

Time 10.00 am **Public Meeting?** YES **Type of meeting** Licensing

Venue Council Chamber - 4th Floor - Civic Centre

Membership

Chair Cllr Phil Page (Lab)

Vice-chair Cllr Rashpal Kaur (Lab)

Labour

Cllr Greg Brackenridge

Cllr Celia Hibbert

Cllr Jaspreet Jaspal

Cllr Asha Mattu

Cllr Anwen Muston

Cllr Rita Potter

Cllr Gillian Wildman

Conservative

Cllr Wendy Dalton

Cllr Andrew Randle

Cllr Jonathan Crofts

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Minutes of previous meeting (Pages 5 - 8)
[To approve the minutes of the previous meeting held on 28 September 2022 as a correct record]. |
| 4 | Matters arising
[To discuss any matters arising from the minutes of the previous meeting]. |
| 5 | Minutes of meeting Wednesday, 8 June 2022 of Statutory Licensing Sub-Committee (Pages 9 - 10)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 8 June 2022 as a correct record]. |
| 6 | Minutes of meeting Thursday, 23 June 2022 of Statutory Licensing Sub-Committee (Pages 11 - 22)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 23 June 2022 as a correct record]. |
| 7 | Minutes of meeting Tuesday, 11 October 2022 of Statutory Licensing Sub-Committee (Pages 23 - 28)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 11 October 2022 as a correct record]. |
| 8 | Minutes of meeting Tuesday, 25 October 2022 of Statutory Licensing Sub-Committee (Pages 29 - 36)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 25 October 2022 as a correct record]. |
| 9 | Minutes of meeting Thursday, 27 October 2022 of Statutory Licensing Sub-Committee (Pages 37 - 44)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 27 October 2022 as a correct record]. |
| 10 | Minutes of meeting Thursday, 17 November 2022 of Statutory Licensing Sub-Committee (Pages 45 - 50)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 17 November 2022 as a correct record]. |
| 11 | Review of Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2023-2024 (Pages 51 - 58)
[To approve the proposed fees and charges for 2023-2024]. |

- 12 **Trade with Confidence -Trading Standards and Licensing** (Pages 59 - 66)
[To note and endorse the proposed schemes].
- 13 **Late Night Safe Haven** (Pages 67 - 72)
[To note the Late Night Safe Haven update].
- 14 **Current Consultations and Updated s182 Guidance**
[To receive a verbal update].

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Attendance

Members of the Statutory Licensing Committee

Cllr Phil Page (Chair)
Cllr Rashpal Kaur (Vice-Chair)
Cllr Greg Brackenridge
Cllr Wendy Dalton
Cllr Celia Hibbert
Cllr Jaspreet Jaspal
Cllr Asha Mattu
Cllr Anwen Muston
Cllr Rita Potter
Cllr Andrew Randle
Cllr Jonathan Crofts
Cllr Gillian Wildman

Employees

Chris Howell	Commercial Regulation Manager
Greg Bickerdike	Licensing Manager
Paul Dosanjh	Service Manager -Trading Standards and Licensing Act
Donna Cope	Democratic Services Officer
Jas Kaur	Democratic Services Manager
David Abel	Solicitor
Angela Bernard	Solicitor

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
There were no apologies for absence.
- 2 Declarations of interest**
There were no declarations of interest made.

3 **Minutes of previous meeting**

Resolved:

That the minutes of the meeting of the Statutory Licensing Committee held on 15 June 2022 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

There were no matters arising.

5 **Minutes of meeting Monday, 27 June 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 27 June 2022 be confirmed as a true record and signed by the Chair.

6 **Minutes of meeting Thursday, 30 June 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 30 June 2022 be confirmed as a true record and signed by the Chair.

7 **Minutes of meeting Thursday, 7 July 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 7 July 2022 be confirmed as a true record and signed by the Chair.

8 **Minutes of meeting Tuesday, 19 July 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 19 July 2022 be confirmed as a true record and signed by the Chair.

9 **Minutes of meeting Thursday, 18 August 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 18 August 2022 be confirmed as a true record and signed by the Chair.

10 **Pavement Licences**

Paul Dosanjh, Service Manager: Trading Standards & Licensing Act, presented the report: Pavement Licences. The report outlined the recent changes made under the Business and Planning Act 2020 and sought formal endorsement of the extension of the pavement licensing scheme and the application of a £25 fee.

The Chair, Councillor Phil Page moved the recommendations and the Vice Chair, Councillor Rashpal Kaur seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Formally endorsed the scheme for the extension of pavement licences for another year in accordance with the Levelling up and Regeneration bill.
2. Applied a renewal fee in line with current table and chairs licences. Currently set at £25.

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Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)
Councillor Wendy Dalton
Councillor Rita Potter

Applicant for Review

Aimee Taylor West Midlands Police
Stephanie Reynolds West Midlands Police

Premises Licence Holder

Geoff Parry Solicitor for the Premises Licence Holder
Mohammed Ali Premises Licence Holder

Responsible Authorities

Dianne Slack Trading Standards
Amitabh Singh Licensing Authority

Employees

David Abel Senior Solicitor
Elizabeth Gregg Senior Licensing & Compliance Officer
Donna Cope Democratic Services Officer
Jacob Stokes Democratic Services Assistant
Jas Kaur Democratic Services Manager

Observers

Elisha Collins Ei Group Ltd
Councillor Rashpal Kaur

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP

An application for a review of a Premises Licence by West Midlands Police in respect of The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP was considered following representations received from Licensing, the Home Office, Trading Standards and Other Persons.

David Abel, Senior Solicitor, advised the Licensing Sub-Committee that late documentation had been submitted by the Premises Licence Holder and raised concerns regarding data protection. He advised the Sub-Committee that it would be wise to adjourn the hearing in case certain documents needed redacting.

The late documentation and its contents were discussed.

Councillor Page, Councillor Dalton, Councillor Potter, the Senior Solicitor and Democratic Services Officer withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 10.13 hours.

The Hearing reconvened at 10.29 hours.

Councillor Page, Councillor Dalton, Councillor Potter, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties that the hearing would be adjourned to Thursday 23 June at 10.00 hours and that all parties would have until 20 June 2022 to submit any additional documentation.

Resolved:

That the Licensing Sub-Committee be adjourned to Thursday 23 June at 10.00 hours.

Statutory Licensing Sub-Committee

Minutes - 23 June 2022

Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Phil Page (Chair)
Councillor Wendy Dalton
Councillor Rita Potter

Applicant for Review

Gary Grant
Aimee Taylor
Stephanie Reynolds
Alison Oldfield

Barrister for the Applicant
West Midlands Police
West Midlands Police
West Midlands Police

Premises Licence Holder

Geoff Parry
Mohammed Ali

Solicitor for the Premises Licence Holder
Premises Licence Holder

Responsible Authorities

Dianne Slack
Amitabh Singh
Michael Tudor

Trading Standards
Licensing Authority
Home Office

Employees

David Abel
Debra Craner
Jacob Stokes
Jas Kaur

Senior Solicitor
Section Leader - Licensing
Democratic Services Assistant
Democratic Services Manager

Observers

Sarah Carpenter
Councillor Rashpal Kaur

Ei Group Ltd

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP

An application for a review of a Premises Licence by West Midlands Police in respect of The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP was considered following representations received from Licensing, the Home Office, Trading Standards and Other Persons.

The Chair advised all parties that the previous hearing had been adjourned to allow additional documentation to be redacted if necessary and circulated to all parties.

Jaswinder Kaur, Democratic Services Manager, confirmed that all parties were given the opportunity to submit additional documentation by 20 June 2022 and that all information submitted by that date had been circulated to all parties.

After discussion, it was confirmed that an exempt document submitted by West Midlands Police was a matter of public record and the Sub-Committee would not need to enter exempt session to discuss it.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

After consideration, the Sub-Committee determined that late documentation, which had been submitted by the Premises Licence Holder after 20 June 2022, would be excluded from the hearing.

Debra Craner, Section Leader Licensing, provided an outline of the application. Mr Gary Grant, Barrister representing the Applicant, confirmed that the summary was accurate. Mr Geoff Parry, Solicitor for the Premises Licence Holder, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Gary Grant, Barrister representing the Applicant, did so as per Appendices 3 and 12 of the report. He stated the following:

1. The Pendulum pub operated as a hub for criminal activity and a base for human trafficking and was operated by both Mr Ali, and his father Khalil Ali.

2. On 15 October 2021, Khalil Ali had been arrested in Poland on human trafficking offences and had since been convicted of those criminal offences.
3. It was clear that the pub, the car wash that operated from the pub car park and the residences above the pub were one operation, albeit split into different corporate entities.
4. On 25 February 2022, a multi-agency visit found three illegal workers at the car wash. They confirmed that they lived above the pub and were employed and paid by Mr Ali. An error in Home Office procedure had prevented the usual Fixed Penalty Notice from being issued on this occasion.
5. On 25 February 2022, a Licensing Compliance Check found that 15 conditions had been breached. A visit on 18 March 2022 found 16 breaches and a visit on 25 March 2022 found 17 breaches. Khalil Ali had been in charge on both visits made by officers in March.
6. The premises licence had been revoked in May 2020 under the previous Premises Licence Holder, Soran Rostam, for serious breaches of COVID lockdown restrictions. The pub was allowed to re-open following appeal on the condition that Mr Rostam had no involvement in the operation.
7. On 1 April 2022, Mr Ali submitted an application to vary the conditions of the licence in order to allow Mr Rostam to return to the premises to work there. That application had been rejected by the Statutory Licensing Sub-Committee. An email sent to Licensing alleged that Mr Rostam had been in the Pendulum pub despite the ruling of the Sub-Committee.
8. Local residents had made complaints about the pub and the landlord of the premises had lost all faith in the management. Comments from Mr Ali also suggested he was incapable of running the pub and upholding the Licensing Objectives.
9. The new Designated Premises Supervisor proposed by Mr Ali was a beautician with no obvious experience of managing licensed premises.

The Chair afforded all parties present the opportunity to question Mr Grant and his client in relation to its submission. Mr Grant and his client responded to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Geoff Parry, Solicitor for the Premises Licence Holder, did so as per Appendix 11 of the report. He stated the following:

1. This was Mr Ali's first enterprise in the Licensing Sector and he had found it hard to balance generating trade and upholding the Licensing Objectives since taking over in September 2021. He had made the application in April 2022 to address this.
2. Mr Rostam was not involved in the business and there was no evidence to suggest otherwise.
3. In December 2021, West Midlands Police and Immigration Enforcement were satisfied following a visit to the premises.
4. Mr Ali had not been involved in human trafficking and had never been convicted of an offence.
5. The three people found working illegally at the car wash were engaged by a third-party company that Mr Ali had no involvement in. Mr Ali had made prudent enquiries on their status to work to the third-party.
6. The lease of the premises was in Mr Ali's name and had nothing to do with his father.

7. The pub was not a cash-only business as there was a card machine on site.
8. Mr Ali was sorry for the breaches found and they had since been rectified.
9. The running of the pub was beyond Mr Ali's confidence and the new management team that had been appointed would take over the premises, should the licence be preserved. They would re-establish the pub as a family environment, cut down on parties and hope to engage with the local community.
10. The appointment of a new Designated Premises Supervisor would be a proportionate response in this case.

Mr Ali offered his apologies to the Sub-Committee for his inability to manage the premises and stated that he was willing to pass the premises onto the new management team as they would be better placed as Premises Licence Holders.

The Chair afforded all parties present the opportunity to question Mr Parry and his client in relation to his submission. Mr Parry and his client responded to questions asked.

The Chair invited the Home Office to make representations. Michael Tudor did so as per Appendix 5 of the report. He stated the following:

1. Home Office Immigration Enforcement supported the application for review.
2. On 25 February 2022, a multi-agency visit involving West Midlands Police, the Licensing Authority and Gangmaster Labour Abuse Authority found three people who were present in the UK illegally, with no right to work.
3. It was confirmed that all three had claimed asylum upon their arrival into the UK. All three confirmed that they were still living in the accommodation allocated to them by the Home Office, but that they stayed above the Pendulum pub from time to time.
4. A Civil Penalty Notice was served on site to the employer.

