

Licensing Sub-Committee

17 February 2016

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 1 - 3rd Floor - Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Ian Claymore
Cllr Rita Potter

Conservative

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
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

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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 I – ITEMS OPEN TO PRESS AND PUBLIC

Item No. *Title*

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Exclusion of Press and Public**
To pass the following resolution:
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.

PART II - PRESS AND PUBLIC EXCLUDED

- 4 **Application for a Private Hire Vehicle Driver's Licence (10 am)** (Pages 5 - 12)
[To consider the application]

PART I - ITEM OPEN TO PRESS AND PUBLIC

- 5 **Application for a new premises licence in respect of Polish Taste, 30 Church Street, Bilston (11 am)**
[To consider the application]
- 6 **Exclusion of press and public**
To pass the following resolution:
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.

PART II - PRESS AND PUBLIC EXCLUDED

- 7 **Deliberations and decision**
- 8 **Re-admission of press and public**

PART I - ITEMS OPEN TO PRESS AND PUBLIC

- 9 **Announcement of decision**

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

[To consider the application for review of the premises licence by the West Midlands Police]

11 **Exclusion of press and public**

To pass the following resolution:

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.

PART II - PRESS AND PUBLIC EXCLUDED

12 **Deliberations and decision**

13 **Re-admission of press and public**

PART I - ITEMS OPEN TO THE PRESS AND PUBLIC

14 **Announcement of decision**

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Licensing Sub-Committee

17 February 2016

Report Title

**Licensing Act 2003 – Application for a
Premises Licence in respect of Polish Taste
30 Church Street, Bilston Wolverhampton
WV14 0AX**

Wards Affected

Bilston East

Accountable director

Tim Johnson - Place

Originating service

Licensing Services

Accountable employee(s)

Rob Edge
Tel
Email

Section Leader (Licensing)
01902 550106
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 within the Bilston 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 on 8 January 2016 from Mr P Burke, PMB Licensing, on behalf of the premises licence holder for the premises licence in respect of Polish Taste 30 Church Street, Bilston Wolverhampton WV14 0AX and a copy of the application is attached at Appendix 1

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

2.3 The application is in respect of the sale/supply of alcohol off the premises, the precise detail of what has been applied for can be found within the operating schedule of the application.

2.6 The PREMISES 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:

- Licensing Authority
- West Midlands Police
- Other Persons

Copies of their representations are attached at Appendices 4 - 6

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 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.
[JB/09022016/G]

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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Wolverhampton
Application for a premises licence
Licensing Act 2003

For help contact
city.direct@wolverhampton.gov.uk
 Telephone: 01902 551155

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Wojcieh

* Family name

Misiewicz

* E-mail

pmblicensing@yahoo.com

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.



Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

* Your position in the business

Home country The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name	DOG AND PARTRIDGE
* Street	136 HIGH STREET
District	BRIERLEY HILL
* City or town	DUDLEY
County or administrative area	WEST MIDLANDS
* Postcode	DY5 3BP
* Country	United Kingdom

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	Polish Taste
Street	30 Church St
District	
City or town	Bilston
County or administrative area	
Postcode	WV14 0AX
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	6,700

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

Building number or name	<input type="text" value="39"/>
Street	<input type="text" value="Allerton Lane"/>
District	<input type="text"/>
City or town	<input type="text" value="West Bromwich"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B71 2HR"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

E-mail	<input type="text" value="pmblicensing@yahoo.com"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 5 of 19

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

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

New shop to the area, specializing in polish product.

Continued from previous page...

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

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PROVISION OF PLAYS

Will you be providing plays?

Yes

No

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PROVISION OF FILMS

Will you be providing films?

Yes

No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes

No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes

No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes

No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes

No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

Continued from previous page...

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start 08:00

End 21:00

Start

End

Give timings in 24 hour clock.
(e.g. 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 08:00

End 21:00

Start

End

WEDNESDAY

Start 08:00

End 21:00

Start

End

THURSDAY

Start 08:00

End 21:00

Start

End

FRIDAY

Start 08:00

End 21:00

Start

End

SATURDAY

Start 08:00

End 21:00

Start

End

SUNDAY

Start 08:00

End 21:00

Start

End

Continued from previous page--

Will the sale of alcohol be for consumption:

On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings, where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

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

a) General - all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

ALL STAFF WILL BE TRAINED WITH REGARD TO THE LICENSING ACT 2003, THE SERVICE OF ALCOHOL AND TOBACCO. A RECORD WILL BE KEPT OF ALL ATTEMPTED PURCHASES BY UNDER 18'S. WE WILL LIAISE WITH THE LOCAL POLICE LICENSING OFFICER ON A REGULAR BASIS.

b) The prevention of crime and disorder

PROMINENT SIGNS ARE DISPLAYED WITH REGARD TO ALCOHOL AND TOBACCO SALES
CCTV CAMERAS ARE INSTALLED AT THE PREMISES
A REFUSAL BOOK IS KEPT AT THE PREMISES.

