

# Licensing Sub-Committee

## 17 December 2015

**Time** 10.00 am      **Public Meeting?** YES      **Type of meeting** Regulatory  
**Venue** Committee Room 2 - 3rd Floor - Civic Centre

### Membership

**Chair** Cllr Alan Bolshaw (Lab)

#### Labour

Cllr Ian Claymore

#### Conservative

Cllr Patricia Patten

Quorum for this meeting is two Councillors.

### Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

**Contact** Linda Banbury, Democratic Support Officer  
**Tel/Email** Tel: (01902) 555040 Email: [linda.banbury@wolverhampton.gov.uk](mailto:linda.banbury@wolverhampton.gov.uk)  
**Address** Democratic Support, Civic Centre, 2<sup>nd</sup> floor, St Peter's Square,  
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** [www.wolverhampton.moderngov.co.uk1](http://www.wolverhampton.moderngov.co.uk1)  
**Email** [democratic.support@wolverhampton.gov.uk](mailto:democratic.support@wolverhampton.gov.uk)  
**Tel** 01902 555043

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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.

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# Agenda

## Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i>   |
|-----------------|--|
| 1               | <b>Apologies for absence</b>   |
| 2               | <b>Declarations of interest</b>  |
| 3               | <b>Licensing Act 2003 - Application for a variation of a premises licence in respect of House of India, 25 Market Street, Wolverhampton (10 am)</b> (Pages 3 - 38)<br>[To consider the application for a new premises licence within the City Centre Cumulative Impact Zone]   |
| 4               | <b>Exclusion of press and public</b><br>To pass the following resolution:<br>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               | <b>Deliberations and decision</b>  |
| 6               | <b>Re-admission of press and public</b>  |
| 7               | <b>Announcement of decision</b>  |
| 8               | <b>Licensing Act 2003 - Application for a premises licence in respect of the Co-operative Store, Griffiths Drive, Ashmore Park, Wolverhampton (11.30 am)</b> (Pages 39 - 58)<br>[To consider the application for a new premises licence]   |
| 9               | <b>Exclusion of press and public</b><br>To pass the following resolution:<br>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. |
| 10              | <b>Deliberations and decision</b>  |
| 11              | <b>Re-admission of press and public</b>  |
| 12              | <b>Announcement of decision</b>  |

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Licensing Sub-Committee

17 December 2015

**Report Title**

**Licensing Act 2003 – Application for a Variation of a Premises Licence in respect of House of India, 25 Market Street, Wolverhampton WV1 3AG**

**Wards Affected**

St Peters

**Accountable director**

Tim Johnson - Place

**Originating service**

Licensing Services

**Accountable employee(s)**

Rob Edge

Section Leader (Licensing)

Tel

01902 550106

Email

rob.edge@wolverhampton.gov.uk

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**Recommendation for action or decision:**

The Licensing Sub-Committee is requested to consider this application for a new premises licence within the City Centre Cumulative Impact Zone.

## 1.0 Purpose of Report

1.1 To submit for consideration by the Sub-Committee an application for a premises licence.

## 2.0 Background

2.1 An application has been received from Rohit Kumar Saharan, for a premises licence in respect of House of India, 25 Market Street, Wolverhampton WV1 3AG and a copy of the application is attached at Appendix 1

2.2 The premises are in St Peters ward and a location plan is attached at Appendix 2.

2.3 The application is in respect of regulated entertainment, and the sale/supply of alcohol on the premises, and late night refreshment; the precise detail of what has been applied for can be found within the operating schedule of the application of the application.

2.6 The House of India is situated within the Cumulative Impact Zone. A copy of the policy and area which it covers is attached at Appendix 3.