The Chair afforded all parties present the opportunity to question the Home Office in relation to its submission. Mr Tudor responded to questions asked.

The Chair invited Trading Standards to make representations. Dianne Slack, Tobacco Control Officer, did so as per Appendix 6 of the report. She stated the following:

1. Trading Standards supported the application for review.
2. The Premises Licence Holder had failed to uphold the Licensing Objectives and had repeatedly ignored advice given by Licensing Officers.

The Chair afforded all parties present the opportunity to question Trading Standards in relation to its submission. The Tobacco Control Officer responded to questions asked.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader Licensing, did so as per Appendix 4 of the report and Supplementary Agenda Pack 3. He stated the following:

1. The Licensing Authority supported the application for review.
2. There had been a continued failure to uphold the Licensing Objectives and at least 15 serious breaches of licensing conditions had been attributed to Mr Ali.

3. Additional information suggested that Mr Rostam was still involved in the running of The Pendulum and that this was another serious breach of conditions placed on the licence.
4. In order to promote the Licensing Objectives, it would not be suitable to simply replace the management team and the licence should instead be revoked.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. The Section Leader Licensing and Debra Craner, Section Leader Licensing, responded to questions asked.

The Chair invited West Midlands Police to address the issue of illegal workers living above The Pendulum pub and the issue of the business operating as cash-only. Miss Aimee Taylor, West Midlands Police, stated the following:

1. On 25 February 2022, a number of locked doors were encountered above The Pendulum pub.
2. An employee from the car wash stated that they lived there and that they had paid Mr Ali rent.
3. Upon gaining entry to one room, it was clear that it had been lived in.
4. On 25 February 2022, employees stated that it was a cash-only business, there weren't any card machines and that the tills were not in use.

The Chair afforded all parties present the opportunity to question Miss Taylor. She responded to questions asked.

The Chair invited all parties to present their final address.

The Solicitor for the Premises Licence Holder, the Premises Licence Holder and the Barrister representing the Applicant made a final statement.

David Abel, Senior Solicitor, provided legal advice to the Sub-Committee.

Councillor Page, Councillor Dalton, Councillor Potter, the Senior Solicitor and Democratic Services Manager withdrew from the meeting to allow the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.57 hours.

The Hearing reconvened at 14.28 hours.

Councillor Page, Councillor Dalton, Councillor Potter, the Senior Solicitor and Democratic Services Manager re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

An application was made by West Midlands Police (WMP) as a Responsible Authority on 26 April 2022 for a review of the Premises Licence in respect of The Pendulum, Blaydon Road, Pendeford, Wolverhampton WV9 5NP, on the grounds that actions at the premises undermined the Licensing Objectives. Representations were received from WMP, Licensing, Trading Standards and The Home Office as

Responsible Authorities and from the Freehold Owner of the premises and from local residents.

The initial hearing of the Application to Review the Premises Licence took place on 8 June 2022 and was adjourned to 23 June 2022 for documents which had only recently been submitted to be considered, redacted if necessary and to be distributed to all parties.

The Premises Licence Holder (PLH) asked the Sub-Committee to allow three payslips from employees at the car wash which operated from the car park of the premises and which he had obtained from his Accountant to be included in the bundle of papers before the Sub-Committee. After due consideration, the Chair determined that he would not allow their inclusion, having been very clear on the deadline set for receipt of paperwork on the last occasion.

At the hearing on 23 June 2022 to review the Premises Licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made by persons who had spoken at the hearing. They considered all the evidence presented and found the following facts:

The Licensing Sub-Committee heard from Gary Grant, Barrister representing WMP, the Applicant for review, that:

1. On Friday 25 February 2022, a multi-agency visit took place at the premises involving Police Licensing, Local Authority Licensing, the Gangmaster Labour Abuse Authority and Home Office Immigration. This visit was arranged by WMP's Serious and Organised Crime Exploitation Department due to intelligence around Human Trafficking at a number of premises in which Mr Mohammed Khalil Ali (the Designated Premises Supervisor (DPS) and PLH) and his family are involved in, including The Pendulum Public House and the car wash which is based on the Pub's car park.
2. A Licensing compliance check was conducted during this visit by Police Licensing and Regulatory Officer Aimee Taylor and Section Lead Licensing and Compliance Officer Debra Craner. Mr Ali subsequently received a traders notice due to a substantial number of conditions being breached. The premises were given until 11 March (two weeks) to correct these breaches.

A further follow up visit was conducted on 18 March 2022, (giving the premises one additional week to address the breaches raised) by Section Leader, Licensing and Compliance Debra Craner. A number of breaches were again identified, resulting in Mr Ali receiving another traders notice. After three weeks there had been no effort to rectify the number of licence breaches by the PLH/DPS.

Following the previous visits on 25 February 2022 and 18 March 2022 where several breaches were identified and subsequently a number of traders notices were issued. A month later, on 25 March 2022, another follow-up visit was conducted by Police Licensing and Local Authority Licensing. This gave the premise an extra two weeks on top of what was agreed with the PLH to rectify the breaches. During the visit it was evident that no further attempts had been made to correct any of the breaches and the following were still in breach:

During the visits on 25 February 2022 and 18 March 2022 the PLH Mohammed Khalil Ali was not present at the Premises. He was present on 25 March 2022 and disclosed that he does not spend time at the premises and is only there for two hours a week as he spends his time at the car wash and not at the pub.

During the visit on 25 February 2022, three males were identified at the premises as working illegally. They explained that they had arrived in the UK by boat and lived at the Pub, paying rent to the PLH.

The PLH confirmed to the Police that he owns and runs both the car wash and the Pub but on other occasions told the Police that his father runs the pub and the car wash. It is uncertain who actually runs the premises and given that workers were found to be working illegally at the Premises, WMP are concerned that it is being used to facilitate Serious Crime, namely Human Trafficking, as well as repeated breaches of Licence Conditions and that the Premises Licence should therefore be revoked.

The premises has a history of complaints and the Licence was revoked previously but an accommodation was reached where the previous PLH, Mr Soram Rostam, has no involvement with the premises. Despite this, Mr Ali applied to have Mr Rostam reinstated as the PLH. Mr Grant told the Committee that Mr Ali's father, Khalil Ali had been convicted in Poland of Human Trafficking after attempting to bring 45 migrants to the UK. Mr Grant said that the Pub, car wash and the accommodation above the Pub were part of a Human Trafficking operation. On 25 February 2022, a multi-agency raid found three illegal workers at the car wash who stated to Police that they were employed at the car wash, lived above the Pub and paid rent to the PLH, Mr Ali. They said they were employed and paid by the PLH, Mr Ali. He believed that Soram Rostam was still involved in the business and that it operated as a cash only business. Both Mr Ali and the Freehold Owners of the premises admit that he is incapable of running the business or upholding the Licensing Objectives. He has proposed a new management team and DPS be allowed to run the premises for him, but as the PLH he is ultimately in charge - a role that he admits that he is incapable of fulfilling.

The Licensing Sub-Committee heard from the Licensing Authority that:

1. The Licensing Authority supports the application of West Midlands Police.
2. Following a licensing and multi-agency compliance visit on the 25 February and subsequent licensing compliance follow up visits on the 18 and 25 March, breaches of the Licence Conditions were identified and on the later visits, remained outstanding.
3. That the previous Premises Licence Holder, Mr Soram Rostam was still concerned in the running of the premises in breach of a previously imposed condition.
4. In light of these breaches of conditions, revocation of the Premises Licence is recommended.

The Licensing Sub-Committee heard from Trading Standards that:

1. The PLH and DPS had agreed in his original licence application to robust Licensing Conditions which he had not subsequently complied with.
2. The advice given to those responsible by Licensing Officers had been ignored.

3. The Premises Licence Holder and Management had failed to uphold the Licensing Objectives.

The Licensing Sub-Committee heard from Mr Mohamed Khalil Ali, Premises Licence Holder and Designated Premises Supervisor and from his Representative, Mr Parry, that:

1. He has now rectified all matters relating to breaches of Licence Conditions.
2. It was accepted there had been problems previously.
3. He had not complied with conditions of licence previously due his inexperience and staffing problems.
4. He has adopted all relevant practices from Staffordshire Council's Licensing Training Booklet.
5. He has employed a manager at the Pub.
6. He has confirmed that Immigration Enforcement are not taking any action in relation to Illegal Working at the Premises.
7. That he has applied to change the DPS to Mrs Kushwant Kaur and intends to sell the premises to her partner and herself. It was not a cash only business.
8. The employees at the car wash were employed by a separate Ltd company with which he was not involved.
9. Mr Ali had made enquiries of this Company to check that its employees were entitled to work in the UK.
10. PC Mountford of WMP visited in 2021 and confirmed that all was in order.
11. Mr Rostam had no involvement with the Premises and Mr Ali was not involved in Human Trafficking. Mr Ali was foolish in trying to get Mr Rostam back running the Pub.
12. The Lease of the Premises was in Mr Ali's sole name and he sub-let to the Car Wash Company.
13. Mr Ali visited the car wash regularly (at least four times a week). He did not rent the rooms above the Pub.
14. Mr Ali admitted that he was not capable of running the Pub or of upholding the Licensing Objectives.

The Home Office Immigration Enforcement Department were represented by Mike Tudor at the hearing.

He told the Sub-Committee that the Home Office Immigration Enforcement Department supported the application made by the Licensing Authority.

On Friday 25 February 2022, a multi-agency visit took place at Pendulum, Blaydon Road, Pendeford, Wolverhampton, WV9 5NP involving West Midlands Police, Local Authority Licensing and Gangmaster Labour Abuse Authority.

Three persons were encountered and found to be present in the UK illegally with no right to work and were arrested.

Home Office checks confirmed all three subjects entered the UK illegally in 2021 by small boat and had claimed asylum on their arrival. All three subjects confirmed they were still living in the accommodation in which they had been allocated to. All three subjects were de-arrested and set up on reporting authorised by CIO Atkar.

A Civil Penalty Referral notice was served on site to the employer. No action is being pursued under the Civil Penalty due to problems with the Warrant of Entry, but the offences of Illegal Working still occurred.

Given these circumstances, there is a concern that the continuation of the Licence is prejudicial to the prevention of Immigration Crime including Illegal Working and that the current Premises Licence Holder breaches the Licensing Objective of the Prevention of Crime and Disorder.

The Sub-Committee heard from Aimee Taylor of West Midlands Police that on the multi- agency visit to the premises which took place on 25 February 2022, she had gone to the rooms above the Pub with employees of the car wash who had their own keys to the rooms there. The rooms were lived in and had post delivered there. The employees said that they paid rent to the PLH, Mr Ali, and one of these employees was an illegal immigrant. Mr Ali confirmed to Police that it was a cash only business.

Local Residents who had raised objections regarding Noise Nuisance and Anti-Social Behaviour at the premises were not in attendance at the hearing and so parties were not given the opportunity to question their evidence. Therefore, appropriate, limited weight was given to the written evidence submitted.

The Sub-Committee may take such steps as it considers appropriate for the promotion of the Licensing Objectives.

The Sub-Committee is satisfied that a significant number of Licence Conditions have been breached and that the four Licensing Objectives, outlined in the LA 2003 have been undermined.

There has been a flagrant disregard for the law. Officers gave repeated warnings of breaches of Licensing Conditions and left traders notices but Mr Ali ignored the advice and took no action.

WMP has brought this Review in regard to the Prevention of Crime and Disorder Licensing Objective and the Review is supported by the other Responsible Authorities attending.

The options available to the Sub-Committee are:

- (a) Modify the conditions of the licence;
- (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 3 months;
- (e) Revoke the licence;
- (f) to do nothing

On this occasion the Sub-Committee has resolved to Revoke the Premise Licence.

The DPS by his own admission accepts that he is not capable of running the pub or upholding the Licensing Objectives. A stepped approach has already been taken by Responsible Authorities to address concerns and this has not worked.