c) Public safety

ALL EMERGENCY LIGHTING WILL BE CHECKED WEEKLY ENTRANCES, EXITS AND PASSEGEWAYS ARE KEPT CLEAR

Continued from previous page...

d) The prevention of public nuisance

PROMINENT SIGNS WILL BE DISPLAYED REQUESTING CUSTOMERS TO HAVE REGARD FOR LOCAL RESIDENTS WHEN LEAVING THE PREMISES ADEQUATE BINS ARE AVAILABLE FOR CUSTOMERS TO DISPOSE OF LITTER.

e) The protection of children from harm

WE WILL OPERATE A CHALLENGE 25 POLICY

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/Index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to 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.

THE INFORMATION GIVEN MAY BE HELD IN MANUAL OR COMPUTERISED FORM AND WILL BE SUBJECT TO THE PROVISIONS OF THE DATA PROTECTION ACT 1998

* This authority is under a duty to protect the public funds it administers, and to this end may use the information you have

Continued from previous page...

provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/wolverhampton/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

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Address

Building number or name:

Street:

District:

City or town:

County or administrative area:

Postcode:

Country:

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to 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.

THE INFORMATION GIVEN MAY BE HELD IN MANUAL OR COMPUTERISED FORM AND WILL BE SUBJECT TO THE PROVISIONS OF THE DATA PROTECTION ACT 1998.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name:

* Capacity:

Date (dd/mm/yyyy):

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/pre-mises-licence/online/complete-application> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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.

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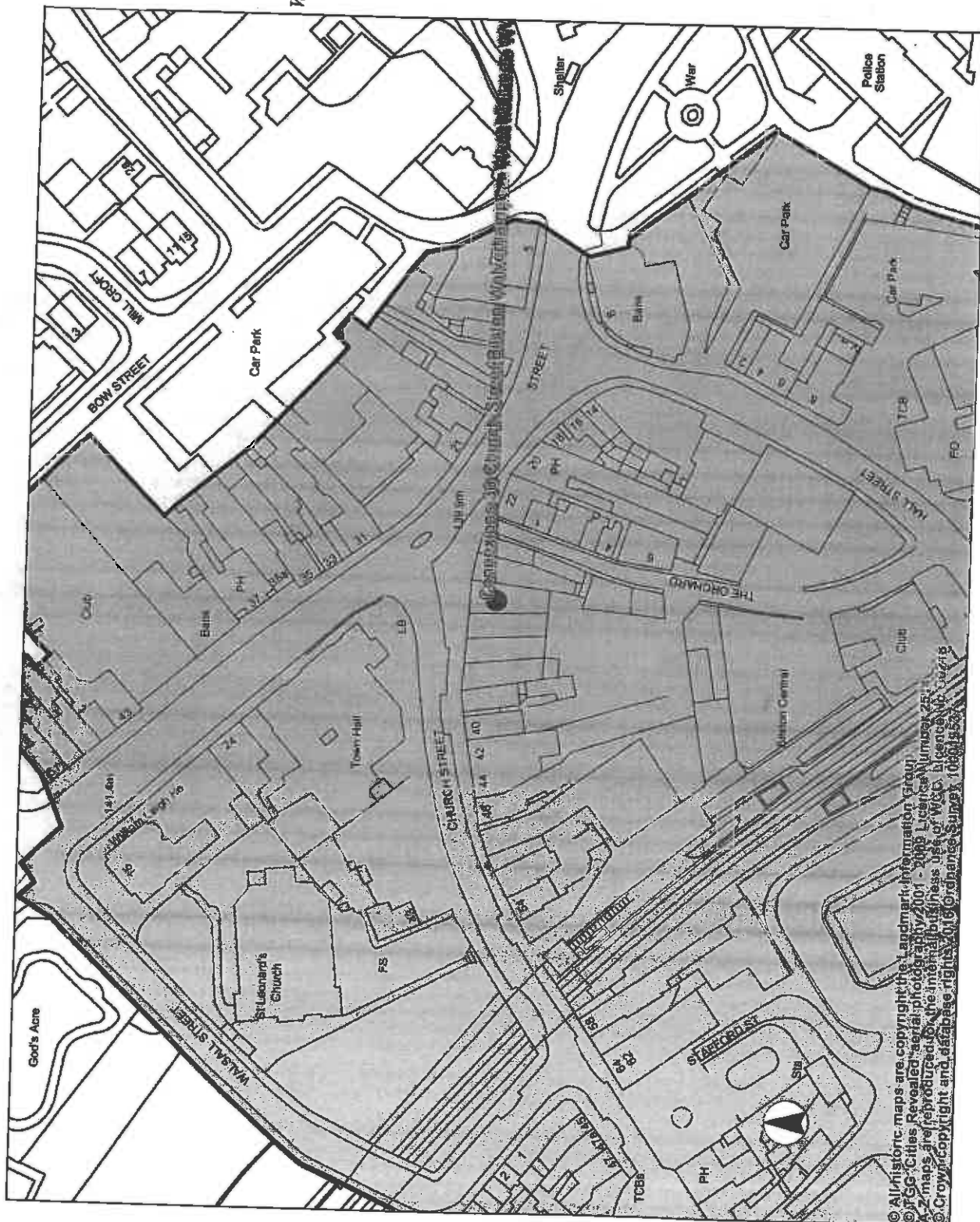