2.7 The following responsible authorities have been consulted on this application:

- Licensing Authority
- West Midlands Fire Service
- Planning
- Trading Standards
- Social Services
- Local Health Board
- Environmental Health (Commercial)
- West Midlands Police

2.8 The following have all made relevant representations and are objecting to the grant of this application citing the Cumulative Impact Policy and the licensing objectives:

- West Midlands Police
- Licensing Authority

Copies of their representations are attached at Appendices 4 and 5

2.9 The applicant, and all those who have made representations have been invited to attend the hearing.

## 3.0 Policy Implications

3.1 On 3 April 2015 the Statement of Licensing Policy was revised to give effect to the Cumulative Impact Policy (CIP) in four new areas of the City. This decision supported the view that the number, type and density of premises selling alcohol for consumption and/or Late Night Refreshment in areas within Wolverhampton City was causing

problems of nuisance and disorder and therefore causing an adverse impact on the licensing objectives of prevention of crime and disorder and prevention of public nuisance.

- 3.2 The effect of this CIP is to create a **rebuttable** presumption that applications in respect of the sale or supply of alcohol and/or Late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates where the premises are situated in the City Centre Cumulative Impact Zone will be refused.
- 3.3 Essentially this means that applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. (This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones).
- 3.4 The premises are situated at 25 Market Street, Wolverhampton WV1 3AG, which is within the City Centre Cumulative Impact Zone.
- 3.5 To rebut the presumption, explained in 3.3 above, the applicant is expected to demonstrate through their operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced and not therefore have an adverse impact in the Licensing Objectives.

#### 4.0 **Legal implications**

- 4.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its function under the Act with a view to promoting the Licensing Objectives, namely:-
- (a) The prevention of crime and disorder;
  - (b) Public safety;
  - (c) The prevention of public nuisance;
  - (d) The protection of children from harm.
- 4.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the Licensing Objectives when determining a premises licence application.
- 4.3 Regard shall be had to guidance issued by the Secretary of State under Section 182 and Wolverhampton City Council's Licensing Policy Statement which includes a Cumulative Impact Policy.
- 4.4 Section 18 of the Licensing Act 2003 provides the Licensing Authority with the power to grant an application, subject to conditions, where appropriate

4.5 In order for the Cumulative Impact Policy to be relevant to this application the Sub-Committee

I. Should be satisfied it applies due to:

- (a) Premises being located within the Cumulative Impact Zone;
- (b) Licensable activity applied for at the premises is to include sale of alcohol or late night refreshment and is;
- (c) The likelihood that the activity will have an impact on the crime and disorder or prevention of public nuisance licensing objectives.

And where the Cumulative Impact Policy is deemed to apply:

II. Should refuse an application based upon the Cumulative Impact Policy unless sufficient evidence is produced, by the applicant, to rebut the presumption that a licence will not be granted or varied.

4.6 If the Sub-Committee are satisfied sufficient evidence has been produced to show the premises will not add to the Cumulative Impact already being experienced, the application should not be refused based upon Cumulative Impact Policy. [SH/02122015/R]

## 5.0 Human Rights and Equalities Implications

5.1 This report has human rights implications for both the applicants and the residents from the local neighbourhood. Refusal of a licence may have financial implications for a licensee's business and livelihood whereas granting a licence may have impact upon the day to day lives of residents living in close proximity to the premises.

5.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

5.3 The Public Sector Duty of the Equality Act 2010 also requires the Council to pay due regards (i.e. eliminate discrimination, harassment and victimisation; advance equality of opportunity and foster good relations), in any decisions it undertakes

## 6.0 **Financial Implications**

6.1 Councillors agreed fees and charges for this function on 21 January 2015; the fees are based on a cost recovery basis. The fee for this application is £190.00, and is non-refundable. [TK/09012015/H]

## 7.0 **Environmental Implications**

7.1 This report has environmental implications, in that there is a potential for disturbance caused by customers using the premises.