The Sub-Committee has established that the cause of the problems at the premises is the poor management practices and the involvement of other individuals at the car

wash. Whilst the PLH contends that it would be proportionate and responsible to remove the DPS and install a new Management Team at the pub to address these concerns, the Sub-Committee determined that Mr Ali still retains the Lease of the premises and sub-lets to the car wash. He regularly attends the car wash which is run by his father and is fully aware of what goes on at the premises. He did not make sufficient enquiries to prevent illegal working and acted to reinstate the previous PLH despite his ban. The Sub-Committee felt that the mere replacement of the DPS would be an inadequate response to the concerns which were identified as there are clearly deeper problems which indicate that the Licensing Objectives are not being upheld.

The Sub-Committee has been concerned with the Prevention rather than the Fact of Crime at the premises and it is clear to the Sub-Committee that Mr Ali had knowledge of what was occurring at the premises. He should have been vigilant to the issue of Illegal Working at the car wash which he sub-let and visited regularly. The Sub-Committee has acted with a view to prevention and deterrence and to prevent further criminal activity.

The Statutory Guidance at para 11.23 states “from a Licensing Authority’s decision should be appropriate and proportionate to the promotion of the Licensing Objectives and for the prevention of Illegal Working in Licensed Premises. But where premises are found to be trading irresponsibly, the Licensing Authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”

The Sub-Committee has followed this Guidance in these circumstances and decided that it is reasonable and proportionate to Revoke the Licence.

The Guidance at Para 11.26 states: 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. 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.

It was deemed inappropriate to modify conditions and suspend the licence as clearly the Premises Licence Holder appears not able to comply with conditions of licence and the Sub-Committee do not believe that suspension for a limited period would assist in mending the behaviour already witnessed.

The Sub-Committee considered the evidence presented and had regard to the Application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council’s own licensing policy. The Sub-Committee on the balance of probabilities, found that in order to promote the Licensing Objectives, the Premises Licence of The Pendulum should be revoked in accordance with s52 LA 2003.

This action is considered appropriate and proportionate action for the promotion of the four Licensing Objectives.

Written notice of the determination will be given to the Holder of the Licence, the Applicant, and any other person who made relevant representations.

An appeal may be made to the Magistrates' Court against the decision, by the Applicant, the Holder of the Premises Licence, or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

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Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Gillian Wildman

Cllr Wendy Dalton

Premises Licence Applicant

Mr Baljit Singh Batiya

Kimran Foods Limited

Responsible Authorities

Stephanie Reynolds

Amitabh Singh

West Midlands Police

Licensing Authority

Employees

Anita Chonk

Dave Abel

Angela Bernard

Donna Cope

Jacob Stokes

Jas Kaur

Senior Licensing & Compliance Officer

Senior Solicitor

Senior Solicitor (Observing)

Democratic Services Officer

Democratic Services Officer (Observing)

Democratic Services Manager (Host)

Item No. *Title*

1 Apologies for absence

Apologies were received from Neil Aston-Baugh, West Midlands Fire Service.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a new Premises Licence in respect of Snappy Tomato Pizza, 12 Worcester Street, Wolverhampton, WV2 4LD

An application for a Premises Licence in respect of Snappy Tomato Pizza, 12 Worcester Street, Wolverhampton, WV2 4LD was considered following representations received from West Midlands Police, the Licensing Authority and West Midlands Fire Service.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so.

It was noted that West Midlands Police (WMP) had submitted additional information by email to Licencing Services and the Applicant on 5 October 2022 which the Applicant had received but Licensing Services had not.

Evidence was provided by WMP confirming that the supplementary information had been sent to Licensing Services, and it was agreed that the hearing be adjourned for ten minutes so the additional information could be circulated and considered.

The Sub-Committee adjourned at 10.35 hours.

The Hearing reconvened at 10.45 hours.

The Chair outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

Anita Chonk, Senior Licensing and Compliance Officer provided an outline of the application. Mr Baljit Singh Batiya, Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Baljit Singh Batiya did so as per Appendix 1 of the report. He stated the following:

- The concerns raised within the evidence from West Midlands Police related to a business that he no longer owned.
- No alcohol would be sold on the premises and no sales of alcohol over 6.5% by volume would be allowed.
- No anti-social behaviour would occur as a delivery service would operate and there would be no collections from the premises.

The Chair afforded all parties present the opportunity to question the Applicant in relation to his submission. Mr Baljit Singh Batiya responded to questions asked and stated the following:

- There would be no collection of alcohol from the premises.
- There would be no single sales of alcohol in cans.
- He would not sell to underage customers.
- He was a responsible person.
- He had never sold counterfeit cigarettes and the police statement was incorrect.
- If the business did not work out, he would close it.
- He had sold his previous business years ago, but his name had still been on the licence.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Licensing Section Leader, did so as per Appendices 3 and 6 of the report. He stated that the Licensing Authority had mediated with the Applicant and licence conditions had been agreed.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. Amitabh Singh responded to questions asked.

The Chair invited West Midlands Police (WMP) to make representations. Sgt Steph Reynolds did so as per Appendix 4 of the report and supplementary documents. She stated the following:

- The Applicant was responsible for other premises where the police had needed to intervene.
- They had no confidence in the Applicant to uphold the Licensing Objectives.
- The Applicant was not a responsible person.
- The Applicant had other premises where he could sell alcohol from.
- They were not satisfied with the conditions agreed by the Licensing Authority and requested that a further 18 conditions be added if the licence were granted.
- The application should be refused.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Sgt Reynolds responded to questions asked, and as the proposed conditions had not been circulated to all parties prior to the hearing, they were not accepted by the Sub-Committee.

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

West Midlands Police, the Licensing Authority and the Applicant made a final statement.

David Abel, Senior Solicitor, provided legal guidance to Members and reminded them of their available options.

Mr Baljit Singh Batiya, Anita Chonk, Amitabh Singh and Sgt Steph Reynolds withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 12.00 hours.

The Hearing reconvened at 13.00 hours.

Mr Baljit Singh Batiya, Anita Chonk, Amitabh Singh and Sgt Steph Reynolds re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

The Licensing Sub-Committee listened carefully to all of the representations made by those in attendance and carefully considered the paperwork placed before them. They also had regard to the guidance issued by the secretary of state under section 182 of the Licensing Act 2003 and Wolverhampton Council's Licensing Policy Statement.

The application was made by Kimran Foods Ltd and related to the provision of late-night refreshment between the hours of 11.00pm and 1.00am, seven days a week. The premises operated as a Pizza Takeaway with delivery service which included the supply of Alcohol and Tobacco, and a representation to the application had been received from West Midlands Police.

The steps that may be taken by the Sub-Committee on an Application for a Premises Licence are to:

- a) Grant the Licence subject to Conditions.
- b) Exclude a licensable activity to which the Application relates from the scope of the licence.
- c) To refuse to specify a person as a Premises Supervisor.
- d) To reject the application.

The Sub-Committee heard from all of those in attendance and considered the written representations before them.

The Sub-Committee heard from the Licensing Authority that they had mediated with the Applicant and agreed conditions. The Applicant had also volunteered conditions that a refusals register be used and there would be no single sales of alcohol in cans.

The Sub-Committee heard from West Midlands Police that they had no confidence in the Applicant to uphold the Licensing Objectives. They did not consider him to be a suitable person. West Midlands Police agreed that they had not provided the Sub-

Committee with any evidence that the Applicant had breached licence conditions other than an email and unsigned Witness Statement.

West Midlands Fire Service did not attend but had agreed mediated actions with the Applicant.

The Sub-Committee heard from the Applicant that he had sold his previous business and the concerns which had been raised related to this previous business. He told the Committee that no alcohol would be sold on the premises and that no sales of alcohol over 6.5% by volume would be allowed. No anti-social behaviour could occur as a delivery service would operate and there would be no collections from the premises.

At the hearing, which took place at 10.30am on 11 October 2022, the Licensing Sub-Committee resolved to Grant the Licence Subject to Conditions in respect of Snappy Tomato Pizza, 12 Worcester Street, Wolverhampton, WV2 4LD.

The Application was granted in the terms sought with the following Conditions:

1. The Licence will be granted for a six-month Trial Period.
2. No off sales of alcohol will be provided to customers from the premises itself. Alcohol will only be offered as part of a delivery order and only permitted as an addition to food orders.
3. Sales of alcohol are not to include any super strength lagers, beers or ciders where strength exceeds 6.5% ABV (alcohol by volume) and there are to be no single sales of alcohol in cans.
4. All customer facing staff to receive training from an Accredited Licensing Firm before their first shift when the premises is open to the public and refresher training every six months on their responsibilities with regard to licensing legislation. Training will also cover Challenge 25, personal safety, conflict management, recognising signs of drunkenness, how to refuse service, the premises' duty of care, safe evacuation of the premises, and the conditions in force under this licence. This training must be documented and produced to an officer of a responsible authority upon request.
5. Alcohol shall be delivered to a residential or business address only and shall not be delivered to a person in a public place, eg a car park, a street corner, a bus stop etc.
6. The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age. Proof of age will only comprise a passport, photocard driving licence, an EU/EEA national ID card or a card bearing the PASS hologram.
7. When age-restricted goods are delivered to a customer's address, the person who takes receipt of the goods must be subject to Challenge 25 verification. Where age verification is required, an original valid photographic identity document must be provided.
8. All delivery drivers will undertake Challenge 25 verification at point of delivery. All transactions are to be documented electronically, in a Refusal's Register detailing the order number, recipient and delivery address. This record is to be made available to any responsible authority if requested.

9. Delivery staff shall be over 18 years of age. Where a delivery driver has concerns further to child protection at any address to which alcohol has been delivered, these concerns shall be made known to the premises licence holder with a minimum of delay, whereupon the premises licence holder shall report the matter to Wolverhampton Council's Emergency Duty Team.
10. There will be no collections of alcohol or tobacco from the Premises.
11. The premises will install and operate a CCTV System covering the premises and all points of sale which shall record continuously, with all recordings to be stored for a minimum period of 31 days and the recordings to be made immediately available to Police or an Officer of a Responsible Authority on request.

The above conditions were implemented with regard to furthering the Licensing Objectives of Public Safety and the Prevention of Children from harm, and these conditions were voluntarily proposed by the Applicant who stated the intention to co-operate with all parties in upholding the Licensing Objectives.

The Licensing Sub-Committee took the view that the implementation of conditions which were agreed between the parties were necessary and proportionate to uphold the licensing objectives. The Sub-Committee also clarified that their decision was made solely on the furthering of the Licensing Objectives and not as enforcement action under any other legislation.

There was a Right of Appeal available to all parties to the local Magistrates Court within 21 days from receipt of the decision letter should they feel aggrieved by this decision.

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)
Cllr Rashpal Kaur
Cllr Gillian Wildman

Premises Licence Holder

Mr Baljit Singh Batiya

Responsible Authorities

Greg Bickerdike
Lee Jenks
Nilusha Sahni

Licensing Authority
Trading Standards
Public Health

Employees

Anita Chonk
Angela Bernard
Jacob Stokes
Donna Cope
David Abel
Paul Dosanjh

Senior Licensing & Compliance Officer
Senior Solicitor
Democratic Services Officer
Democratic Services Officer (Observing)
Senior Solicitor (Observing)
Service Manager – Trading Standards & Licensing Act
(Observing)

Item No. *Title*

1 Apologies for absence

Apologies for absence were submitted by Amitabh Singh, Licensing Authority, and Dianne Slack, Trading Standards.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of The Newsagents, 49 School Street, Wolverhampton, WV1 4LR

An application for a Review of a Premises Licence in respect of The Newsagents, 49 School Street, Wolverhampton, WV1 4LR had been received from West Midlands Police.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Before inviting the officer from Licensing to outline the application, the Chair asked all parties present whether they had received the Supplementary Agenda Pack that was published on 24 October 2022. All parties confirmed that they had.

Anita Chonk, Senior Licensing & Compliance Officer, provided an outline of the application. She advised the Sub-Committee that the Applicant, West Midlands Police, had chosen to formally withdraw their representations from the meeting and were not present.

