

Licensing Sub-Committee

Minutes - 17 February 2016

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Ian Claymore
Cllr Rita Potter

Conservative

Employees

Linda Banbury
Paul Fantom
Sarah Hardwick
Elaine Moreton

Democratic Support Officer
Interim Democratic Support Officer
Solicitor
Section Leader - Licensing

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 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 involved the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of a particular person.

4 Application for a Private Hire Vehicle Driver's Licence (10 am)

Mr LP attended the meeting in connection with his application for a private hire vehicle driver's licence.

The Chair made introductions and outlined the procedure to be followed during the meeting.

Elaine Moreton, Section Leader (Licensing), outlined the report which had been circulated to all parties in advance of the meeting and, in doing so, indicated the reason for referring this matter to the Sub-Committee with reference to Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and more particularly guideline 5.1.12 (b). This guideline relates to violence and provides that the applicant would not normally be granted a licence in the circumstances before 25 October 2018. The Sub-Committee was informed that with reference to guideline 5.1.4 (a), there had been an error and that this related to two offences, namely drink driving and failure to provide a specimen. The relevant part of the guideline is therefore 5.1.4 (b) and the date after which a licence would be granted under this guideline was therefore 13 December 2014.

Mr P confirmed that he had been a driver previously and had enjoyed the work. In response to questions from the Sub-Committee, in each case he provided explanations having regard to the previous convictions, as set out in the report. He emphasised his contrition, stating that he had performed voluntary work for St. Matthew's Church during the last six months, and that he was undertaking work as a van driver which he had gained through an agency. He had also recently received two offers of employment as a driver from taxi companies and stated that he wanted to work rather than being reliant on state benefits.

Resolved

That, having considered all the information presented to the meeting, the Licensing Sub-Committee was satisfied that Mr LP was a fit and proper person to

hold a private hire vehicle driver's licence and accordingly have agreed to grant him a licence for a period of twelve months, subject to a satisfactory medical report and his passing the knowledge test. This decision was also subject to review by the Licensing Manager in six months' time.

5 Application for a new premises licence in respect of Polish Taste, 30 Church Street, Bilston (11 am)

In attendance for the premises

Mr Patrick Burke – PMB Licensing

Mr Wojcieh Misiewicz – applicant

Responsible Authorities

Mrs Elaine Moreton – Licensing Authority

The Chair introduced the parties and outlined the procedure to be followed at the hearing. It was noted that apologies for absence had been received from PC M Harvey (West Midlands Police) and Mr P Patel (Other person)

Elizabeth Gregg, Licensing Officer, outlined the report submitted to all parties in advance and advised that the premises were located in a Community Impact Zone.

At this juncture, Mr Burke submitted the application for a premise licence on behalf of the applicant. He advised that the applicant had a similar premise in Hill Top, West Bromwich, which had been managed successfully for four years, and that if this application was successful, the premises at 30 Church Street, Bilston, would also specialise in the sale of merchandise sourced from Poland. Reference was made to representations made by the Licensing Authority and the Police, who had agreed conditions with the applicant on 27 January 2016 and 8 January 2016 respectively.. A letter had also been received from Mr B Patel citing objections in relation to crime and disorder, the trading of illicit goods and the encouragement of price wars, and this had been circulated with the agenda papers. It was confirmed that he was also the proprietor of premises that sold alcohol and food and Mr Burke queried the motivation for raising these objections.

Responding to further questions, Mr Misiewicz demonstrated his understanding of the requirements concerning the sale of alcohol and the Challenge 25 scheme. Photographs indicating the proposed storage facilities for beers and spirits at the premises had been provided by Mr Burke and circulated to all the parties at the meeting. Mr Misiewicz also highlighted that although concentrating on the sale of Polish produce, if the application was successful it would be beneficial to the wider community.

Elaine Moreton, Section Leader (Licensing), confirmed that following a meeting with the applicant the proposed opening hours of the premises had been revised and that the objections of the Responsible Authorities had now been met.

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

6 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 involved the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of a particular person.

7 Deliberations and decision

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

8 Re-admission of press and public

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

9 Announcement of decision

The Sub-Committee has taken note of all the written concerns raised in respect of Polish Taste, 30 Church Street, Bilston, Wolverhampton and has listened to the arguments of those who have spoken at this hearing, in relation to the application.

The Sub-Committee was satisfied that the Cumulative Impact Policy applied to these premises. The Sub-Committee was further satisfied that sufficient evidence had been provided by the applicant to illustrate that the premises would not add to the cumulative impact already experienced and that the presumption of non-grant had been rebutted.

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

Agreed between the applicant and the Licensing Authority on 27 January 2016

1. The sale/supply of alcohol off the premises reduced by one hour to – Monday to Sunday 0900 to 2045 hours inclusive.
2. No sale of single cans/bottles of beer, lager or cider with an ABV of 6.5 or above.
3. 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 Police have powers to seize alcohol.

Agreed between the applicant and West Midlands Police on 8 January 2016

1. A CCTV system with recording equipment shall be installed and maintained at the premises.
2. CCTV shall cover entry and exit points of the premises and all areas to which 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 a Responsible Authority upon request and without 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. An incident log and refusals book 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. The incident log and refusals book shall be produced to as member of a Responsible Authority upon request.
7. To ensure compliance with 'Challenge 25', a refusals book shall be maintained, where any sale of alcohol is refused to persons who present themselves to be under age.
8. All staff shall be trained in 'Challenge 25' and all appropriate ID checks undertaken by all staff to ensure no sale of alcohol is made to underage persons.
9. All staff shall receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. Training shall be documented and shown to a member of a Responsible Authority upon request.

It was considered by the Sub-Committee that the above conditions shall be attached in support of the prevention of crime and disorder and protection of children from harm licensing objectives.

Finally, any mandatory conditions required by the Act would be attached to the premises licence.

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

10 **Licensing Act 2003 - Review of a Premises Licence in respect of The Harp Inn, Walsall Street, Wolverhampton (1 pm)**

The Sub-Committee was advised that with regard to the surrender of the premises licence for The Harp Inn, Walsall Street, Wolverhampton, on 10 February 2016, in accordance with Section 50 of the Licensing Act 2003, an application to transfer the premises licence could be made within 28 days of the surrender/lapse of the licence.

The Sub-Committee agreed to adjourn the review of the premises licence until 10 March 2016 at 10.00 am. If no application to transfer had been made and the licence lapsed, in accordance with Section 28 of the Licensing Act 2003, this hearing would be cancelled.