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**APPLICATION FOR A PREMISES  
LICENCE TO BE GRANTED  
UNDER THE LICENSING ACT 2003**

**Wolverhampton**  
City Council



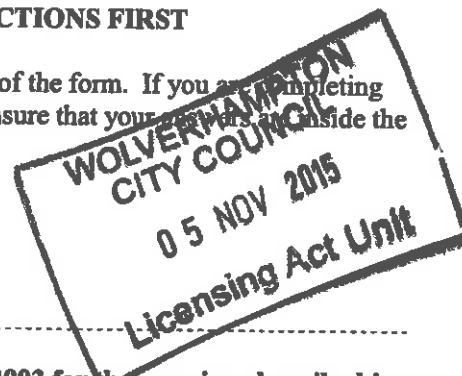
**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

I/we ROHIT KUMAR SAHARAN  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003



**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
HOUSE OF INDIA 1ST AND 2ND FLOOR 25 MARKET STREET CITY CENTRE			
Post town	WOLVERHAMPTON	Postcode	WV1 3AG

Telephone number at premises (if any)	01902 716418
Non-domestic rateable value of premises	£14,000 ✓

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SAHARAN			First names ROHIT KUMAR		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		582 PARKFIELD ROAD WOLVERHAPTON			
Post town	WOLVERHAPTON		Postcode	WV4 6EL	
Daytime contact telephone number		07577 459419			
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
┌	┌	┌
└	└	└

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
┌	┌	┌
└	└	└

Please give a general description of the premises (please read guidance note 1)

A restaurant located on the first floor and second floor, we will also be doing takeaway and offering food deliveries.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

Date received:	05/11/15
Amount:	£190.00
Cash <input checked="" type="checkbox"/>	Cheque <input type="checkbox"/>
Cheque No.	
Receipt no:	LIC/35005950
Initial:	OS
Receipt issued by:	OS

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> <b>Standard days and timings</b> (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	02:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	10:00	02:00			
Wed	10:00	02:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	10:00	02:00			
Fri	10:00	02:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	10:00	02:00			
Sun	10:00	02:00			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	<b>Indoors</b>	<input type="checkbox"/>
Mon				<b>Outdoors</b>	<input type="checkbox"/>
				<b>Both</b>	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	23:00	02:00			
Tue	23:00	02:00			
Wed	23:00	02:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	02:00			
Fri	23:00	02:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:00	02:00			
Sun	23:00	02:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	12:00	02:00			
Tue	12:00	02:00			
Wed	12:00	02:00			
Thur	12:00	02:00			
Fri	12:00	02:00			
Sat	12:00	02:00			
Sun	12:00	02:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name	ROHIT KUMAR SAHARAN
Address	582 PARKFIELD ROAD PARKFIELDS WOLVERHAMPTON
Postcode	WU4 6EL
Personal licence number (if known)	PER 2495
Issuing licensing authority (if known)	WOLVERHAMPTON CITY COUNCIL

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06:00	03:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	06:00	03:00	
Wed	06:00	03:00	
Thur	06:00	03:00	
Fri	06:00	03:00	
Sat	06:00	03:00	
Sun	06:00	03:00	

## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

The steps detailed below i believe will promote the four Licensing objectives. We want to run a safe licensed premises where customers feel safe and without distress. we will comply with the all four licensing objectives.

**b) The prevention of crime and disorder**

Please see attached "document 1"

**c) Public safety**

Please see attached "document 2"

**d) The prevention of public nuisance**

All windows and doors to remain close when music is being played.

**e) The protection of children from harm**

Please see attached "Document 2, Part 2"



## Document 1 - The prevention of crime & Disorder

- 1) A CCTV System with recording equipment shall be installed and maintained at the premises.
- 2) CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to where public have access and the immediate vicinity outside the premises.
- 3) Images/recordings to be downloaded in a suitable format and provided to any member of Responsible Authority upon request and without any undue delay.
- 4) Images and recordings must be of evidential quality, must indicate the correct time and date and be kept for at least 31 days.
- 5) 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 systems images should any member of a Responsible Authority make a request.
- 6) All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. This training to be documented and shown to a member of a responsible Authority upon request.
- 7) To ensure compliance with challenge 25 a "refusals box" where any sale of alcohol is refused to persons who present themselves to be under age.
- 8) No person who is drunk or disorderly shall be allowed access or to be allowed to remain in the premises.

Please turn over page.