Polish Taste
30 Church Street,
Bilston,
Wolverhampton, WV14
0AX

Wolverhampton City
Council
Asset Management
Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

<< TD >>
Plan Produced
14.1.2016
Scale 1:1,250

204014 - Formed by



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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.

Sent: 01 February 2016 14:17

Subject: PRE1296 - Polish Taste, 30 Church Street, Bilston - New Premises
Licence [NOT PROTECTIVELY MARKED]

Polish Taste, 30 Church Street, Bilston

Please find attached signed conditions from the applicant.

As this premises is located within the Cumulative Impact Zone, there is a rebuttable presumption to refuse, however, subject to the attached conditions being added to the operating schedule; I Elaine Moreton acting in my capacity as the Licensing Authority Responsible Authority agrees this should negate the need for a hearing subject to no further representations from any other persons/Responsible Authority.

Regards,

Elaine

Elaine Moreton
Section Leader
Tel. Office: 01902 555033

E-mail: Elaine.Moreton@wolverhampton.gov.uk
City of Wolverhampton Council

FILE NOTE

CITY OF
WOLVERHAMPTON
COUNCIL

From Elaine Moreton
Section Leader, Licensing

To Premises Licence Application File

Tel. No/Ext: 5033

cc. Rob Edge – Section Leader, Licensing

Date: 22 January 2016

PRE 1296

Mediation Outcome

Polish Taste, 30 Church Street, Bilston WV14 0AX

Following our meeting today (22 January 2016) to discuss the Licensing Authority representations in its capacity as a Responsible Authority the conditions/amendments detailed below have been agreed between the authority and the applicant, who have stated they are willing to modify their operating schedule accordingly:

- The sale/supply of alcohol off the premises is reduced by 1 hour:-

Monday to Sunday 0900 - 2045 hours inclusive.

- No sale of single cans/bottle of beer, lager or cider with an ABV of 6.5 or above.

- DPPPO (Designated Public Place Order) notice provided by the Licensing Authority shall be displayed prominently on the premises visible from outside the store advising Police have powers to seize alcohol.

Applicant Signature:



Date: 27-1-16

I Patrick Burke of PMB Licensing acting on behalf of Wojciech Misiewicz agree to modify the premises licence application dated 8 January 2016 to include the above conditions/amendments to their operating schedule.

Licensing Authority – Responsible Authority Signature:

Date:

Subject to the above conditions/amendments being added to the operating schedule. I Elaine Moreton, acting in my capacity as the Licensing Authority Responsible Authority agree this should negate the need for a hearing subject to no further representations from any other persons/Responsible Authority.

From: Mitchell Harvey <m.harvey@west-midlands.pnn.police.uk>
Sent: 26 January 2016 08:26
To: Licensing
Subject: PRE1296 - POLISH TASTE, 30 Church Street, Bilston - NEW APPLICATION [PROTECT]
Attachments: Polish Taste signed conditions.pdf

Importance: High
Sensitivity: Confidential

Dear all,

Police have been in mediation with the applicant regarding this proposed premises licence.

It is noted that the premises sits within Bilston C.I.Z however, amendments have been discussed and agreed. As such police will offer no objections or representations to this application, should they be added to the licence as conditions.

Please find attached signed and agreed conditions from the applicant for consideration.

Kind Regards,

PC 1080 Mitch Harvey
Partnerships & Licensing Officer
Wolverhampton Central Police station

1/1

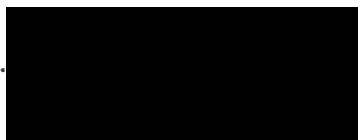
DDI: 01902 649 085
External: 101 ext 871 3194
Email: wv_licensing@west-midlands.pnn.police.uk

Polish Taste, 30, Church Street, Bilston. WV14 0AX.
OPERATING SCHEDULE
ADDITIONS/AMENDMENTS – SUPPLEMENT TO APPLICATION MADE ON
8th January 2106.