Angela Bernard, Senior Solicitor, advised the Sub-Committee that West Midlands Police could withdraw their representations no later than 24 hours before the meeting, but that the hearing must still take place as other Responsible Authorities had submitted representations.

The Chair invited the Licensing Authority to make representations. Greg Bickerdike, Licensing Manager, did so as per Appendix 4 of the report and the Supplementary Agenda Pack. He stated the following:

1. The Premises had shown disregard for the advice of the Council Officers and an ignorance of tobacco control laws.
2. The Premises was undermining the existing Public Space Protection Order by selling to street drinkers.
3. The Designated Premises Supervisor was currently failing to uphold the Licensing Objectives and therefore the Licensing Sub-Committee should add additional conditions to the licence.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. The Licensing Manager responded to questions asked.

The Chair invited Trading Standards to make representations. Lee Jenks, Team Leader - Trading Standards, did so as per Appendix 5 of the report and the Supplementary Agenda Pack. He stated the following:

1. On 4 August 2022, the Premises was found to have a large number of electronic smoking devices with oversized tanks.
2. These devices were unlawful and contributed to the undermining of public safety.
3. These devices were subsequently seized.

The Chair invited all parties present to question Trading Standards in relation to its submission. The Team Leader – Trading Standards responded to questions asked.

The Chair invited Public Health to make representations. Nilusha Sahni, Senior Public Health Specialist, did so as per Appendix 6 of the report. She stated the following:

1. Evidence had shown that the Premises was selling to known street drinkers and that this was not in line with the Licensing Objectives as it further contributed and exacerbated alcohol misuse and harm in the city.
2. Data showed that Wolverhampton was a regional outlier for alcohol-related harm and had one of the highest alcohol-related mortality rates in the country.
3. St. Peters Ward was the second highest in the city for alcohol-related hospital admissions.
4. National evidence showed a link between single can sales and high levels of alcohol dependency.
5. There was a well-established link between alcohol and crime as well as a significant risk of hidden harm.

The Chair invited all parties present to question Public Health in relation to its submission. The Senior Public Health Specialist responded to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Baljit Singh Batiya did so. He stated the following:

1. The Premises had not made any underage sales.
2. He had been subjected to verbal and racial abuse and had been physically assaulted. The Police had not attended in these instances.
3. The street drinkers were located at the P3 Charity building nearby, and that building should be better staffed to help tackle current problems.
4. He was happy with the conditions proposed except for the restriction on the sale of alcohol which exceeded 6.5% alcohol by volume (ABV) strength, which he felt would hurt his business financially.

The Chair afforded all parties present the opportunity to question Mr Batiya in relation to his submission. Mr Batiya responded to questions asked.

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

The Licensing Manager and Premises Licence Holder made a final statement.

The Senior Solicitor provided legal guidance to members and reminded them of the available options.

Councillor Page, Councillor Wildman, Councillor Kaur, the Senior Solicitor and Democratic Services Officer withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.28 hours.

The Hearing reconvened at 12.14 hours.

Councillor Page, Councillor Wildman, Councillor Kaur, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

An application was made by West Midlands Police Licensing and Regulatory Officer Aimee Taylor on 5 September 2022 for a review of the Premises Licence in respect of The Newsagents, 49 School Street, Wolverhampton, WV1 4LR.

Representations were received from the Licensing Authority, Public Health and from Trading Standards as Responsible Authorities. The Committee also heard from the Premises Licence Holder Mr Baljit Singh Batiya.

At the hearing on 25 October 2022 to review the premises licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made by persons who had spoken at the hearing. They considered all the evidence presented and found the following facts:

The applicant for review, West Midlands Police, have withdrawn their representation in a letter emailed to the Democratic Services Officer and have informed the Sub-Committee they will not be attending today's hearing. The hearing under section 52 (2) Licensing Act 2003 must take place and consider any relevant representations which the Statutory Licensing Sub-Committee have received.

The Licensing Sub-Committee heard from Greg Bickerdike for the Licensing Authority that they support the Application for Review and believe that the actions at the Premises undermine the Licensing Objectives and therefore that the Premises Licence should be modified with suggested further conditions added to the Licence.

The Licensing Sub-Committee heard from Lee Jenks for Trading Standards, that:

- On 4 August 2022, Trading Standards inspected the above premises. Around the counter area and shelving, 116 electronic nicotine devices (Vapes) were discovered for sale or supply that either were believed to be incorrectly labelled, had incorrect health warnings or had nicotine tanks believed to be in excess of the legal limit of 2 ml.
- These are potential criminal offences under the Consumer Protection from Unfair Trading Regulations 2008 and the Tobacco and Related Products

Regulations 2016. The vapes were voluntarily surrendered for destruction by Mr Batiya.

- All nicotine-inhaling vapes must be notified to the Medicines and Healthcare products Regulatory Agency (MHRA) before they can be sold in the UK. Any nicotine-containing vapes will not pass the notification procedure if they have too large a tank or too much nicotine.
- It is suspected that the illicit vapes found on the premises have been smuggled into the UK.
- The application for review and the discovery of the above products illustrates that no regard has been considered for the said licensing objectives.
- The premises licence holder and management have failed to uphold the licensing objective(s) of the Prevention of Crime and Disorder, nor has consideration been given to protecting the public from illegal nicotine products.

The Licensing Sub-Committee heard from Nilusha Sahni for Public Health at Wolverhampton Council that the premises in question is located within one of the most concerning geographical areas to Public Health, with an overall risk rating of HIGH. St. Peter's has the lowest rating compared to all wards in the city when viewed against a number of data sets. Key points to be noted:

- St Peter's has the highest risk out of all 20 wards when looking at key data sets.
- St Peter's has amongst the highest levels of deprivation across the city, and this is evident in the ward and immediate vicinity, which is suffering from several issues regarding deprivation and has alcohol misuse as a vital issue at the forefront.
- The City of Wolverhampton has the highest rate of alcohol specific mortality across the country and is a regional outlier for alcohol related hospital admission and alcohol related mortality.
- It is the view of Public Health that any licensee who is not actively promoting the Licensing Objectives should be subject to review, particularly in view of the complex issues facing the area. They support the Application for Review and believe that the actions at the Premises undermine the Licensing Objectives and therefore that the Premises Licence should be modified.

The Licensing Sub-Committee heard from the Premises Licence Holder, Mr Baljit Singh Batiya, who stated that:

- He had complained about a lack of support from the police and complained about being assaulted in his shop.
- He was happy with the conditions proposed except for the restriction on the sale of alcohol which exceeds 6.5% alcohol by volume (ABV) strength, which he felt would hurt his business financially.

The options open to the Sub-Committee today are as follows:

- modify the conditions of the licence
- exclude a licensable activity from the licence
- remove the Designated Premises Supervisor
- suspend the licence for up to 3 months
- revoke the licence

The Sub-Committee have considered the evidence presented and had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy. The Sub-Committee have on the balance of probabilities, found that in order to promote the Licensing Objectives, the Premises Licence of The Newsagents, 49 School Street, Wolverhampton, WV1 4LR should be modified as follows:

- A digital CCTV system will be in place which covers entry/exit points of the premises and all areas where alcohol/money is served/taken, all areas where the public have access, the immediate vicinity outside the premises (and any area where searches are conducted). The system will be installed and maintained in working order at the premises during all times when the premises is open. The system's recorded images and video will be high definition, in colour, indicate the correct date and time and be kept for at least 31 days unedited. The footage will enable facial identification of every person entering the premises, in any light condition.
- At least one designated member of staff will be trained to use the CCTV system and be available to provide downloads upon request or, in any case, within 24 hours. Images and video will be downloadable in a suitable format and provided to any officer of a Responsible Authority upon request.
- An electronic or written incidents log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises; all ejections of patrons; any complaints received; seizures of fraudulent ID or other items; any faults in the CCTV system; any visit by a relevant authority or emergency service. The incidents log will be produced to an officer of a Responsible Authority upon request.
- Where a crime is believed to have been committed, the incident will be reported to the West Midlands Police. The incidents log will be kept for at least 12 months and will be produced to an officer of a Responsible Authority upon request.
- Any supply of alcohol for consumption off the premises must be within a sealed container.
- Beer, cider and mixed drinks (such as cocktails and alcopops) are to be stocked and sold in multipacks of a minimum of four units. Multipacks must not be split.
- Sales of alcohol are not to include any super strength lagers, beers or ciders where strength exceeds 6.5% ABV.
- All customer-facing staff to receive training before their first shift when the premises is open to the public and refresher training every six months on their responsibilities with regard to licensing legislation, underage and proxy sales.
- Training will also cover Challenge 25, personal safety, conflict management, recognising signs of drunkenness, how to refuse service, the premises duty of care, safe evacuation of the premises, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this Licence.
- This training must be documented and produced to an officer of a Responsible Authority upon request.
- An A4 Public Space Protection Order (PSPO) notice, provided by the Licensing Authority will be displayed prominently on the premises, visible from outside of the premises.

- The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age. Proof of age will only comprise a passport, photocard driving licence, an EU/EEA national ID card or a card bearing the PASS hologram.
- An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service, including the sale of alcohol. The refusals log will include the basis of a refusal; the person making the decision to refuse; the date and time of refusal.
- The refusals log will be kept for at least 12 months and will be produced to an officer of a Responsible Authority upon request.
- All customers-facing licensing staff to receive training from an Accredited Licensing Firm before their first shift when the premises is open to the public and refresher training every six months on their responsibilities with regard to licensing legislation.

The Licensing Sub-Committee felt the conditions could quickly be put into effect and that therefore it was not necessary to impose a period of suspension on the premises. These are considered necessary and proportionate actions to uphold the four licensing objectives:

1. Prevention of Crime and Disorder
2. Public Safety
3. Protecting Children from Harm
4. Public Nuisance

Written notice of the determination will be given to the holder of the licence, and any other person who made relevant representations.

An appeal may be made to the Magistrates' Court against the decision by the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

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Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)
Cllr Gillian Wildman
Cllr Rashpal Kaur

Applicant for Review

Sgt Steph Reynolds
Flynn Neal
Kayley Nixon

Premises Licence Holder

Mr Narinderjit Malhi

Responsible Authorities

Greg Bickerdike	Licensing Authority
Lee Jenks	Trading Standards
Nilusha Sahni	Public Health

Employees

Elizabeth Gregg	Senior Licensing & Compliance Officer
Angela Bernard	Solicitor
Donna Cope	Democratic Services Officer
David Abel	Solicitor (Observing)

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Dianne Slack (Trading Standards) and Amitabh Singh (Licensing Authority).

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Sunny's Superstore, 14 Cleveland Street, Wolverhampton, WV1 3HH

An application for a Review of a Premises Licence in respect of Sunny's Superstore, 14 Cleveland Street, Wolverhampton, WV1 3HH had been received from West Midlands Police.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Elizabeth Gregg, Senior Licensing and Compliance Officer, provided an outline of the application. Sgt Steph Reynolds, West Midlands Police, (Applicant), confirmed that the summary was accurate.

The Chair invited West Midlands Police to present their application.

Sgt Steph Reynolds reported that the previous day, West Midlands Police had circulated a link, via email, containing CCTV footage of the premises. She queried whether the email had been received and whether the footage could be played at the hearing.

The Chair sought legal advice on the matter, and Angela Bernard, Solicitor and legal advisor to Members, stated that the CCTV footage had not been submitted in an acceptable format, and therefore no-one, including the Premises Licence Holder had been able to view it. She further noted that a written statement detailing the CCTV footage was contained within the reports pack, circulated to all parties prior to the hearing, and on that basis, she advised Members to continue with the hearing and disallow the CCTV footage.

All parties agreed and the hearing continued.