- 9) Documentain of refusals of sales of alcohol to persons presenting as being intoxicated.
- 10) Persons ordering take away food will not be permitted to purchase or consume alcohol in the premises.
- 11) No persons shall be allowed to leave the premises with any bottles or glass.

## Document 2 - Public Safety

- 1) After 23:00 hours a SIA registered door Supervisor, in hi-visibility attire (which fluoresces) shall be employed till the close of the business when operating
- 2) A register will be maintained of all persons engaged as door Supervisors to include the name and SIA number of the staff.
- 3) A nightly briefing of door supervisor responsibilities and signature to agree briefing has taken place. Record of the time and date duties commenced and finished.
- 4) Clickers to be used to monitor and maintain capacity levels.
- 5) No glasses or bottles outside of the venue.
- 6) Comply with Fire and Safety regulations.

Part 2 -

## Document 2, Part 2 - The protection of children from harm

- 1) All Staff will be trained in "Challenge 25" and all appropriate ID checks will be undertaken by all staff to ensure no sale of alcohol is made to underage persons
- 2) All children under the age of 18 not to be allowed in premises after 22:00 hours. Same for pre-booked wedding/funerals events where an responsible adult/guardian can supervise and in these cases for them to remain up until 23:00 hours only.

**Checklist:**


**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. £190
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures (please read guidance note 10)**

**Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).  
If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	05/11/15
Capacity	Applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)**

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Consent of individual to being specified as premises supervisor

I ..... ROHIT KUMAR SAHARAN .....  
[full name of prospective premises supervisor]

of ..... 582 PARKFIELD ROAD WOLVERHAMPTON .....  
..... WEST MIDLANDS WU4 6EL .....

.....  
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

..... APPLICATION FOR PREMISES LICENCE ..... [type of application]

by ..... ROHIT KUMAR SAHARAN ..... [name of applicant]

relating to a premises licence ..... [number of existing licence, if any]

for ..... HOUSE OF INDIA 25 MARKET STREET .....  
..... WOLVERHAMPTON, WEST MIDLANDS, WU1 3AG .....

.....  
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by ..... ROHIT KUMAR SAHARAN ..... [name of applicant]

concerning the supply of alcohol at ..... HOUSE OF INDIA .....

..... 25 MARKET STREET, WOLVERHAMPTON .....

..... WEST MIDLANDS, WU1 3AG .....

.....  
[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

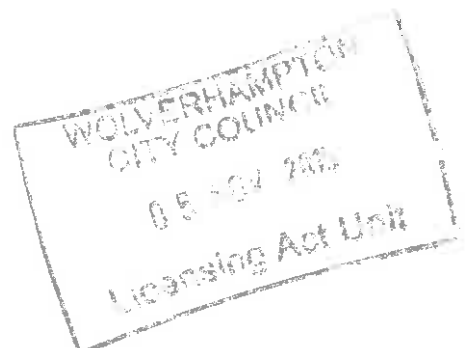
Personal licence number ..... PER 2495 .....  
[insert personal licence number, if any]

Personal licence issuing authority ..... WOLVERHAMPTON CITY COUNCIL .....  
[insert name and address and telephone number of personal licence issuing authority, if any]