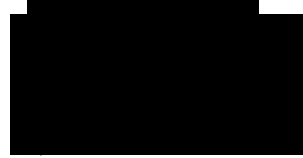
THE PREVENTION OF CRIME & DISORDER	SIGNATURE
<ul style="list-style-type: none"> • A CCTV system with recording equipment shall be installed and maintained at the premises. • CCTV should cover entry and exit points of the premise and all areas where alcohol/money is served/taken and all areas to where public have access and the immediate vicinity outside the premise. • Images / 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 time and date 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 systems images should any member of a Responsible Authority make a request 	
<p>An incident log & refusal 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 West Midlands Police. Incident log & refusal book to be produced to a member of a responsible authority upon request.</p>	
<p>To ensure compliance with Challenge 25 a 'refusals book' where any sale of alcohol is refused to persons who present themselves to be under age.</p>	
THE PROTECTION OF CHILDREN FROM HARM	
<ul style="list-style-type: none"> * All staff will be trained in Challenge 25, all appropriate ID checks will be undertaken by all staff to ensure no sale of alcohol is made to underage persons. * All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. Training to be documented and shown to member of a responsible Authority upon request 	

I wish for this amended operating schedule to replace the operating schedule submitted in section 18 (in relation to Prevention of Crime and Disorder and Protection Of Children From Harm licensing objectives), in the application I submitted on 8th January 2016

APPLICANT'S SIGNATURE.....
 (Authorised person on behalf of Applicant)



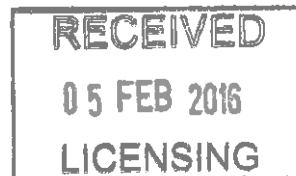
Wolverhampton City Council
Licensing Services
Civic Centre
St Peters Square
Wolverhampton WV1 1RG



4th February 2016

I am writing this letter to object to the application for the licence to sell alcohol at the premise of:

Polish Taste (8am – 9pm)
30 Church Street in Bilston
Wojciech Misiewicz (Licensee)



My main objections include:

Crime and Disorder

With more cuts scheduled within the police department and Bilston police station closed at certain hours. How will the already limited local police and PCSO's be able to handle drink and crime related issues within the town. There are no conclusive reports that drink related issues and crime are down within Bilston town by permitting another alcohol licensee will no doubt increase more drink related crimes.

Trading of illicit goods

I am under the opinion that the premises will also be used to sell illicit goods such as non duty paid cigarettes and alcohol. Previously another polish shop which was trading under the same guise was closed down as the licensee was caught several times selling illicit goods. Also the local polish and Latvian community have spoken freely about purchasing these goods from this type of business. The lax opening and closing times would give the licensee a large window to heavily profit off illicit gains. The early opening times will encourage public to start drinking earlier than usual which may result in anti social behaviour i.e. may put public in contact with these nuisances/begging for change/also policing is restricted so early in the morning.

Encouraging price wars

I would like to point out that it was a long struggle to get an alcohol drinking ban placed in Bilston town after many alcohol related complaints by the public. I feel that by adding more license premises it is going to create a price war. Alcohol is going to be sold competitively cheap and thus increase consumption. How will this ban be effective and who would resolve any drink related issues as there may be no police/pcsos available? Bilston is a small town and on the high street alone there are a dozen off-licences. May I also point out there are already three off-licences within 100 yards from 30 Church Street, including Bilston Wines which specializing in all European beers and spirits.



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Licensing Sub-Committee

17 February 2016

Report Title

Licensing Act 2003 – Application for a Review of a Premises Licence in respect of The Harp Inn, Walsall Street, Wolverhampton WV1 3LP.

Wards Affected

East Park

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

Recommendation for action or decision:

The Licensing Sub-Committee is required to consider the application by West Midlands Police for a review of the above Premises Licence, following an expedited review.

1.0 Purpose of Report

1.1 The Licensing Sub-Committee is required to consider the application by West Midlands Police for a Review of the above Premises Licence, following an Expedited Review.

2.0 Background

2.1 The current premises licence is attached at Appendix 1.

An application was received from the Chief Officer of Police for West Midlands on 21 January 2016 for an expedited review of the Premises Licence in respect of this premises. The premises are situated in the East Park ward and a location plan is attached at Appendix 2.

2.2 A Licensing Sub-Committee hearing was held on 22 January 2016 to determine the interim steps to be applied to the Premises Licence pending the full review hearing. The Licensing Sub-Committee resolved to suspend the Premises Licence as the interim step.

2.3 The notice of review has been properly served on all the Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on its website as required, when the application for review was made.

2.4 A copy of the expedited review application can be found at Appendix 3 of this report.

2.5 Representations have been received from the Licensing Authority as a Responsible Authority and these can be found at Appendix 4 of this report.

2.6 The applicant for review, the Premises Licence Holder, and those who have made representations have been invited to attend the review hearing.

3.0 Legal Implications

3.1 The Licensing Authority must consider the application for the review under Section 53A of the licensing act.

3.2 The Licensing Sub-Committee is asked to determine the review under Section 53A (2) (b) in accordance with Section 53C of the Act. The licensing authority must hold a hearing and consider the application for review and any relevant representations.