Sgt Steph Reynolds outlined her application as per Appendix 3 of the report and stated the following:

1. Sunny's Superstore were serving alcohol to beggars and known street drinkers who were intoxicated on a regular basis, and this was adding to the anti-social behaviour in the area.
2. On a number of occasions, the neighbourhood police team had gone into the shop and warned the Designated Premise Supervisor not to sell to them again. However, moments after being told, Officers had seen the staff still serving alcohol; blatantly ignoring the Licensing Objective of Prevention of Crime and Disorder. As the alcohol is so cheap and easily available in single cans, once Officers leave the vicinity due to being called to another job, they go and purchase another can despite the Premise License Holder and Designated Premise Supervisor being informed.
3. Selling single cans of beer, lager and cider at a high strength for a reduced price would constitute to irresponsible drink promotions. It was also outlined in Section 141 of the Licensing Act 2003 that it was an offence to sell alcohol to a person who is drunk or knowingly allow alcohol to be sold to such person on licensed premises.
4. There had been alcohol related anti-social behaviour related to these premises under a previous licensee.
5. West Midlands Police were doing all they could to try and stop the anti-social behaviour on Cleveland Street and to change the reputation it currently had and to try and encourage people to come into the city. They had issued the street drinkers and beggars with Community Protection Warnings (CPW's) to stop them going into the shop and buying single cans to get intoxicated with, along with enforcing the Public Space Protections Order which covered St Peters. The premises had been made aware of this but continued to supply them with alcohol.
6. West Midlands Policed believed that the Licensing Objectives of the Prevention of Crime and Disorder and The Protection of Children from Harm had been undermined by the way in which the premises operated and therefore the Premises Licence should be revoked.

The Chair afforded all parties present the opportunity to question West Midlands in relation to their submission. Sgt Reynolds responded to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Narinderjit Malhi, did so. He stated the following:

1. He was not the Premises Licence Holder in 2020.
2. He had previously assisted West Midlands Police with enquires.
3. He had refused to serve beggars and street drinkers numerous times.
4. If they were banned from the store other people bought alcohol for them and if he refused them, they would go elsewhere.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to his submission. Mr Malhi responded to questions asked and stated the following:

1. He disputed the evidence provided by West Midlands Police.
2. His refusals book was up to date.
3. He understood the problem and refused to serve drunk people.

4. He was unable to complete the refusals book during busy periods.
5. He had trained his staff not to serve drunk people.
6. He did not know the challenge 25 scheme.

At the request of the Chair, Mr Malhi produced the refusals book, which was then viewed by the Committee and the Responsible Authorities.

The Chair invited the Licensing Authority to make representations. Greg Bickerdike, Licensing Manager, did so as per Appendix 4 of the report. He stated that the Licensing Authority supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. He stated that if the Premises Licence was not revoked it should be modified with further conditions.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mr Greg Bickerdike responded to questions asked.

The Chair invited Trading Standards to make representations. Lee Jenks, Trading Standards Team Leader did so as per Appendix 5 of the report. He stated that Trading Standards supported the application to review, and the discovery of illicit products illustrated that no regard had been considered for the Licensing Objectives.

The Chair invited all parties present to question Trading Standards in relation to its submission. Mr Lee Jenks responded to questions asked.

The Chair invited Public Health to make representations. Nilusha Sahni, Senior Public Health Specialist did so as per Appendix 6 of the report. She stated that Public Health supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. She stated that efforts by the West Midlands Police had not improved the licensee's regard for public safety and the licence should be revoked or have conditions added.

The Chair invited all parties present to question Public Health in relation to its submission. No questions were asked.

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

The Licensing Authority, Premises Licence Holder and West Midlands Police made a final statement.

Angela Bernard, Solicitor, provided legal guidance to Members and reminded them of their available options.

Mr Narinderjit Malhi, Sgt Steph Reynolds, Flynn Neal, Kayley Nixon, Greg Bickerdike, Lee Jenks, Nilusha Sahni and Elizabeth Gregg withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 12.23 hours.

The Hearing reconvened at 13.39 hours.

Mr Narinderjit Malhi, Sgt Steph Reynolds, Flynn Neal, Kayley Nixon, Greg Bickerdike, Lee Jenks, Nilusha Sahni and Elizabeth Gregg re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Solicitor.

Resolved:

An application was made by West Midlands Police as a Responsible Authority on 5th September 2022 for a review of the Premises Licence in respect of Sunny's Superstore, 14 Cleveland Street, Wolverhampton, WV1 3HH on the grounds that actions at the premises undermined the Licensing Objectives. Representations had been received from the West Midlands Police, Licensing Authority, Trading Standards and Public Health as Responsible Authorities and from the Premises Licence Holder Mr Narinderjit Malhi.

At the hearing on 27 October 2022 to review the premises licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made by persons who had spoken at the hearing.

The Licensing Sub-Committee heard from Sgt Reynolds of West Midlands Police, the applicant for review, that:

1. Sunny's Superstore, Cleveland Street were serving alcohol to beggars and known street drinkers who were intoxicated on a regular basis.
2. On a number of occasions, the neighbourhood team had gone into the shop and warned the Designated Premise Supervisor not to sell to them again. However, moments after being told, Officers had seen the staff still serving alcohol; blatantly ignoring the Licensing Objective of Prevention of Crime and Disorder. As the alcohol was so cheap and easily available in single cans, once Officers left the vicinity, they purchased another can despite the Premise License Holder and Designated Premise Supervisor being informed.
3. Selling single cans of beer, lager and cider at a high strength for a reduced price would constitute to irresponsible drink promotions. It was also outlined in Section 141 of the Licensing Act 2003 that it was an offence to sell alcohol to a person who was drunk or knowingly allow alcohol to be sold to such person on licensed premises.
4. Sgt Reynolds presented background evidence of alcohol related anti-social behaviour related to these premises under a previous licensee.
5. West Midlands Police were doing all they could to try and stop the anti-social behaviour that was being caused on Cleveland Street and to change the reputation it currently had and to try and encourage people t into the city. They had issued the street drinkers and beggars with Community Protection Warnings (CPW's) to stop them going into the shop and buying single cans to get intoxicated with, along with enforcing the Public Space Protections Order which covered St Peters. The premises had been made aware of this but continued to supply them with alcohol
6. West Midlands Policed believe that the Licensing Objectives of the Prevention of Crime and Disorder and The Protection of Children from Harm had been undermined by the way in which the premises operates and therefore the Premises Licence should be revoked.

The Licensing Sub-Committee heard from Greg Bickerdike for the Licensing Authority that they supported the Application for Review and believed that the actions at the premises undermined the Licensing Objectives and therefore the Premises Licence should be modified with the following conditions added:

Prevention of crime and disorder

- Any supply of alcohol for consumption off the premises must be within a sealed container.
- Beer, cider and mixed drinks (such as cocktails and alcopops) are to be stocked and sold in multipacks of a minimum of four units. Multipacks must not be split.
- Sales of alcohol are not to include any super strength lagers, beers or ciders where strength exceeds 6.5% ABV (alcohol by volume).
- Prevention of public nuisance An A4 Public Space Protection Order (PSPO) notice, provided by the Licensing Authority will be displayed prominently on the premises, visible from outside of the premises.

Protection of children from harm

- The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age.
- Proof of age will only comprise a passport, photocard driving licence, an EU/EEA national ID card or a card bearing the PASS hologram.

In addition, amend the following existing conditions

From:

- All staff will be trained and regularly refreshed in the challenge 25 policy Staff will be provided refresher training challenge 25 every 6 months. This will be recorded and provided to the police or any member of the relevant authority on request.

To:

- All customer-facing staff to receive training before their first shift when the premises is open to the public and refresher training every six months on their responsibilities with regard to licensing legislation, underage and proxy sales. Training will also cover Challenge 25, personal safety, conflict management, recognising signs of drunkenness, how to refuse service, the premises duty of care, safe evacuation of the premises, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this licence.
- This training must be documented and produced to an officer of a responsible authority upon request.

- That the licensee become part of the local link radio which is a secure link for shops to communicate with each other
- Wine to be sold in bottles 75 centre litres
- Alcohol to be sold after midday.

The Licensing Sub-Committee heard from Lee Jenks for Trading Standards, that on the 23 September 2022, Trading Standards in response to a complaint, visited Sunny's Superstore. During the visit the following illicit items were discovered believed to be for sale or supply to the general public and were subsequently seized for further investigation:

- 41 packets (3 different brands) of duty-free cigarettes behind the counter, (non UK DUTY paid).
- A large number of illicit nicotine vaping products were found bearing incorrect warnings and far exceeding the permitted UK tank size to hold nicotine liquid.
- 146 pouches of banned oral tobacco were found behind the counter and in a rear storeroom.
- Several tubs of shisha tobacco without correct markings. These products are in breach of the Tobacco and Related Product Regulations 2016 and are also suspected of being smuggled into the UK.
- In addition, 3 bottles of Glenfiddich whisky were discovered for sale in Sunny's bearing supermarket anti-theft tags.

There was a suspicion that the whisky was stolen. Which if correct was a criminal offence under the Consumer Protection from Unfair Trading Regulations 2008.

The application for review and the discovery of the above products illustrated that no regard had been considered for the Licensing Objectives.

The Licensing Sub-Committee heard from Nilusha Sahni for Public Health at Wolverhampton Council, that the premises in question was located within one of the most concerning geographical areas to Public Health, with an overall risk rating of HIGH. They were of the view that the sale of single units exacerbated alcohol dependency and social problems, and they therefore opposed such sales.

They supported the Application for review, and they believed that the actions at the Premises undermined the Licensing Objectives, and that efforts by the West Midlands Police had not improved the licensee's regard for public safety.

The Licensing Sub-Committee heard from the Premises Licence Holder, Mr Narinderjit Mahli that he disputed the evidence, he did not know the challenge 25 scheme, and that he was selling single cans. He stated he had tried to comply with his requirements as Licensee and produced the refusals book which was viewed by the Committee and the Responsible Authorities.

He was happy with the conditions proposed by the Licensing Authority with additional conditions put forward at the hearing.

The options open to the Sub-Committee were as follows:-

- Modify the conditions
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for up to 3 months
- Revoke the licence

The Sub-Committee considered the evidence presented by the Responsible Authorities from 27 April 2022 when Mr Narinderjit Mahli became Licensee and had not taken into account evidence presented relating to the previous Licensee.

The Sub-Committee had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy.

The Sub-Committee were concerned that the Licensing Objectives were clearly being breached on a regular basis. The Licensee Mr Mahli gave an inconsistent account when compared to his account given to Police. The Sub-Committee were particularly concerned with the items seized on 23 September from his premises by Trading Standards for which he gave no credible account.

The Sub-Committee had on the balance of probabilities, found that in order to promote the Licensing objectives the premises licence of Sunny's Superstore, 14 Cleveland Street, Wolverhampton, WV1 3HH should be **revoked** in accordance with s52 LA 2003.

This action was considered an appropriate and proportionate action for the promotion of the four Licensing Objectives. The measures proposed by the Premises Licence Holder were deemed insufficient to promote the licensing objectives in light of repeated sales at the Premises.

It was deemed inappropriate to modify conditions and suspend the licence as the repeated sales to intoxicated persons demonstrated that the Premises Licence Holder appeared not able to comply with conditions of the licence and the Sub-Committee did not believe that conditions or suspension for a limited period would assist in mending the behaviour already evidenced.

The premises licence holder who was also the DPS had failed to uphold the Licensing Objective of the Prevention of Crime and Disorder, nor had consideration been given to protecting the public from illegal tobacco and nicotine products. The Sub-Committee noted that this occurred over a period of time since Mr Mahli became the licensee and that West Midlands Police, recommended the revocation of the Premises Licence.

Written notice of the determination would be given to the holder of the licence, the applicant, and any other person who made relevant representations.

An appeal may be made to the Magistrates' Court against the decision, by the applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of the decision.