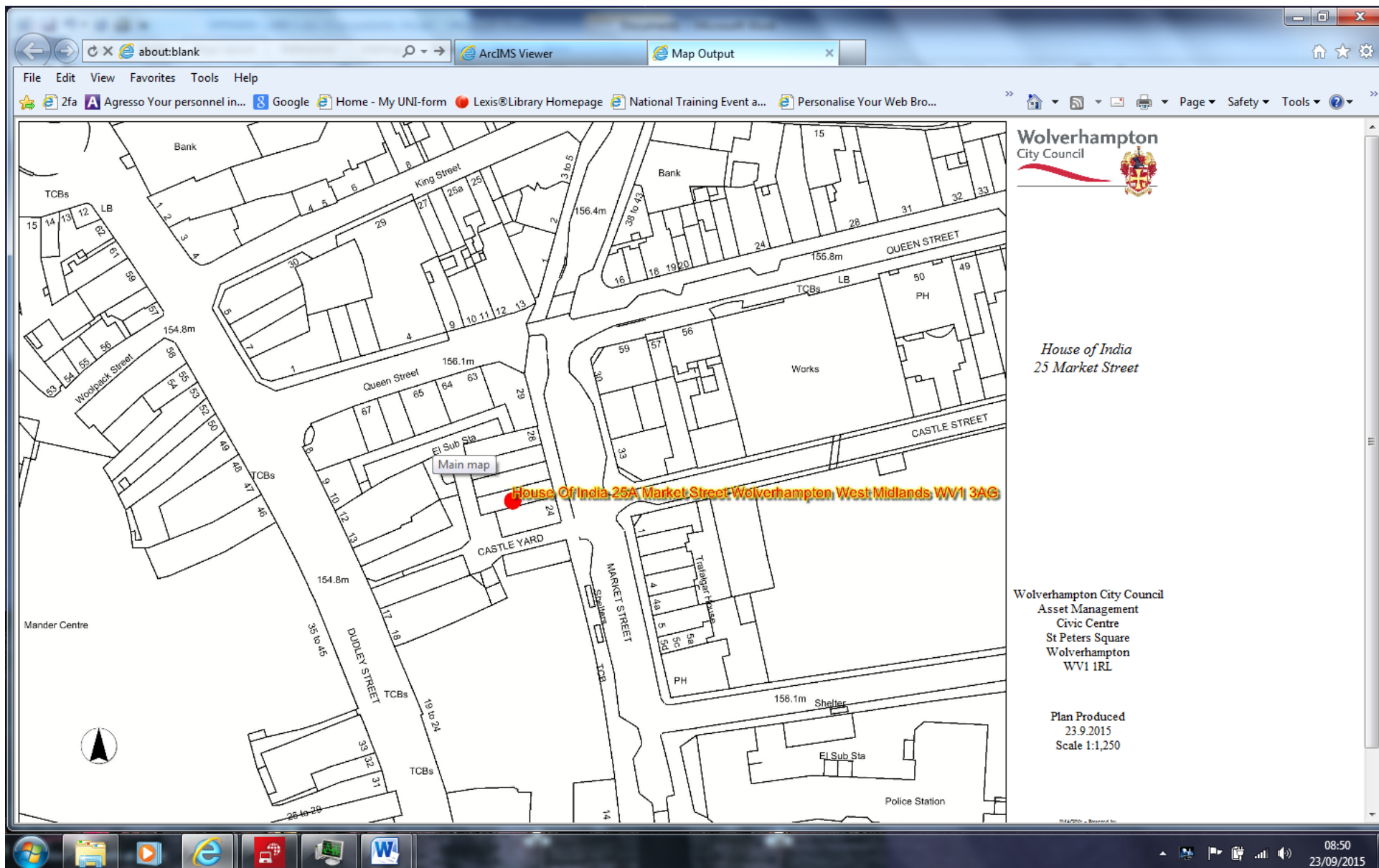
.....  
..... signed

..... ROHIT KUMAR SAHARAN ..... name (please print)

..... 05/11/15 ..... dated



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## **CUMULATIVE IMPACT POLICY**

It is not proposed to set quotas for particular types of licences. Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensed activity are fully considered. If crime and disorder or general disturbance/nuisance does prove to be linked to the concentration of customers of licensed premises or activities in these or any other particular areas, then it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

It would first be necessary to establish that, because of the number and density of licensed premises in a particular area, there are exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identifiable as being responsible for the problems, action will be taken against them.

Before deciding whether to adopt a Cumulative Impact Policy, the Council must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder.

In the Guidance issued under the Act there are four steps specified to be followed in considering whether to adopt a Cumulative Impact Policy:

- Identification of serious and chronic concern from a responsible Authority or representatives of residents about nuisance or disorder.
- Assessment of causes.
- Where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area.
- Adopting a policy about future licence applications from that area.