3.3 The Sub-Committee must consider what steps (if any) should be taken to secure the promotion of the licensing objectives. The four licensing objectives are:

3.4 The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

3.5 The steps that may be taken by the Sub-Committee on a full review 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) The revocation of the Licence.

3.6 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement. [SH/05022016/E]

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 The Licensing Committee agreed fees and charges for this function on 20 January 2016. The fees are based on a cost recovery basis. There is no fee for the application of a Review, and there are no financial implications arising from this report.
[TK/03022016/N]

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.

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Premises Licence

APPENDIX 1

Issued in accordance with The Licensing Act 2003

Name of Premises: The Harp Inn

Address of Premises: The Harp
Walsall Street
Eastfield
Wolverhampton

Premises Licence Number: WN/14/01354/PRE- Premises Licence Variation

Date of Last Update: 6th June 2014

1. Opening hours of the premises

Normal Hours: Monday to Thursday 1100hrs to 0030hrs
Friday to Sunday 1100hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

Activity: Recorded Music

Normal Hours: Monday to Thursday 1100hrs to 2330hrs
Friday to Sunday 1100hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Facilities for dancing

Normal Hours: Monday to Thursday 1100hrs to 2330hrs
Friday to Sunday 1100hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Late Night Refreshment

Normal Hours: Monday to Thursday 2300hrs to 2330hrs
Friday to Sunday 2300hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Sale/Supply of alcohol on the premises

Normal Hours: Monday to Thursday 1100hrs to 2330hrs
Friday to Sunday 1100hrs to 0330hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Sale/Supply of alcohol off the premises

Normal Hours: Monday to Saturday 1000 to 2230hrs
Sunday 1200 to 2230hrs

Seasonal Variations: None

Non Standard Hours: Good Friday 1200 to 2230hrs
Christmas Day 1200 to 1500 & 1900 to 2230hrs

3. Name of the designated premises supervisor if the sale of alcohol is involved

Afiya Dalila

Personal Licence Number – PER2254

Issued by - Wolverhampton City Council

4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003

5. Name, (registered) address of the holder of the premises licence

Isaac Green

65 Junction Road

Bilston

Wolverhampton

WV2 2PB



N.P. Edwards

Assistant Director - Regeneration

On behalf of Wolverhampton City Council

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

(2) The first condition is that no supply of alcohol may be made under the premises licence:-

- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions where the licence authorises supply of alcohol: 2010

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.— (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Mandatory Licensing Condition banning the sale of alcohol below the cost of VAT and duty: 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula $P = D + (D \times V)$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iv) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed:-

- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licence authorising plays or films), or
- (b) In respect of premises in relation to –
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purpose of this section:-

- (a) "Security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and
- (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Conditions consistent with the Operating Schedule

Historic Permissions consistent with the Justices Licence as converted under the Licensing Act 2003

This licence is granted subject to any restrictions imposed on the use of the premises by the following enactments:

- Children and Young Persons Act 1933
- Cinematograph (Safety) Regulations 1955
- Licensing Act 1964
- Sporting Events (Control of Alcohol Etc) Act 1985

Provision of substantial refreshment

Hot food or hot drinks may be provided in line with alcohol sales with an additional thirty minutes thereafter.

Recorded Music

- The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964.

New Years Eve

The Regulatory Reform (Special Occasions Licensing) Order 2002.

- Where this licence does not otherwise permit, on New Years Eve these hours may be extended from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

General

- I fully train my staff and am committed to continue doing this.
- All staff are aware of the Law in relation to underage drinking and the accompaniment of Children by Adults onto licensed premises

The prevention of crime and disorder

- All staff are trained to be vigilant and to be able to identify possible problems before they escalate.
- We regularly employ between 2-4 Fully Licensed door staff depending on the anticipated crowd size.
- The licensed area will be covered by CCTV.
- All tapes shall be retained for at least one month and shall be kept at the premises.

Variation dated 06/06/2014

- A CCTV system with recording equipment shall be installed and maintained at the premises.
- 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.
- Images/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 time and date 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 systems images should any member of a Responsible Authority make a request.
- 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 West Midlands Police. Incident log book to be produced to a member of a Responsible Authority upon request.
- To ensure compliance with Challenge 25 a 'refusals book' where any sale of alcohol is refused to persons who present themselves to be under age.
- 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.

Public safety

- All staff are trained to be vigilant and to be able to identify possible problems before they escalate.
- All fire exits are clearly marked
- The capacity of the premises will be restricted to 110 persons at all times
- During discos and dances a third ladies toilet shall be made available for public use

The prevention of public nuisance

- All staff are trained to be vigilant and to be able to identify possible problems before they escalate.
- We regularly employ between 2-4 fully Licensed door staff depending on the anticipated crowd size.
- No noise nuisances will be caused to nearby businesses or residents

Variation dated 06/06/2014

- After 22:00 hours, SIA registered door supervisors, one of which will be female, shall be employed at the minimum of 1:55 customers (or part thereof) at the premises.
- A register will be maintained of all persons engaged as door supervisors to include the name and SIA number of the staff and the time and date duties commenced and finished.