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Rashpal Kaur

Cllr Anwen Muston

Premises Licence Applicant

Julian Serban Iliescu

Valintin Gavrilă

Florentina Gavrilă

Edith Lake

Diamond Club Ltd

Diamond Club Ltd

Diamond Club Ltd

Agent

Responsible Authorities

Sgt Steph Reynolds

Kayley Nixon

Greg Bickerdike

Nilusha Sahni

Sarah Gee

West Midlands Police

West Midlands Police

Licensing Authority

Public Health

Environmental Health

Employees

Debra Craner

Angela Bernard

Donna Cope

Licensing Section Leader

Solicitor

Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a new Premises Licence in respect of Diamond, 2 Skinner Street, Wolverhampton, WV1 4LD

An application for a Premises Licence in respect of Diamond, 2 Skinner Street, Wolverhampton, WV1 4LD was considered following representations received from West Midlands Police, the Licensing Authority, Public Health and Environmental Health.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader Licensing and Compliance provided an outline of the application. Ms Edith Lake, Agent representing the Applicant, Diamond Club Ltd, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Ms Edith Lake did so as per Appendix 1 of the report. She stated the following:

1. Her client had held a number of Temporary Event Notices at the Premises.
2. The previous Premises Licence Holder would have no involvement with the premises whatsoever.
3. All members of staff would receive appropriate training.
4. Her client was dedicated to the business and had signed a 14-year lease on the property.
5. Her client had successfully mediated with the Licensing Authority, West Midlands Police and Environmental Health.

The Chair afforded all parties present the opportunity to question Ms Lake and her client in relation to her submission. Ms Lake and Mr Valintin Gavrila, proposed Designated Premises Supervisor, responded to questions asked. Mr Gavrila stated that the previous Premises Licence Holder had no involvement with the premises at all but still received regular payments for the property lease.

The Chair invited the Licensing Authority to make representations. Greg Bickerdike, Licensing Manager, did so as per Appendix 4 of the report. He stated that he had

mediated with the Applicant and agreed a number of conditions, but since hearing their submission he was concerned that the previous Licence Holder was benefitting financially from the premises whilst being wanted by the police

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. Greg Bickerdike responded to questions asked.

The Chair invited West Midlands Police (WMP) to make representations. Kayley Nixon did so as per Appendix 7 of the report. She stated that WMP had initial concerns regarding the application but had successfully mediated with the Applicant and agreed conditions.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Sgt Steph Reynolds responded to questions asked and confirmed that the previous Premises Licence Holder was not wanted by the police.

The Chair invited Environmental Health to make representations. Sarah Gee, Senior Officer - Food and Health and Safety, did so as per Appendix 5 of the report. She stated that Environmental Health had initial concerns regarding the application but had successfully mediated with the Applicant.

The Chair afforded all parties present the opportunity to question Environmental Health in relation to its submission. No questions were asked.

The Chair invited Public Health to make representations. Nilusha Sahni, Senior Public Health Specialist did so as per Appendix 6 of the report. She stated that she was happy with the agreed conditions but was concerned that the previous Premises Licence Holder was benefitting financially from the premises.

The Chair afforded all parties present the opportunity to question Public Health in relation to its submission. No questions were asked.

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

Greg Bickerdike and Edith Lake made final statements.

Angela Bernard, Solicitor, provided legal guidance to Members and reminded them of their available options.

Julian Serban Iliescu, Valintin Gavrilă, Florentina Gavrilă, Edith Lake, Sgt Steph Reynolds, Kayley Nixon, Greg Bickerdike, Nilusha Sahni, Sarah Gee and Debra Craner withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 12.17 hours.

The Hearing reconvened at 14:20 hours.

Julian Serban Iliescu, Valintin Gavrilă, Florentina Gavrilă, Edith Lake, Sgt Steph Reynolds, Kayley Nixon, Greg Bickerdike, Nilusha Sahni, Sarah Gee and Debra Craner re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Solicitor.

Resolved:

Members of the Statutory Licensing Sub-Committee considered the written and spoken representations from the Applicant, West Midlands Police, the Licensing Authority as Responsible Authority, Public Health and Environmental Health in relation to the Cumulative Impact Policy and relevant Licensing Objectives.

The Licensing Sub-Committee heard from the Applicant's representative that:

- 1) The Applicant had put forward variations to their application to give greater detail and comply with the Licensing Objectives.
- 2) The Applicant had mediated with Licensing Authority, West Midlands Police, and Environmental Health and had agreed conditions which satisfied their concerns regarding the Prevention of Public Nuisance the Prevention of Crime and Disorder, Public Safety, and Protection of Children from Harm.
- 3) The application and Operating Schedule showed that the premises would have no negative Cumulative Impact and no potential impact upon the promotion of the Licensing Objectives.
- 4) Community contribution from this eastern European business would have a positive impact

The Licensing Sub-Committee heard from, Greg Bickerdike, Licensing Manager, that they had mediated with the Applicant and agreed proposed conditions that would be added to the Premises Licence, which satisfied their concerns regarding the Prevention of Public Nuisance, the Prevention of Crime and Disorder, Public Safety, and Protection of Children from Harm, subject to the approval of the Licensing Sub-Committee.

The proposed modification in the Operating Schedule was set out in the Supplementary Agenda Pack and would replace the original conditions with additional new conditions for furtherance of the Licencing Objectives.

The Licensing Sub-Committee heard from West Midlands Police that they now supported the application with the modified operating schedule setting out the additional conditions and changes. They stated it was a matter for the Sub-Committee regarding whether the Applicant had been able to rebut the presumption of non-grant and show that their application would have no negative Cumulative Impact.

The Licensing Sub-Committee heard from Environmental Health of their concerns, and they had also proposed variations which were included in the agenda pack.

The Licensing Sub-Committee heard from Public Health of their concerns in respect of the applicant's awareness of the local area and the criminal activity which had taken place at the premises.

Public Health stated that the premises in question was located within one of the most concerning geographical areas to Public Health. St Peter's had the highest risk out of all 20 wards within Wolverhampton when looking at key data sets. St Peter's had amongst the highest levels of deprivation across the city and the immediate vicinity was suffering several issues regarding deprivation and had alcohol misuse as a vital issue at the forefront.

The Sub-Committee considered all the evidence presented and had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy.

The Sub-Committee were satisfied that the Cumulative Impact Policy applied to these premises and that therefore there was a rebuttable presumption of non-grant.

The Sub-Committee considered all the submissions before them, all the circumstances of the application, and s182 guidance, and were satisfied that sufficient evidence had been provided by the Applicant to show that their application would have no negative Cumulative Impact and that exceptional circumstances existed and therefore, the premises were an exception to non-grant under the Statement of Licensing Policy.

The Sub-Committee were satisfied that the Applicant had rebutted the presumption of non-grant through its proposed operating schedule and the proposed conditions set out in the supplementary agenda pack.

The Licensing Sub-Committee's decision was to grant the licence pursuant to the application as applied for, subject to the modification in the operating schedule as set out in the Supplementary Agenda Pack.

The Sub-Committee had on the balance of probabilities, found that to promote the Licensing Objectives the Application for a Premises Licence should be granted, for 6 months in accordance with section 18 of the Licensing Act 2003, with the following hours:

- Sunday to Wednesday:
The Opening Hours for these premises will be 18:00 to 24:00 (12 midnight)
The sale of alcohol will be from 18:00 to 23:30.
The provision of live music, recorded music, performance and dance and late-night refreshment will be 18:00 to 24:00 (12 midnight)
- Thursday to Saturday:
The opening hours for these premises will be 18:00 to 03.30am
The sale of alcohol will be 18:00 to 03:00 am
The provision of live music, recorded music, performance and dance and late-night refreshment will be 18:00 to 03:00am

It was considered by the Sub-Committee that the conditions were considered appropriate and proportionate and should be attached for the promotion and support of the Licensing Objectives.

Finally, such modifications as specified above were consistent with the Operating Schedule and would be attached to the Licence, together with any mandatory conditions as required by the Licensing Act.

All parties had a right of appeal to the Magistrates Court within 21 days of receipt of the decision.

A copy of the written decision would be forwarded to all parties.

CITY OF WOLVERHAMPTON COUNCIL	Statutory Licensing Committee 11 January 2023
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Report title	Review of Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2023-2024	
Wards affected	All	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing Services	
Accountable employee	Paul Dosanjh Tel Email	Service Manager, Trading Standards & Licensing Act 01902 556056 paul.dosanjh@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for decision:

The Statutory Licensing Committee is recommended to:

1. Note the non-discretionary fees and charges set by statute in relation to the Licensing Act 2003 set out in **Appendix 1**.
2. Approve the fees and charges set out in **Appendix 2** in relation to the Gambling Act 2005 with effect from 1 April 2023 over which the Council has fee setting powers.
3. Note other fees and charges for permits set by the Secretary of State in relation to the Gambling Act 2005 over which the Council has no local control.

1.0 Purpose

- 1.1 To submit for consideration proposed fees and charges for 2023 - 2024 in relation to certain licences and activities regulated by the Statutory Licensing Committee.

2.0 Background

- 2.1 The Council is empowered under Statute to levy fees for the issue of licences and permits under the control of City of Wolverhampton Council.
- 2.2 The Council policy is to review its fees on an annual basis and to amend the cost of service provision to attain a cost-neutral service provision. This is typically adjusted on a three-year rolling basis. The budget is assessed and adjusted to ensure the fees and charges are revised to reflect, for example, inflationary increases or to address legislation changes and to include all other costs of providing the service. There are a number of licences where the fees and charges are set by statute.
- 2.3 Under the Licensing Act 2003, fees and other charges are set by statute and cannot be amended. There is a capped maximum fee set by statute under the Gambling Act 2005 for premises licences.

3.0 Proposals for 2023 - 2024

3.1 Licensing Act

- 3.2 Fees and charges for premises, clubs, personal licences, temporary event notices and other fees in relation to the Licensing Act 2003 are set by statute when enacted in November 2005. These fees are shown at **Appendix 1** to this report. These fees remain unchanged since last years' report.
- 3.3 Councillors should note that applications made under Sections 17, 34, 71 and 84 of the Licensing Act 2003 which relate to the provision of Regulated Entertainment within Educational Institutions i.e. School or College or premises that are or form part of a Church Hall, Chapel Hall or similar building or Village Hall, Parish Hall or Community Hall or other similar building are exempt from payment of fees.

3.4 Gambling Act

- 3.5 Gambling Act Premises licence fees are set at the capped maximum limit. This has been implemented by this authority having calculated the cost of provision of the service. These fees are shown at **Appendix 2** to this report. These fees remain unchanged since last years' report.
- 3.6 Under the Gambling Act 2005, fees for permits, small society registrations etc are non-discretionary fees set by statute.

4.0 Financial implications

- 4.1 The fees and charges for the Licensing Act 2003 premises and ancillary permits and notices are set in Statute and therefore cannot be amended.
- 4.2 Fees under the Gambling Act 2005 are set at the capped limit for premises. The proposed fees for 2023 - 2024 are unchanged from 2022 - 20223. The fees for incidental permits and notices are set in statute.

[SB/20122022/J]

5.0 Covid implications

- 5.1 The premises and businesses that hold these types of licences have been adversely affected by Covid-19 including lockdowns and restrictive business practices. However, the cost to the council for provision of the licence have not reduced. It is however recognised that many businesses experienced financial difficulties during the pandemic and now through a cost of living crisis. It is therefore proposed to continue to allow the cost of licence renewals to be spread over a short term.
- 5.2 The payment terms agreed, must include full settlement by the end of the applicable financial year and shall be agreed by the Head of Service or Service Manager.

6.0 Legal implications

- 6.1 The legal implications are considered within the main body of the report.
[AB/20-12-2022/111]

7.0 Equalities implications

- 7.1 There are no equalities implications arising from this report.

8.0 Climate change and environmental implications

- 8.1 There are no climate change and environmental implications arising from this report.