The Licensing Committee will keep any Cumulative Impact Policy under review and modify or remove it, as considered appropriate.

As detailed above the Council recognises that because of the number of and density of licensed premises selling alcohol and/or Late Night Refreshment in particular areas there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. In these cases it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

The Licensing Authority is now of the view that in these areas this is causing cumulative impact and designates these areas as Cumulative Impact Zones. The details of the policy specific to each area are described below.

The effect of the Cumulative Impact Policy is to create a **rebuttable** presumption that applications in respect the licensable activities detailed below for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity) where the premises are situated in one of the Cumulative Impact Zones will be refused.

To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones.

The Cumulative Impact Policy will not be used to revoke an existing licence or certificate and will not be applicable to the review of existing licences.

**House Of India, 1st and 2nd Floor, 25 Market Street, City Centre, WV1 3AG**

The Licensing Authority is making formal representations to the above application for a premises licence as the premises falls within the city centre CIZ and there is a rebuttable presumption that the application will be refused unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives

The Licensing Authority has been in consultation with the applicant prior to him submitting his new application for a premises licence. The operating schedule now proposed clarifies how he intends to promote all the licensing objectives.

Regards

Elaine Moreton  
Section Leader  
Tel. Office: 01902 555033

E-mail: [Elaine.Moreton@wolverhampton.gov.uk](mailto:Elaine.Moreton@wolverhampton.gov.uk)  
City of Wolverhampton Council

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**House Of India, 1st and 2nd Floor, 25 Market Street, City Centre, WV1 3AG**

Dear All

Police have received an application relating to the House of India Restaurant Market Street Wolverhampton.

Police make representation in relation to the application as it sits within the CIZ, based upon the prevention of crime and disorder and public safety.

Please note consultation has taken place with the applicant and police are happy with the operating schedule which has been placed within the application.

Kind regards  
**Licensing Department.**  
**Wolverhampton Central Police Station**  
**Bilston Street**  
**Wolverhampton**  
**West Midlands**  
**WV1 3AA**

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# Licensing Sub-Committee

17 December 2015

**Report Title**

**Licensing Act 2003 – Application for a Premises Licence in respect of Co-operative store, Griffiths Drive, Ashmore Park, Wolverhampton WV11 2JL.**

**Classification**

Public

**Wards Affected**

Graiseley

**Accountable Strategic Director**

Tim Johnson, Place

**Originating service**

Licensing Services

**Accountable employee(s)**

Rob Edge

Section Leader (Licensing)

Tel

01902 55(0106)

Email

[rob.edge@wolverhampton.gov.uk](mailto:rob.edge@wolverhampton.gov.uk)

**Recommendation for action or decision:**

The Licensing Sub-Committee is requested to consider this application for a new premises licence.

## 1.0 Purpose of Report

1.1 To submit for consideration by the Sub-Committee an application for a new premises licence.

## 2.0 Background

2.1 The application was received on 6 October 2015 from Ward Hadaway Solicitors on behalf of Co-Operative Group Foods Ltd for a premises licence in respect of Cooperative store, Griffiths Drive, Ashmore Park, Wolverhampton WV11 2JL for an off licence and convenience Store. A copy of the application is attached at Appendix 1.

2.2 The premises are in Ashmore Park ward and a location plan is attached at Appendix 2

2.3 The application is in respect of sale and supply of alcohol off the premises.

2.4 It is the understanding of the licensing authority that the application for this premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with.

2.5 The following responsible authorities have been consulted on this application:

- Licensing Authority
- Environmental Health
- Planning
- Trading Standards
- Social Services
- Director of Public Health
- West Midlands Police
- West Midlands Fire Service

2.6 Relevant representations have been received from:

- Other Persons

Copies of the representations can be found at Appendices 3 and 4

2.7 The applicant and all those who have submitted representations have been invited to attend the hearing.

## 3.0 Legal implications

3.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its function under the Act with a view to promoting the Licensing Objectives, namely:-

- (a) The prevention of crime and disorder;
- (b) Public safety;



- (c) The prevention of public nuisance;
- (d) The protection of children from harm.