The protection of children from harm

- We have designated area to children, which is a no smoking area and we also encourage a policy of no smoking at the bar.
- All staff are aware of the Law in relation to underage drinking and the accompaniment of Children by Adults onto licensed premises.

Variation dated 06/06/2014

- 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.

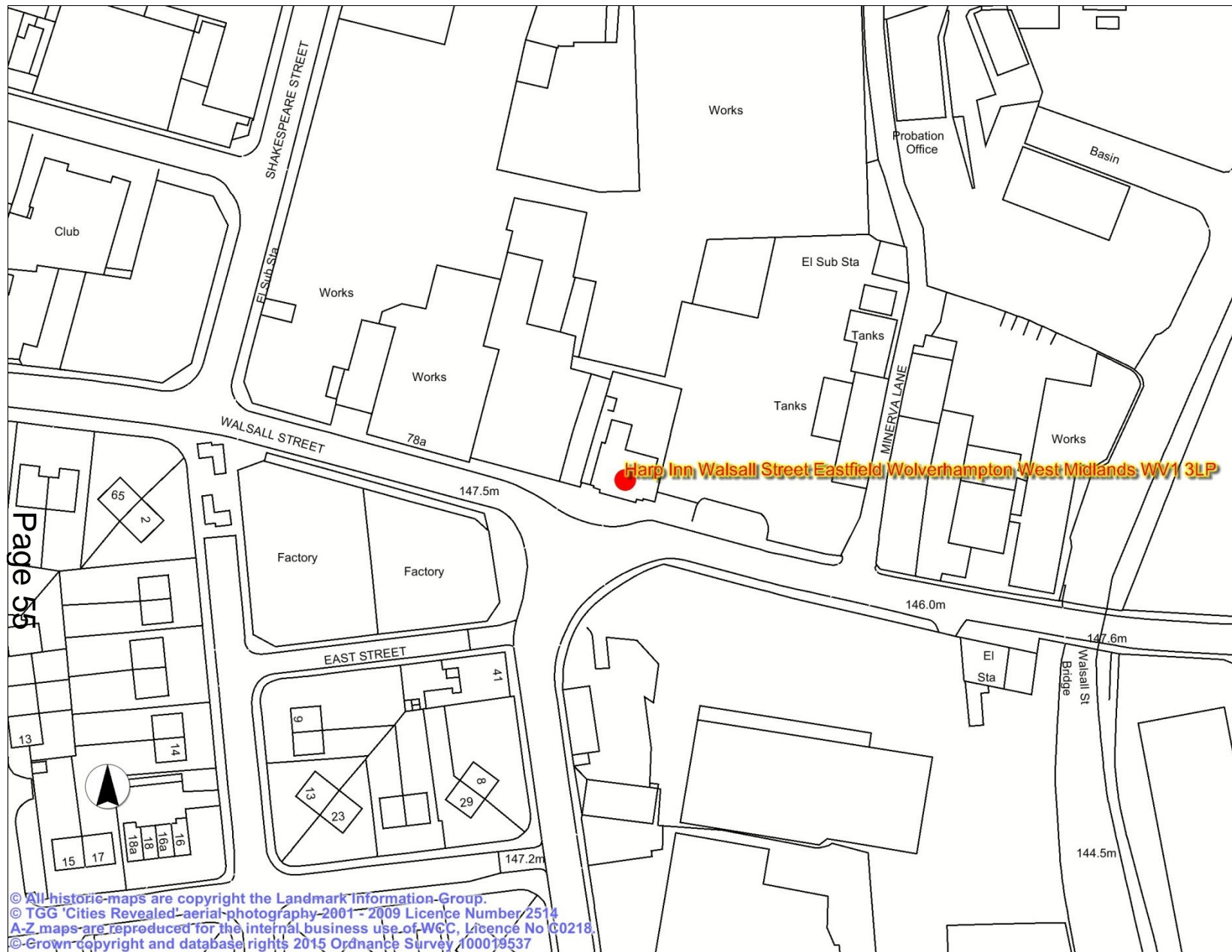
Plans

As submitted with application dated 06/08/2005 and retained by Wolverhampton City Council.