9.0 Schedule of background papers

- 9.1 These fee tables are a direct copy of the fees and charges agreed for 2022 - 2023.
- 9.2 Statutory Licensing Committee – 19 January 2022 - Review of Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2022 - 2023

10.0 Appendices

- 10.1 Appendix 1- Fees and charges for premises, clubs, personal licences, temporary event notices and other fees in relation to the Licensing Act 2003
- 10.2 Appendix 2 -Gambling Act 2005 fees

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Premises banding based on rateable value	Fees £ (initial application)	Annual fees £ (renewal)
A	100	70
B	190	180
C	315	295
D	450	320
E	635	350

ADDITIONAL FEES BASED UPON OCCUPANCY FIGURES

Occupancy Figures	£
5,000 to 9,999	500
10,000 to 14,999	1,000
15,000 to 19,999	2,000
20,000 to 29,999	4,000
30,000 to 39,999	8,000
40,000 to 49,999	12,000
50,000 to 59,999	16,000
60,000 to 69,999	20,000

APPLICATION OR NOTICE

	£
section 25 (theft, loss, etc. of premises licence or summary)	10.50
section 29 (application for a provisional statement where premises being built, etc.)	315
section 33 (notification of change of name or address)	10.50
section 37 (application to vary licence to specify individual as premises supervisor)	23
section 42 (application for transfer of premises licence)	23
section 47 (interim authority notice following death etc. of licence holder)	23
section 79 (theft, loss etc. of certificate or summary)	10.50
section 82 (notification of change of name or alteration of rules of club)	10.50
section 83(1) or (2) (change of relevant registered address of club)	10.50
section 100 (temporary event notice)	21
section 110 (theft, loss etc. of temporary event notice)	10.50
section 117 (application for a grant or renewal of personal licence)	37
section 126 (theft, loss etc. of personal licence)	10.50
section 127 (duty to notify change of name or address)	10.50
section 178 (right of freeholder etc. to be notified of licensing matters)	21

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THE GAMBLING ACT 2005 – PROPOSED FEES FROM 1 APRIL 2023 UNTIL 31 MARCH 2024

Category of Premises License	Application Fee in Respect of Conversion of Provisional Statement Maximum £	Application Fee in Respect of New Premises Licences Maximum £	Annual Fee YEAR 2 Maximum £	Fee for Application to Vary Licence Maximum £	Fee for Application to Transfer a Licence Maximum £	Fee for Application for Reinstatement of a Licence Maximum £	Fee for Application for Provisional Statement Maximum £	Fee for Notification of a change of Circumstance (Statutory Fee) £	Fee for Application for Copy of Licence (Statutory Fee) £	Fee for giving notification of a Temporary Use Notice (Maximum)	Fee for requesting a copy of a Temporary Use Notice (Maximum)
New Small Casino Premises	3,000	8,000	5,000	4,000	1,800	1,800	8,000	50	25	500	25
Converted Casino Premises	N/A	N/A	3,000	2,000	1,350	1,350	N/A	50	25	500	25
Bingo Premises	1,200	3,500	1,000	1,750	1,200	1,200	3,500	50	25	500	25
Adult Gaming Centre Premises	1,200	2,000	1,000	1,000	1,200	1,200	2,000	50	25	500	25
Betting Premises (Track)	950	2,500	1,000	1,250	950	950	2,500	50	25	500	25
Family Entertainment Centre	950	2,000	750	1,000	950	950	2,000	50	25	500	25
Betting Premises (Other)	1,200	3,000	600	1,500	1,200	1,200	3,000	50	25	500	25

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<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h1>Statutory Licensing Committee</h1> <h2>11 January 2023</h2>
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Report title	Trade with Confidence -Trading Standards and Licensing	
Wards affected	All	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing	
Accountable employee	Paul Dosanjh	Service Manager: Trading Standards and Licensing Act
	Tel	01902 556056
	Email	Paul.Dosanjh@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation for decision:

The Statutory Licensing Committee is recommended to:

1. Mandate that an Officer involved with providing paid for consultancy advice shall not be permitted to be involved with the processing of that application.

Recommendation for noting:

1. To note and endorse the implementation of the Licensing Consultancy and Responsible Trader Scheme under the "Trade with Confidence" banner.
2. That both of these schemes form part of the efforts of the Commercial Regulation Service to improve legal compliance through the provision of advice on a discretionary basis

1.0 Purpose

- 1.1 For the Committee to Mandate that an Officer involved with providing paid for consultancy advice shall not be permitted to be involved with the processing of that application
- 1.2 To update the Committee on the recent authorisation via an Individual Executive Decision Notice (IEDN) of two schemes under the “Trade with Confidence” banner.
 - A Licensing Consultancy scheme.
 - A Responsible Trader scheme.

2.0 Background

- 2.1 The Commercial Regulation Service already operates a series of business advice schemes on a cost recovery basis under the “Trade with Confidence”(TwC) banner. Those schemes are based around the provision of consultancy for food safety and food hygiene.
- 2.2 The Trade with Confidence services form part of the efforts of the Commercial Regulation Service to improve legal compliance through the provision of advice on a discretionary basis
- 2.3 The cost of these discretionary services is borne by the recipient and not by the Council
- 2.4 The Localism Act 2011 introduced a ‘general power of competence’, giving local authorities the legal capacity to do anything that an individual can do as long as that is not limited by the existence of any other power of the authority. Importantly, the Act also allows authorities to make a charge where it is not under a duty to provide the service and where the recipient agrees to the service being provided.
- 2.5 This report introduces a proposal to widen the scope of the TwC banner with the introduction of two new schemes:
 - A Licensing pre-application consultancy scheme which assists new applicants for licensed premises to complete their applications. The scheme will also cover the other licensing applications e.g., in relation to changes to a licence.
 - A Responsible Trader scheme which principally supports small retailers (“corner shops” and local convenience stores) around sales of age restricted products such as alcohol, tobacco, and fireworks

3.0 Proposal

Licensing consultancy

- 3.1 Licensing Services provides the administration, verification and compliance activities that ensure that alcohol licences for both establishments (premises licences) and individuals (personal licences) are properly issued, and their conditions are complied with.
- 3.2 The most involved application is the one for a new premises licence. The range of technical queries that can arise means that only experienced and trained officers can deal with these matters, but a side effect is that the Council ends up providing a very high-quality consultancy subsidised by council taxpayers. A more business-like approach will also ensure that applicants are mindful in the quality of their applications. Additionally, Officers will not be hindered from being able to carry out their other important duties by dealing with constant “to and fro” of these sorts of enquiries.
- 3.3 Licensing sub-committee hearings are often held due to poor application submissions. These often end with officers spending significant time with applicants in order to make the application acceptable in terms of meeting the licensing objectives. The cost of providing this service is outside of the statutory application fee which is set nationally.
- 3.4 The proposal is that Licensing Services provides a consultancy service which helps applicants to complete the various application forms covered by the service. For example, the service which would cover the premises application form based on the information available from the applicant would:
 - assist with completion of the statutory application forms including guidance on identifying what the appropriate control measures would need to be to fulfil the licensing objectives.
 - Provide guidance about drawing up plans to accompany the application in accordance with the relevant regulations.
 - Assist with completion of the statutory public and press notices.
 - Assist with the production of policy documents, such as a drugs policy or a challenge 25 policy.
 - Check the application to ensure it is valid and has been correctly completed.
 - Submit electronically, on the applicant’s behalf, to those that need official notification (“Responsible Authorities”) for them to comment.
 - Assist with completion of the statutory public and press notices and provide applicants with completed copies of the required press notices.
- 3.5 It would be pointed out both at the start and throughout the process that using this service does not guarantee the grant of a licence, it aims are to improve the quality of the application.

3.6 The impartiality of the licensing regime must be maintained. An officer who undertakes the consultancy work to submit the application cannot be permitted to be part of any administrative process relating to the application. There must be a strict demarcation maintained between applicant and decision maker and Members are recommended to mandate it.

Responsible Trader Scheme

3.7 The second scheme is the Responsible Trader Scheme (RTS). Our recent enforcement activity suggests that illegal sales of age restricted goods are common. Last year 52 test purchases were conducted at local shops with a failure rate of 40%. Selling age restricted products can lead to the loss of a licence, as well as prosecution with a fine and a criminal record. However, we must balance our enforcement effort with the fact that a small business caught selling alcohol to an under 18-year-old and is prosecuted and/or loses its licence-may lead to the closure of that business.

3.8 The Responsible Trader Scheme has been designed to:

- Encourage businesses to work with Trading Standards to be part of the solution rather than part of the problem.
- Empower businesses to undertake preventative action to stop underage sales.
- Provides businesses with a comprehensive system to avoid the commission of an offence in the first place, known as “due diligence.
- Provides an element of training on how to prevent underaged sales including tips on good practice to prevent underaged sales.
- Allow for annual audits to help support rising standards in our retailers.

3.9 There is a “back stop” of legal action at any stage if the trader commits an unscrupulous and deliberate breach of the law, for example making an underaged sale and providing means for the alcohol to be concealed or turning off the CCTV for the duration of the sale. That legal action may be an investigation leading to a prosecution or a review of the premises.

3.10 The purpose is to improve the operation and running of businesses in preventing underaged sales across the board (solvents, tobacco alcohol, knives) but without the threat of prosecution after a single sale or the loss of their alcohol licence. Under the “polluter pays” principle, the trader pays for the extra test purchases but does not face any legal sanctions. The charge not only contributes towards the cost of setting up the test purchase operation, but it is also the approximate cost of a fixed penalty notice that could be levied by the police in these circumstances

- 3.11 Approval to commence work on these schemes is through an Individual Executive Decision Notice (IEDN) authorised by the Cabinet Member for City Environment and Climate Change.
- 3.12 Statutory Licensing Committee will therefore remain independent from the authorisation of the scheme and so are free to consider licence applications without any conflict-of-interest considerations impinging on their decision-making role

4.0 Fees

- 4.1 It is not the intention of either scheme to make a big surplus. The two schemes would sit under the TwC umbrella and make use of its brand which is an established trader advice scheme operated by the Council's Environmental Health Officers. Much of the saving will be the reduction in the number of sub-committee hearings and officer time.
- 4.2 All of the TwC offers are additional to the standard advice provided free of charge.
- 4.3 The proposed fees are shown in the table below. However, fees for the pre application service will be a flat rate, so for a premises application we would charge £528. This is considerably cheaper than those fees charged by licensing consultants whose fees range from £700 upwards for a full premises application. For the RTS system the fees include a joining fee (which includes initial training and some display materials) and a payment for failed test purchases.

Service	Estimate Time (hours)	Officer grade	Cost VAT
Full premises application-new	8	GR06	£528.00
DPS change	1	GR06	£66.00
Full variation	3	GR06	£198.00
Temporary Event Notices	0.5	GR06	£33.00
Major event (over 499 people)	3	GR06	£198.00
Personal licence	3	GR06	£198.00
Responsible Trader Scheme			
RTS joining fee including an initial audit and staff training)	2.5	GR06	£165.00
Test Purchase (up to two tests maximum)	1.25	GR07	£96.25

- 4.4 The only realistic alternative option is to “do nothing” and carry on as usual. This is unsatisfactory because the current situation amounts to a Council subsidised consultancy service for licensing work.

- 4.5 In relation to the Responsible Trader Scheme the current “enforcement only approach” is not inclusive and it does not “reward” good traders who want to improve the operation of their businesses, it simply targets rogue operators.
- 4.6 Additionally, the ability to make these chargeable schemes will defray the cost from the Council onto the direct beneficiaries of the advice and guidance.
- 4.7 The fees are set as to be self-financing and therefore have a positive budgetary benefit. Any surplus would be ploughed back into improving the schemes.
- 4.8 The fees will be reviewed on an annual basis in line with other fees and charges.

5.0 Financial implications

- 5.1 At Cabinet (Resources) panel 16 November 2022, the Policy to Enable Cost Recovery of Enforcement Action in Licensing was approved for adoption, commencing 1 April 2023. The recommendation for decision by Cabinet (Resources) Panel included delegating authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the addition of future discretionary services within Commercial Regulation that will utilise the cost recovery method outlined in the policy.
- 5.2 It is proposed that fees should be reviewed on an annual basis in line with other fees and charges in accordance with the constitution. There are no direct financial implications with the recommendations of this report. However, the introduction of the Licensing Pre-application Scheme and the Responsible Trader Scheme would result in the generation of fees and charges which will be subject to separate annual reports to review fees and charges in line with the constitution.
- 5.3 This work will be undertaken within existing resources. This is upfront work which should reduce the requirements on resources later in the process. Any surplus would be utilised to improving the schemes.

