

Statutory Licensing Sub-Committee

Minutes - 20 May 2019

Attendance

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Zee Russell

Premises Licence Applicant:
Pavel Slavon Hristov

Responsible Authorities

Sgt Steph Reynolds	West Midlands Police
Chris Howell	Licensing Authority
Parpinder Singh	Public Health
Dianne Slack	District Officer Trading Standards
Paul Dosanjh	Service Lead Trading Standards
Arron Ellison	Compliance Officer

Other Persons

Councillor Obaida Ahmed

Employees

Kirsty Tuffin	Democratic Services Officer
Elizabeth Gregg	Senior Licensing Manager
David Abel	Solicitor
Donna Cope	Democratic Services Officer

Item No. Title

1 Apologies for absence

Apologies were received from Councillor Claire Darke, Councillor Lynne Moran, Councillor Craig Collingswood and Elaine Moreton, Section Leader Licensing.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 – Application for a Premises Licence in respect of Fresh Food & Drink Ltd, 43 Newhampton Road West, Wolverhampton, WV6 0RY

An application for a Premises Licence in respect of Fresh Food and Drink Ltd, 43 Newhampton Road West, Wolverhampton, West Midlands, WV6 0RY was considered following representations received from West Midlands Police, Trading Standards, Public Health, Licensing Authority and Other Persons.

The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed that they understood the procedure.

Elizabeth Gregg, Senior Licensing Officer, provided an outline of the application. She advised that the Additional West Midlands Police Information found at Appendix 4a and Trading Standards Representation found at Appendix 5 had were exempt under Paragraph 1 of Schedule 12A of the Local Government Act 1972, as they contained information relating to an individual.

Mr Pavel Hristov, the Applicant, confirmed the report to be correct.

The Chair invited the Applicant to present their application.

Mr Pavel Hristov did so as per Appendix 1. He stated he had previous experience of working within an off-licence in Birmingham and that he would like to operate a Bulgarian shop in Wolverhampton.

The Chair afforded all parties present the opportunity to question the Applicant in relation to its representation.

Mr Pavel Hristov provided responses to questions asked by Committee Members, Trading Standards, Licensing Authority and West Midlands Police.

The Chair invited Trading Standards to make representations.

Dianne Slack, District Officer Trading Standards, did so as per Appendix 5.

The Press and Public were excluded from the meeting.

Dianne Slack continued to outline representations made by Trading Standards with reference to exempt information at Appendix 5.

The Chair afforded all parties present the opportunity to question Trading Standards on their submission.

Dianne Slack provided answers to questions asked by the Applicant, Licensing Authority and Committee Members.

The Chair invited the Licensing Authority to make representations.

Chris Howell, Licensing Manager, did so as per Appendix 7. He stated that the Premises was within the Cumulative Impact Zone and that the Applicant had not considered the Licensing Objectives.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. Chris Howell provided responses to questions asked by Committee Members, Public Health and the Applicant.

The Sub-Committee Hearing re-opened to the Press and Public.

The Chair invited West Midlands Police to make representations.

Sgt Steph Reynolds did so. She advised that the area surrounding the premises had a history of issues relating to street drinking, littering and drug use and that in order to address this, other premises within the area no longer sold single cans or high percentage alcohol.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Sgt Steph Reynolds provided responses to questions asked by Committee Members.

The Chair invited Public Health to make representation.

Parpinder Singh, Senior Public Health Specialist, did so as per Appendix 6.

The Chair afforded all parties present the opportunity to question Public Health on its submission. Parpinder Singh provided responses to questions asked by Committee Members.

The Chair invited Other Persons to make representation.

Councillor Obaida Ahmed, on behalf of constituents within her ward, did so as per Appendix 8. She stated that another outlet selling alcohol would add to the on-going issues in the area and that children and elderly residents in would be at risk.

The Chair afforded all parties present the opportunity to question Other Persons. Councillor Obaida Ahmed, on behalf of Other Persons, provided responses to questions asked by Committee Members.

The Chair invited all parties present to make their final address.

All parties present, with the exception of Public Health, made a final statement.

All interested parties, with the exception of the Solicitor and the Democratic Services Officers, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out by the Solicitor. The Solicitor advised Mr Pavel Hristov, that the full written decision would be sent out within 5 working days.

Resolved:

The Licensing Sub-Committee had listened carefully to all of the Representations made during the hearing and carefully had considered all the written evidence presented to them.

The Sub-Committee heard from West Midlands Police that:

1. The Applicant had a history of being involved in the supply of illegal tobacco and had provided a false address on the application form.
2. The Proposed hours were excessive and unjustified.
3. The Conditions proposed duplicate existing law.
4. The Applicant did not understand the Licensing objectives.
5. The Application did not rebut the presumption of the Cumulative Impact Zone and should be refused.

The Sub-Committee heard from Trading Standards that:

1. A false statement had been given by the Applicant contrary to the provisions of the Licensing Act 2003.
2. There were links to the illegal supply of tobacco which undermined the Prevention of Crime and Disorder Licensing Objectives.
3. The Premises are located within the area of a Public Space Protection Order.
4. Trading Standards Officers carried out a test purchase at the premises on Friday 17th May 2019 which revealed the sale of illegal tobacco at the shop.

The Sub-Committee heard from Public Health that:

1. The Premises is located within a Cumulative Impact Zone and that a Public Space Protection Order is operative within that area.
2. There are 4 other licensed premises within the immediate area of the shop.
3. The sale of single cans and of high strength alcohol, confirmed by the Applicant if the licence were to be granted, would increase the problems in the area and contribute to Public Health issues.

The Sub-Committee heard from the Licensing Authority that:

1. The presumption of the refusal of a licence caused by the operation of the Cumulative Impact Zone had not been rebutted or even considered by the Application.

2. The Licensing objectives had not been considered effectively by the Application.

The Sub-Committee heard from Councillor Ahmed representing constituents within her ward, that:

1. There had been problems with Alcohol, Street Drinking and Anti-Social Behaviour within the immediate area of the premises which would be increased by serving alcohol within the hours proposed.
2. The good work achieved with existing premises regarding the sale of alcohol would be undermined if the licence be granted as proposed.
3. Public Nuisance would be increased by the sale of alcohol as proposed.

The Sub-Committee heard from the Applicant that:

1. If the licence were to be granted it would not increase existing problems within the area.

The Licensing Sub-Committee found that:

1. The Applicant had no understanding of the Licensing Objectives and had been concerned to note that his focus had been solely on making a profit for the business without taking the objectives into account.
2. He had no understanding of his application and of the proposed conditions, for example, of how to operate the CCTV System.
3. He also had no understanding of the operation of the Cumulative Impact Zone and did not rebut its presumption that a licence will not usually be granted unless the Sub-Committee are persuaded otherwise.

The Sub-Committee had not been persuaded to depart from the requirements of the Cumulative Impact Zone policy as the Applicant had not shown, either in the proposed operating schedule or with supporting evidence that the issues of Cumulative Impact would not be increased. The Application was therefore refused.

There is a Right of Appeal to the Local Magistrates Court available to the Applicant or to anyone who has made a Representation and is aggrieved by the Licensing Sub-Committees decision, within 21 days of being notified in writing of the Sub-Committees decision.