LE

Premises licence number: 109/04336/LAPRE

Name of premises supervisor: James William BULL

I am Superintendent Richard Cadden in the Avon and Somerset Constabulary.

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

Immediate action is required in relation to the management and use of the premises, which a standard review cannot speedily access.

James William BULL and Miss Lucy MILNER are the Premises Licence Holders and James William BULL is the Designated Premises Supervisor of Wunderbar.

A Police operation has taken place over the last 5 months and has identified the premises as associated with serious crime, as defined by the Regulation of Investigatory Powers Act 2000, namely the supply of controlled substances, commonly referred to as Class A (Cocaine, MDMA), B (MDMC) and C (Ketamine) drugs.

A summary review is deemed appropriate at this stage due to the seriousness of the suspected offences and that it will allow the premises to be closed immediately or subject to whatever interim measures the Licensing Committee considers appropriate.

Criminal charges will be brought as part of this operation, however, the criminal investigation may take some considerable time to finalise and therefore the summary review is a necessary step in promoting the Licensing objectives as prescribed by the Licensing Act 2003.


.....
(Signed)

R. CADDEN
16-4-14

16-4-14
.....
(Date)

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

B&NES Environmental Monitoring and Licensing, Lewis House, Manvers Street, Bath
BA1 1JQ

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Superintendent Richard Cadden [on behalf of] the chief officer of police for the Avon & Somerset 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:

Wunderbar, 2 High Street, Midsomer Norton

Post town: Bath

Post code (if known): **BA3 2LE**

2. Premises licence details:

Name of premises licence holder (if known): Mr James Bull and Miss Lucy Milner

Number of premises licence holder (if known): 09/04336/LAPRE

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]

A covert Policing operation was run at the Wunderbar between 2/11/2013 and 08/03/2013. The objective of the operation was to :

To provide intelligence and evidence in relation to the illegal activities of the criminal fraternity in Norton -Radstock, namely the supply of controlled drugs, the handling of stolen goods and any associated acquisitive crime.

To provide intelligence and evidence in relation to licensing breaches and any associated anti-social behaviour

During the operation a considerable number of deals of Class A, B and C drugs were made to covert Police officers at Wunderbar.

In the premises itself there were 9 occasions where drugs were purchased by covert officers. In the immediate vicinity there were 3 occasions where drugs were purchased by covert officers and a further 10 occasions on the High Street in Midsomer Norton. The type of drugs predominately supplied during the operation were MDMA and cocaine, which are both Class A controlled drugs.

As a result of this operation there are 6 suspects that have supplied controlled drugs of various class classifications within the Wunder Bar premises, there has been a further suspect who has supplied drugs in the street outside of the premises.

The criminal investigation may take some considerable time to finalise and therefore the summary review is a necessary step in promoting the licensing objectives as prescribed by the Licensing Act 2003.

It appears there has been a gross failure to promote the licensing objectives in respect of the prevention of crime. The Licence Holder and Manager have been made aware of Police concerns in relation to drugs at the premises. On Friday 17th January Sergeant Cannon expressed his concerns to the management as a result of which door supervisors were employed. There has been occasions where drugs have been openly taken in full view of bar staff and dealing in full view of door supervisors with no intervention.

You may feel that a suspension of the licence is the only means of dealing with this matter but if you are of a mind not to suspend the licence I would suggest the following measures:

1. CCTV shall be installed to the satisfaction of the police and maintained in good working order. All cameras shall record continuously during trading hours and for one hour afterwards. The time and date shall be displayed on the recordings. Recordings shall be maintained for a period of 31 days and made available to the police or licensing authority for evidential purposes on request. If the CCTV equipment fails, the police and licensing authority must be informed as soon as possible and immediate steps shall be taken to effect a repair. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

2. A minimum of 3 door supervisors will be on duty, from opening time until closing, when the premises are open to the public. One of these door supervisors will be female.

3. CCTV monitors will be watched at all times the premises are open. The person monitoring the CCTV will be SIA trained and registered.

4. Checks will be made of the male and female toilets on the premises every 15 minutes by door supervisors while the premises are open, a written record of such checks will be maintained at the premises and will contain name of person carrying out such checks this record will be available to the police and licensing authority on request.

5. A request will be kept on the premises showing the full name, full SIA badge number, time on duty and time off duty of each door supervisor. The register will be retained for 12 months and made immediately available for inspection to the police or licensing authority.

6. An incident book shall be maintained at the premises which all incidents of crime and disorder and any ejections by door supervisors shall be recorded. The incident book shall be completed on a daily basis regardless of whether any incidents have taken place. The incident book shall be retained on completion for 12 months and shall be made available to the police and licensing authority.

7. A personal licence holder shall be at the premises during all opening hours.

8. All staff will be regularly trained in matters concerning illegal drug use and sale of alcohol and records kept of such training. The records will be made available to the police or licensing authority on request.

9. All persons entering the premises will be searched for drugs, weapons or other illegal items on both entry or re-entry.

This represents a total disregard of the licensing objectives and a very serious situation within a small rural community, and requires firm enforcement action.



Signature of applicant: 

Date: 16.4.14.

Capacity: Superintendent of Avon & Somerset Constabulary

Contact details for matters concerning this application:

Address: **Inspector Shirley Eden, Radstock Police Station, BA3 3SG**

Telephone number(s):

01225 842633 (Inspector Eden)

01225 842475 (Martin Purchase)

Email:

shirley.eden@avonandsomerset.police.uk

martin.purchase@avonandsomerset.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.