[SB/19122022/R]

6.0 Legal implications

- 6.1 Legal Services are working with the accountable Officer with regards to the legal implications of the schemes. Detailed work has now commenced with drafting appropriate terms and conditions which are unique to the two schemes using the current Trade With Confidence terms, and terms obtained from other Local Authorities with similar schemes in place.
- 6.2 As part of the drafting for the terms and conditions the risk arises that the service is provided to a licensee whose application later goes on to be unsuccessful or where a trader breaches the law and they seek to rely on advice provided by the Council. The

terms and conditions will be drafted to ensure that a disclaimer is included that such services provided by the Council cannot guarantee a successful application or avoidance of breaching laws.

- 6.3 The schemes will not operate until the terms and conditions have been finalised from legal services.

[AB/20-12-2022/10]

7.0 Equalities implications

- 7.1 An equalities impact analysis has been carried out
- 7.2 There are no additional equalities implications arising out of these proposals as they apply to businesses who will benefit from them.
- 7.3 Taking advantage of the schemes does not proffer any immunity from having to comply with any legal requirements. Instead, it makes it simpler to comply with the regulatory regimes

8.0 All other Implications

- 8.1 There are no implications for climate change and the environment, Human Resources, Corporate Landlord, Health and Wellbeing and no implications that have arisen from the Covid-19 Pandemic.

9.0 Appendices

- 9.1 None

10.0 Background Papers

- 10.1 Cabinet (Resources) Panel - Wednesday, 16th November, 2022 - Policy to Enable Cost Recovery of Enforcement Action in Licensing
- 10.2 IEDN - Trade with Confidence - Trading Standards and Licensing

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CITY OF WOLVERHAMPTON COUNCIL	<h1>Statutory Licensing Committee</h1> <p>11 January 2023</p>
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Report title	Late Night Safe Haven	
Wards affected	All	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing	
Accountable employee	Paul Dosanjh	Service Manager: Trading Standards & Licensing Act.
	Tel	01902 556056
	Email	Paul.Dosanjh@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for noting:

The Statutory Licensing Committee is asked to note:

1. The successful partnership working, professionally and financially of the Wolverhampton Business Improvement Company Ltd (BID), West Midlands Police and Licensing Services to deliver the revamped Late Night Safe Haven.
2. The use of current revenue budgets within Licensing Services to fund the staffing of the safe haven.

1.0 Purpose

- 1.1 To update Councillors on the recent enhancements to the safe haven facility and note the staffing of the safe haven, funded from licensing revenue budgets.
- 1.2 The Committee is also asked to note the successful partnership support both operational and financial of the BID, West Midlands Police and Licensing Services to deliver the revamped Late Night Safe Haven

2.0 Background

- 2.1 The Late Night Safe Haven is an initiative in Wolverhampton City Centre which is delivered through a partnership of City of Wolverhampton Council, Wolverhampton BID (Business Improvement District) and West Midlands Police.
- 2.2 The majority of the city's pubs, clubs and bars are located within walking distance of each other, making the city centre a prime location for customers to spend the entire duration of their night. The introduction of the well-known cocktail chain, alongside those clubs and bars exclusive to the city has resulted in the centre becoming a popular hotspot, primarily for 18- to 25-year-olds, with over 1.6 million visitors per year (between 18:00 and 06:00). The evening and Night Time Economy (NTE) is therefore a major contributor to the economic health of the City
- 2.3 Some visitors to the NTE may find themselves in a situation where they require assistance in the form of medical intervention or support finding a safe route home. They may find themselves vulnerable as a result of alcohol or drug use and be placing themselves in harm's way if they become separated or isolated from friends. The Safe Haven addresses these concerns.
- 2.4 A key feature of the Safe Haven is attempting to help obtain taxis for customers who wish to go home safely and quickly at the end of the night. This may range from speaking to operators to book the journey to allowing customers to re-charge run down mobile phones to enable them to call for a taxi themselves. Customers can even be escorted to a waiting vehicle where there is a concern about their personal safety.
- 2.5 The rapid and safe emptying of the City Centre in the early helps reduce the incidence of crime and also contributes to the safety of women who may be vulnerable thorough being alone or suffering the after effects of drinking alcohol.
- 2.6 An initial trial of the service in 2019 proved a huge success in supporting the night-time entertainment scene and partners were keen to see the service reintroduced to assist with the easing of Covid-19 restrictions. As a result, the service was reintroduced in May 2021 with the dual purpose of protecting revelers and helping our hard-pressed hospitality industry by making the City Centre a welcoming place for visitors and provide a service to a private hire/taxi to get people home safely.
- 2.7 In 2021 following the award of funds from West Midlands Police of £15,000 a welfare vehicle was purchased. The Councils contribution to the vehicle was £5,000. The vehicle has a small seating area with tables and chairs as well as the provision to provide hot drinks and charge mobile phones for customers whose low charge means that they

cannot contact anyone. The vehicle is liveried with the names of the partner organisation that run and support the Safe Haven.

- 2.8 Additionally, the Council funds the cost of diesel, insurance and servicing and these costs along with others are detailed in the table below. The table below also includes the costs of staffing the Safe Haven per night-this includes staff costs and security costs. The intention would be to fund 50 nights to give a good and regular presence in the City Centre including dates to support the hoped for extra footfall from the reopening of The Halls, formally the Civic Halls.

Expenditure Item	Cost (Since April- 2022)	Projected full year cost (40 nights)	Projected cost for (50 nights)
	£	£	£
Diesel	246	600	660
Service and MOT including consumables and repairs	528	528	528
Staffing Costs	4,994	9,988	10,987
Security costs	1,420	2,840	3,124
Cleaning of van surfaces	438	730	803
Cleaning of toilet(including emptying of waste "cassette")	396	1,188	1,307
Total running costs	8,022	15,874	17,409
One off costs	835	835	835
	(Design and production of van signage)		
Total cost -this financial year	8,857	16,709	18,244

- 2.9 The BID annually provides £12,000 to the Safe Haven which is used to pay for the medical provision of the St. John Ambulance and an additional £10,000 annually to the Night Guardian service.

- 2.10 The Night Guardian Service is an extension of the daytime City Ambassador service. The team of 2 Night Guardians provide a friendly welcome to all visitors to the city during the evening, they assist and liaise with our evening venues to ensure the smooth running of the evening economy and will also provide a visual deterrent to assist with any anti-social behaviour.
- 2.11 It is hoped that the self-contained vehicle could also be used to provide Safe Haven facilities at local events or in other centres of the night time economy in Wolverhampton for example Bilston and Wednesfield
- 2.12 The Safe Haven trailer is currently located outside Halifax bank in Queen Square, where it provides shelter for people of all ages to wait for a licensed taxi after their night out and to receive assistance should they have any concerns about their personal safety. It is a secure supervised space with first aid provision, hot drinks, water and free flip-flops for those who wish to remove their heeled shoes which may make them prone to trip hazards on their way home.
- 2.13 The Council and BID currently aim to run the Safe Haven for 40 Nights year which is mainly timed at “payday weekends” and at special City Centre events when footfall in the NTE is greater.
- 2.14 With the welcome re-addition of the Civic Halls to the NTE we would be like to be in a position to run the service 50 nights to account for the extra footfall from concert goers.
- 2.15 St. John Ambulance have been in operation as part of Safe Haven since May 2021 through their Community Response Team. Since April 2022 the team have dealt with 155 patients, 142 (92%) of whom were treated and discharged on location with only 13 requiring hospital treatment.
- 2.16 The Night Guardians also patrol the city and engage with local pubs, bars and venues to help assist with the reduction of night-time anti-social behaviour. The Night Guardians provide vehicle control and supervision for the private hire vehicles in the city together with providing a welcoming, helpful and reassuring presence to City Centre visitors. The Guardians are also crucial in helping partners understand what is happening in the City Centre and are a key link in warning business about the presence of perpetrators or offenders. The Safe Haven trailer acts as a base for the sharing of information about areas or incidents of concern as it is also regularly visited by the Police and the Guardians during the course of an evening.
- 2.17 A notable intervention was where Safe Haven colleagues spotted a distressed female on a night out in the City Centre. A man had grabbed hold of the woman and was walking through the square, pretending they were a couple.
- 2.18 The woman then made a hand gesture to the members of the Safe Haven team who intervened immediately. The woman was supported whilst the male continued to try and tried to coax her away. By alerting the Police and waiting with the woman until they arrived the team were able to ensure that no harm came to her. Police officers arrived, investigated and arrested a man who was subsequently charged with kidnap
- 2.19 The Safe Haven is also used to publicise the roll out of the “Ask for Angela” campaign which provides a route of safety through asking bar staff to “Ask for Angela” for anyone

who finds themselves threatened during a night out in one of the participating premises. It also actively promotes the council's Get Home Safe message by providing a rest point while a licensed taxi or private hire vehicle is arranged to take them safely home. The Haven is also a public and tangible statement of the Council and its partners' attempts to make the City Centre NTE a safe and welcoming place for all visitors, especially women.

3.0 Proposed improvements.

- 3.1 Licensing Services are in ongoing discussions with the University of Wolverhampton about securing students who would volunteer to be involved in operating the Haven. We are looking to target those students for whom volunteering with a public service forms part of their degree so that the arrangement is mutually beneficial. This arrangement may also partly defray some of that part of the cost of operating the safe haven which goes on paying staff to operate it.
- 3.2 Additionally, the formation of a wider staff group who can operate the safe haven may allow for more flexibility for the safe haven to be run over greater number of nights- particularly in the run up to Christmas.
- 3.3 Additional operating nights obviously incur extra cost. A successful government funding under the Safety of Women at Night Fund (SWAN) has been successful and this has helped to fund a total of 68 additional nights over the course of the funding period additional nights between November 2021 and March 2022.
- 3.4 A number of improvements to the van are also being undertaken. These will include an awning and shielding from, inclement weather. These awnings will also improve the "footprint" of the haven and help fix it in the minds of Night Time Economy users even more firmly. The improvements will also provide more capacity and some comfort against inclement weather. The "one off" costs of these improvements are given below and will be met out of existing revenue budgets within Licensing Services

Improvement to Safe Haven van	Cost (£)
Additional awning including supply and fit	1,176
Purchase of additional tables and chairs	160
Wrap around Wind Shield	90
TOTAL COST	1,426

- 3.5 As part of the SWAN funding, the proposal also includes hiring a set of portable toilets which can be located in close proximity to the Safe Haven to prevent women and girls seeking out secluded locations to go to the toilet, which the Police say increases the likelihood of being attacked. Once again funding of £5,000 from the West Midlands Police Violence Reduction Unit will help defray the cost of providing these toilets or of suitable alternative provision.

3.6 Responses from the Council's Gender, Maternity and Paternity Forum survey also found that respondents stated they would feel safer if there was a higher police presence on a night-time. The Council, working in partnership with West Midlands Police, will use SWAN funding to increase Safety of Women at Night patrols in the form of uniformed and plain clothed officers who could seek to reduce vulnerability through proactive approaches to females and provide an enhanced service when sexual crimes are reported. The funding would also be used to undertake more offender management and resource visits to convicted offenders or those who have been acting suspiciously to prevent sexual crimes from occurring.

4.0 Financial implications

4.1 The provision for Safe Haven, current and proposed, can be met from within Licensing budgets.

4.2 A grant bid has been made to the Governments Safety of Women at Night fund, which was successful and so will provide for portable toilets (or alternative provision) and as a further increase in the number days the Safe Haven can operate.

[SB/20122022/B]

5.0 Legal implications

5.1 There are no legal implications arising from this report as this is the extension of a service that has been previously provided.

[AB/20-12-2022/108]

6.0 Equalities implications

6.1 There are no equalities implications arising from this report as this is simply the extension of a service that has been previously provided

7.0 All other Implications

7.1 There are no implications arising from this report for climate change and environmental, Human Resources, Corporate Landlord, Health and Wellbeing or Covid-19 Pandemic.

8.0 Background papers

8.1 Licensing Committee 09/09/2015 – Update on Wolverhampton Alcohol Strategy