

Licensing Sub-Committee

Minutes - 26 November 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Rita Potter
Cllr Keith Inston

Conservative

Employees

Linda Banbury
Rob Edge
Sarah Hardwick

Democratic Support Officer
Section Leader - Licensing
Solicitor

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 premises licence in respect of Merridale Supermarket, Clifton House, Merridale Road, Wolverhampton

In attendance

For the premises

Lord Kultar Deol - applicant
William Dudley – counsel
Sukhi Grewal – interest party supporting application

Responsible Authorities

Elaine Moreton – Licensing Authority
Inspector Jake Flanagan – West Midlands Police

Other Persons

Councillor Craig Collingswood – Ward Councillor on behalf of local residents

The Chair introduced the parties and outlined the procedure to be followed at the hearing.

Rob Edge, Section Leader (Licensing) outlined the application contained within the report circulated to all parties prior to the meeting.

At this juncture William Dudley outlined the application for a premises licence, advising that it was to add to the existing convenience store within a building owned by the applicant and extensively refurbished to provide commercial premises for local businesses and residential apartments. He indicated that the store was aimed at families and young professionals.

Responding to questions, Mr Dudley stated that there were no plans to extend the licensable hours from those agreed with the Responsible Authorities. He added that the applicant, as Premises Licence Holder, would oversee the premises to ensure that the licensing objectives were promoted. A CCTV system was installed and the applicant would ensure that a member of staff would be trained to access and download the system when requested.

At this juncture, Inspector Flanagan presented the position of the West Midlands Police, indicating that the issues of concern raised in respect of the initial application had now been addressed via mediation and the police no longer had any objections to the premises licence application. However, the police would be pursuing the possibility of the Chapel Ash area becoming a Cumulative Impact Zone.

Elaine Moreton, on behalf of the Licensing Authority, advised that a number of conditions had been agreed via the mediation process with greater detail added to the operating schedule. The areas of concern had therefore been addressed by the applicant.

At this juncture Councillor Collingswood outlined representations on behalf of local residents. He indicated that he welcomed and supported the development, and the concerns of residents related to on-going anti-social behaviour in Chapel Ash and along the Tettenhall Road. He believed that an additional licensed premise would not assist in reducing the alcohol fuelled, anti-social behaviour in the area. He answered questions raised by other parties in regard to the concerns of residents which related to the current number of premises already in the area selling alcohol and the subsequent anti-social behaviour in the area. It was acknowledged that the premises, should the licence be granted, would be subject to possible review if they did not promote the licensing objectives.

On a point of clarification, the Section Leader (Licensing) advised that the Section 182 guidance provided an expectation that applicants would obtain sufficient knowledge of the area in which a premises was situated to enable them to demonstrate the steps they propose to take to promote the licensing objectives.

Mrs Grewal had submitted a letter in support of the application and used the premises as, with the current exception of alcohol, sold the niche products she required, was convenient, had good secure parking facilities and she welcomed the opportunity to support local traders. Responding to questions she stated that other meeting him in the shop, she was not known to the applicant.

All parties were afforded the opportunity to make a closing statement.

4 Exclusion of press and public

Resolved:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the application.

6 Re-admission of press and public

The parties returned to the meeting and were advised of the Sub-Committee's decision as follows:

7 Announcement of decision

The Sub-Committee has taken note of all the written concerns raised in respect of Merridale Supermarket, Clifton House, Merridale Road, Wolverhampton and has listened to those who have spoken at this hearing, both for and against the application.

The applicant outlined the application for a premises licence. There is a presumption that the licence will be granted. The applicant pointed out that problems with anti-social behaviour already exist and the premises are currently not in possession of a premises licence.

The Sub-Committee has heard from the West Midlands Police that previous concerns with these premises have been eliminated following mediation between them and the applicant, which has resulted in proposed conditions to be added to the operating schedule. These premises are not located within a Cumulative Impact Zone and do not currently have a premises licence, yet problems with anti-social behaviour already exist.

The Sub-Committee has heard from the Licensing Authority, as Responsible Authority, that previous concerns about this application relating to the provision of insufficient information within the application have been addressed through mediation and with the addition of proposed conditions to be added to the licence should it be granted.

The Licensing Sub-Committee has heard from Councillor Collingswood, who has submitted a relevant representation and also represents other persons, that there are

problems of anti-social behaviour in this area and he believes that granting another licence would be detrimental. He does accept however that there is no direct link between the premises and the anti-social behaviour.

The Sub-Committee is satisfied that:

1. the premises are not located within a Cumulative Impact Zone and therefore there is a presumption that the licence will be granted;
2. it is for those making relevant representations to prove/provide evidence that the premises currently add to the anti-social behaviour, and
3. the Sub-Committee is satisfied that there is no evidence that the premises are currently adding to or causing the anti-social behaviour and by adding the agreed proposed conditions to the operating schedule the licensing objectives will be promoted.

Having considered the views of all concerned, the Sub-Committee has therefore decided that the application for a premises licence should be granted as applied for, subject to the following conditions:

Conditions agreed between the Licensing Authority (as Responsible Authority) and the applicant dated 13 November 2015 under the prevention of crime and disorder licensing objective

Section 18(b) 2 replaced in its entirety with the following:

- No sale of single cans/bottles of beer, cider or lager with an ABV of 6.5% volume or above to be sold.

The following to be added to Section 18(b):

- A Personal Licence Holder must be present at the premises at all times that licensable activities take place.
- A Designated Public Place Order (DPPO) notice, provided by the Licensing Authority, shall be displayed prominently on the premises, visible from outside the store, advising that the police have powers to seize alcohol.

Conditions agreed between the West Midlands Police and the applicant dated 27 October 2015

Prevention of crime and disorder licensing objective [Section 18(b) (1)]:

1. CCTV

- A CCTV system with recording equipment shall be installed and maintained at the premises.
 - CCTV shall cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to which public have access and the immediate vicinity outside the premises.
 - Images and recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without any undue delay.
 - Images and recordings must be of evidential quality, must indicate the correct date and time and be kept for at least 31 days.
 - All staff to be trained to use the CCTV system and at least one member of staff to be on duty who is trained to download the system's images should any member of a Responsible Authority make a request.
2. An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate the incident must be reported to the West

Midlands Police. An incident log must be produced to a member of a Responsible Authority upon request.

3. To ensure compliance with 'Challenge 25', a refusals book shall be utilised, where any sale of alcohol is refused to persons who present themselves to be under age. In addition, details shall also be recorded in the incident log book of persons attempting to purchase alcohol who present themselves as intoxicated.
4. No person who is drunk or disorderly shall be served or be allowed to remain on the premises.

Protection of children from harm licensing objective [Section 18(e)]

1. All staff shall be trained in 'Challenge 25' and all appropriate ID checks shall be undertaken by all staff to ensure no sale of alcohol is made to underage persons.
2. All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. Training shall be documented and shown to any member of a Responsible Authority upon request.
3. Till system to operate a prompt to check IDs when customers attempt to purchase alcohol products.
4. Acceptable forms of ID to include valid passport, photo card driving licence or recognised proof of age card.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder licensing objective.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the licence, together with any mandatory conditions required by the Act.

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