Section 18 of the Licensing Act 2003 provides that where a relevant licensing authority receives an application for a premises licence properly made in accordance with section 17 of the Act it must grant the licence, subject to any relevant conditions.

However, where relevant representations are made the authority must hold a hearing (unless all parties agree this is unnecessary) and having regard to the representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives.

The steps are:

1. to grant the licence subject to conditions
2. to exclude from the scope of the licence any of the licensable activities to which the application relates
3. to refuse to specify a person as a premises supervisor
4. to reject the application

3.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the Licensing Objectives when determining a premises licence application.

3.3 Regard shall be had to guidance issued by the Secretary of State under Section 182 and Wolverhampton City Council's Licensing Policy statement. [JB/04112015/S]

#### 4.0 **Human Rights and Equalities Implications**

4.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.

4.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

**5.0 Financial Implications**

5.1 Councillors agreed fees and charges for this function on 21 January 2015; the fees are based on a cost recovery basis. The fee for this application is £100.00, and is non-refundable. [TK/09012015/H]

**6.0 Environmental Implications**

6.1 This report has environmental implications in that there is a potential for disturbance caused by patrons using the premises and nuisance caused by litter and waste originating from the premises.

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

RECEIVED  
06 OCT 2015  
LICENSING

I/We Co-operative Group Food Ltd  
*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description Co-operative Car Park of The Ashmore Inn Griffiths Drive			
Post town	Wolverhampton	Postcode	WV11 2JL
Telephone number at premises (if any)			
Non-domestic rateable value of premises		New Build £315	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as  
Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Co-operative Group Food Ltd
Address Dept 10227 1 Angel Square Manchester M60 0AG
Registered number (where applicable) IP26715R
Description of applicant (for example, partnership, company, unincorporated association etc.) Industrial Provident
Telephone number (if any)
E-mail address (optional)

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

**E**

<b>Live music Standard days and timings (please read guidance note 6)</b>			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					



<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**

None

L

<b>Hours premises are open to the public Standard days and timings (please read guidance note 6)</b>			<b><u>State any seasonal variations</u> (please read guidance note 4)</b>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</b></p> <p>At the discretion of the premises licence holder.</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

A complaints procedure will be maintained, details of which will be made available in store and upon request.

**e) The protection of children from harm**

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
2. An age till prompt system will be utilised at the premises in respect of age restricted products.
3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures (please read guidance note 10)**

**Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.**

Signature	[Redacted Signature]
Date	5 October 2015
Capacity	Solicitor acting on behalf of the applicant