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APPENDIX 2

**The Harp Inn
Walsall Street, Eastfield
Wolverhampton, West
Midlands, WV1 3LP**



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**APPLICATION FOR THE REVIEW OF A
PREMISES LICENCE OR CLUB PREMISES
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 Chief Constable of West Midlands Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Harp Inn Walsall Street	
Post town Wolverhampton	Post code (if known) WV1 3LP

Name of premises licence holder or club holding club premises certificate (if known)
Mr Garnett MCLEAN

Number of premises licence or club premises certificate (if known)
WN/14/01354/PRE

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates

**APPLICATION FOR THE REVIEW OF A
PREMISES LICENCE OR CLUB PREMISES
UNDER THE LICENSING ACT 2003**



(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title PC
(for example, Rev)

Surname

Harvey

First names

Mitchell

I am 18 years old or over

Please tick ✓ yes
X

**Current postal
address if
different from
premises
address**

C/o Bilston Street, Wolverhampton Central Police Station,
Bilston Street
Wolverhampton
WV1 3AA

Post town

Wolverhampton

Post Code

WV1 3AA

Daytime contact telephone number

01902 649085

**E-mail address
(optional)**

wv_licensing@west-midlands.pnn.police.uk

(B) DETAILS OF OTHER APPLICANT

Name and address

N/A

Telephone number (if any)

N/A

E-mail address (optional)

N/A

**APPLICATION FOR THE REVIEW OF A
PREMISES LICENCE OR CLUB PREMISES
UNDER THE LICENSING ACT 2003**

Wolverhampton
City Council



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 1080 HARVEY. West Midlands Police Wolverhampton Central Police Station, Bilston Street, Wolverhampton. WV1 3AA.
Telephone number (if any) 101 ext 871 3194 or 01902 649085
E-mail address (optional) wv_licensing@west-midlands.pnn.police.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

This review is sought under The Prevention of Crime and Disorder and Public Safety licensing objectives.

Police are defined as a 'Responsible Authority' under the Licensing Act 2003 and as such have statutory obligation to ensure that licensed premises comply with the requirements of the Act and the operating schedule relating to that premises.

West Midlands Police believe the Premises Licence Holder and Designated Premises Supervisor Mr Garnett MCLEAN, has demonstrated an obvious and deliberate failure to uphold the conditions on the premises licence or sufficiently uphold the licensing objectives. Police will evidence this in a serious incident of crime and disorder that took place at the premises during the early hours of Saturday 16th of January 2016.

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Please provide as much information as possible to support the application (please read guidance note 3)

The Harp Inn public house is situated on Walsall Street, Eastfield, Wolverhampton. It is an outer city property that is predominantly surrounded by industrial units with a small cluster of residential housing nearby. The venue has a small patron capacity and caters mainly for the late night time economy on Friday and Saturday nights. The hours of trading are Monday to Thursday 11:00hrs to 00:00hrs and Friday to Sunday 11:00hrs to 03:30hrs. Alcohol sales are between 11:00hrs to 23:00hrs Monday to Thursday and 11:00hrs to 03:00hrs Friday to Sunday.

The premises licence holder and designated premises supervisor is Mr Garnett MCLEAN. He has been in post since around the 17th of December 2015, when he took over from the previous owners Isaac GREEN and Afiyah DALILA. Mr MCLEAN holds a current valid personal licence; reference number 0329205 issued by Wolverhampton City Council.

The circumstances of the incident are as follows:

On Saturday the 16th of January 2016 at 03:52 hours, a log was received from an anonymous source informing police control that there was a disorder at The Harp Inn. The source advised that local gangs were involved and names the "Whitmore Reans Crew" being involved in a large fight. Officers immediately attended the location, to find no fight taking place and the premises closed.

Log 379 – 16/01/2016 refers. 14 police officers which included two armed response units were deployed to this incident.

A copy of this log is attached to this application.

It is believed that this information was passed to a mobile police patrol, hence the time it was reported being somewhat later to what has been recorded on the premises CCTV system.

A subsequent investigation was launched the following day and officers from the Wolverhampton Specialist Gangs unit attended The Harp Inn to view the CCTV footage.

CCTV footage was provided by Mr MCLEAN from the venue that shows an altercation, from several different camera angles.

Officers that have attended have viewed the CCTV and have provided a statement of evidence attached to this application.

In summary, officers from the Gangs unit have identified numerous members of two distinct urban street gangs, the "Fire Town Crew" from Heathtown and the "Whitmore Reans Crew" from Whitmore Reans. Amongst both sets of gangs are junior and also more prominent, elder gang members.

The footage provided by the venue spans a period from 03:00 hours to 03:45 hours. It seems to show a very busy, late night establishment.

At around 03:20 on the footage, the lights come on in the premises which seem to start to wind down and people begin to leave. It is following this that a senior member

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of the "Fire Town Crew" swings a vicious and unprovoked punch at a prominent member of the "Whitmore Reans Crew".

This single punch knocks the victim to the floor, he is clearly dazed and had to be helped back to his feet by his friends.

Throughout this time, his assailant and his group who have since left the venue, are outside remonstrating and pushing against the door supervisor in an effort to get back inside. This door supervisor was later identified as Mr MCLEAN.

The footage also shows disorder in the bar area where the punch took place with colleagues of the attacked male seemingly remonstrating amongst themselves. The victim himself also punches one of the beer pumps on the bar.

