

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Swindon Borough Council

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 Detective Superintendent Sarah Bodell [on behalf of] the chief officer of police for the Wiltshire Police 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:
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**Angelo's Nightclub,
37 Fleet Street,**

Post town: Swindon

Post code (if known): **SN1 3RE**

2. Premises licence details:

Name of premises licence holder (if known): Datecross Limited

Number of premises licence holder (if known): 881050522PREM

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]

In the early morning of Wednesday 5th October 2011 Wiltshire Police executed a section 8 PACE warrant at 25 Devizes Road, Swindon, which is the home address of Mr Guglielmo Angelo Rosario ROSSI 16/05/1982. Mr ROSSI is the licensee and Designated Premises Supervisor of Angelo's Nightclub, 37 Fleet Street, Swindon SN1 3RE. Police entered the property and located Mr ROSSI in the premises along with another male.

Inside Mr ROSSI's home address officers located three bags of cocaine and one part filled bag of cocaine, scales with white residue, plastic containers with white powder and a scoop and a coffee grinder containing residue of white powder. It was apparent to officers that at the time of executing the warrant the cocaine was in the process of being prepared. A further Tesco carrier bag containing a large quantity of white powder was found close to the other bags and paraphernalia and this is suspected to be the cutting agent Benzocaine.

The previous evening the aforementioned second male was observed by police officers in Birmingham loading a large, irregular shaped package approx 2 feet by 1 foot into the boot of his car. On his return to Swindon he collected Mr ROSSI from his home and they both then went to Angelo's Nightclub in Swindon where the package was taken inside. A subsequent Section 18 search of Angelo's Nightclub on 5th October 2011 lead to the discovery by officers of a large cylindrical drum of what is suspected to be benzocaine; the drum is consistent with the package taken into the premises by Mr ROSSI and the second male.

The cocaine found at Mr ROSSI's home address consists of approximately 1.5kg of cut cocaine and 0.5 kilos of uncut cocaine. Approximate street value of this cocaine is £165,000.

Mr ROSSI was consequently arrested on Suspicion of Being Concerned in the Supply of Class A Drugs and Possession Of Class A Drugs With Intent To Supply.

During the search of 25 Devizes Road a Section 1 firearm with a silencer and ammunition was also recovered by officers. This was well concealed within a number of bags and containers and under a pile of laundry.

In interview Mr ROSSI made full admissions that he was in possession of Class A drugs and that his premises were being used in the course of drug preparation. Mr ROSSI also admitted to being a regular user of cannabis and crack cocaine. Mr ROSSI admitted that he had handled the firearm located at his premises but would not disclose any further details.

Mr ROSSI was remanded in custody on 6th October 2011 after giving a no plea indication and a committal hearing date has been set for 17th November 2011.

The offences Mr ROSSI has been remanded for are serious crimes as defined by section 81 of the Regulation of Investigatory Powers Act 2000 as he could be reasonably be expected to be sentenced for a prison term of 3 or more years for more than one offence.

The licensed premises are associated with serious crime as the licensed premises have been used in the supply of class A drugs with intent to supply.

The premises also has a history associated with crime and disorder. Under the same management the premises was reviewed in 2007 and had its licence suspended by the licensing committee. On appeal by the premises licence holder the Magistrates Court upheld the suspension of the licence.

The premises was taken to review as a result of significant crime and disorder occurring at the premises. Since the premises reopened in December 2009 the premises licence conditions have been breached, they have served past their licensable hours and they have supplied alcohol to persons underage.

After this discovery the premises were told that Wiltshire Police were preparing to apply for a review of their licence.

In reply to this the premises' solicitor offered a voluntary licence variation to avoid the review process and they voluntarily closed for two weeks to give them time to change their working practices. This was accepted by Wiltshire Police as it was hoped that this would address the issues at the premises.

However, since this voluntary change of the licence there have been further incidents of crime and disorder including extreme levels of drunkenness and supply of alcohol to underage persons.

Wiltshire Police are currently in the process of objecting to an application made by the premises to extend their opening hours to 04.00 hours from 02.00hours.

Wiltshire Police hereby apply for an expedited review under section 53A of the Licensing Act 2003 which is aimed at tackling serious crime and disorder, and ask that the premises licence be suspended as an interim measure until a full review of the premises licence is carried out by the licensing authority.

Alternative powers available to the police under sections 161 to 165 in Part 8 of the Licensing Act 2003 are inappropriate as there are no grounds to believe at present that serious and imminent disorder is likely to occur at the premises. Wiltshire Police do believe, however, that an expedited hearing is appropriate in this case given that the criminal activities in which Mr ROSSI has been involved are sufficiently serious to demand an expedited review hearing and immediate action is required to suspend the premises licence in order to avoid any further offences of this type being carried out at the premises with immediate effect.

At the full review hearing Wiltshire Police will be seeking the full revocation of the premises licence.

Signature of applicant:
Date: 07/10/2011
Capacity: Detective Superintendent

Contact details for matters concerning this application:

Address:
**Gablecross Police Station
Shrivenham Road
Swindon
SN1 4RB**

Telephone number(s): 01793 507874

Email: sian.kalynka@wiltshire.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.