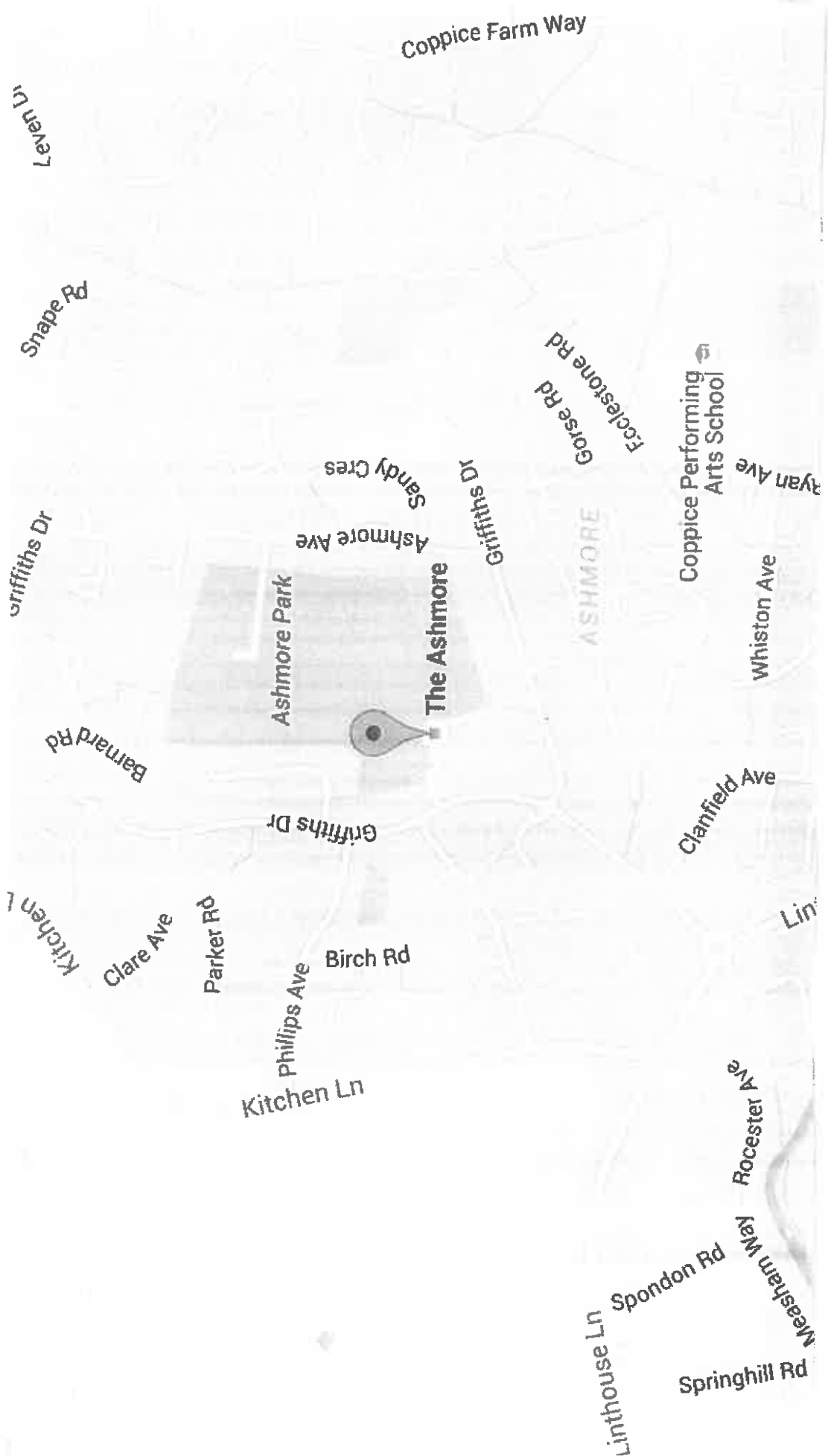
For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

**RECEIVED**  
06 OCT 2015  
LICENSING

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Cooperative Store

Griffiths Drive, Ashmore Park. WV11 2JL



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MRS S. RUSSELL  
28 TOWNSON ROAD  
ASHMORE PARK  
WEDNESFIELD  
WOLVERHAMPTON  
WV11 2PP  
2-11-15



Dear Sir or Madam,

I have objections to the co-op been granted a licence for the sale of alcohol my objections are PUBLIC SAFETY, PREVENTION OF PUBLIC NUISANCE, and we have a lot of children living behind where they are going to build the co-op. We also have a lot of pensioners living in Hodson close. The co-op selling alcohol will have a effect on the pub selling it. I dont think this will do any good me writing to you but Who knows.

Yours Sincerely



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Kirpal Bains  
News Express  
50 Griffiths Drive  
Wolverhampton  
WV11 2JW

26.10.2015

**Premises License CO-OP Car Park Ashmore Park Pub WV11 2JW**

- We currently have a License at 50 Griffiths Drive as well as another at One Stop on Griffiths Drive and the Ashmore Pub which is 70 yards away.
- Therefore the area is well served and a further License is not required and will cause a catchment of nearby off licenses which will encourage youths to hang around and cause a public nuisance as gangs congregate and which will lead to crime and disorder.
- Also a lot of elderly people live around the proposed area and they may become frightened to come out at night.

Regards

A blue rectangular redaction box covering the signature of Kirpal Bains.

Kirpal Bains

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