More alarmingly, the footage also shows what appears to be some kind of weapon being passed between the attacked male and his colleagues. It is very clear from the reaction of the bar staff who seem to bring the matter to the attention of a nearby security officer, that they have also seen this object and do nothing else but watch. The weapon is highlighted further when at one point when the assault victim drops his coat; the object is on open display. Members of the public look at the object and begin to back away.

At this point with an assault having already taken place, on-going disorder and with the potential for serious escalation of violence, we would have expected a responsible person who, with the licensing objectives of the prevention of crime and disorder and public safety in mind, such as the DPS, to have contacted the police for assistance. No such call was made.

On Saturday the 16th of January 2016, an intelligence log was submitted by an officer who received information regarding the incident.

It states that there was a disorder at The Harp Inn between members of the Heathtown Crew (FTC) and Whitmore Reans. It is believed several nominals present were in possession of knives which were used to threaten but not actively used. A copy of this intelligence log is attached to this application.

It is apparent from CCTV footage that Mr MCLEAN witnessed the assault and subsequent disorder take place and although he stopped the instigator from returning to the premises, the matter is never reported to police. In fact there was no call made to any of the emergency services from anyone at the premises at any stage.

This raises concerns as to the appropriateness of Mr MCLEAN to run this venue and have members of the public as patrons when there is a real risk posed towards public safety.

The investigation into this assault is live and on-going at the time of writing and the offender is actively being sought by police. Any assault that provides temporary loss of sensory functions for example, loss of consciousness, is categorised under S.47 of the offences against the person act which attracts a sentence of up to 5 years in prison. Under the Licensing Act 2003, this is defined as serious crime that has taken place at The Harp Inn.

Wolverhampton police licensing were provided with the footage and a licensing investigation has taken place.

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On top of the incident already described above, police licensing also uncovered a very concerning breach of the premises licence conditions in particular in relation to the previous premises licence holder and designated premises supervisor, Isaac GREEN and Afiyah DALILA.

On the 8th of December 2015, Wolverhampton City Council legal services, along with Mr MCLEAN and Isaac GREEN signed a consent order, agreeing to certain conditions on the premises licence. This was a negotiation that took place following the revocation of the premises licence on September 16th 2015.

The agreed conditions are:

- 1) **Isaac GREEN to be excluded from the premises at all times, including outside licensable hours, unless by prior agreement with West Midlands Police.**
- 2) **Afiyah DALILA to be excluded from the premises at all times, including outside licensable hours, unless by prior agreement with West Midlands Police.**
- 3) **That all current licensable activities as at 08/12/2015 be reduced by half an hour at the end of those licensable hours.**

A copy of the consent order is attached to this application.

Wolverhampton police licensing have identified that Isaac GREEN and Afiyah DALILA are present on the night of this incident. Ms DALILA can be seen actively working behind the bar serving customers during the premises operating hours. Footage from later in the same night shows Mr GREEN working after the premises is closed collecting glasses, cleaning and tidying.

On Wednesday the 20th of January 2016, Wolverhampton police licensing conducted an interview with Mr MCLEAN.

This interview can be summarised as follows:

Mr MCLEAN confirms that he is the licensee and premises licence holder. He states he took over the premises around the 17th of December 2015 but had occasionally worked there previously in a security capacity. Mr MCLEAN confirms that he runs the premises and states he is there every day to make sure everything is alright. He cleans, stocks and has overall responsibility for the staff.

Mr MCLEAN confirms that he was working on the night in question and saw two males arguing on the dance floor. The males went their separate ways and he asked one to leave the premises. As he was walking towards the door, the male lunged at the other and connected with a punch.

Mr MCLEAN was asked to identify the staff behind the bar, he named one as "Sata" and described her as the bar supervisor who had worked there before he took over. He stated that he did not know the names of the other staff as "Sata" deals with them. He states they are on the pay roll; he pays "Sata" who pays the other bar staff. Mr MCLEAN was then asked to identify two other males that are shown on the footage. One is named as the DJ and the other is identified as Mr GREEN. He describes Mr GREEN as the man who used to run the place before he took over and who lives upstairs. He claims that Mr GREEN had come to collect his mail. Mr

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MCLEAN states that he has told Mr GREEN not to come to the premises during opening hours, but that Mr GREEN has nothing to do with the premises. He claims that Mr GREEN doesn't mind chipping in and helping with the tidying but that he does not receive any payment.

Mr MCLEAN was asked why no call was made to the police concerning the assault that took place and he stated that it was a one off thing and he did not feel it would escalate.

Mr MCLEAN was then shown a copy of the consent order. He confirmed his signature and agreed that the conditions shown, are what he signed to.

Mr MCLEAN was asked directly why Isaac GREEN and Afiyah DALILA were on the premises working when they are specifically excluded. He claimed that Mr GREEN arrived afterwards and that Ms DALILA was passing through and he asked her to stay to help out as it was so busy. He confirmed that he had lied when he said he did not know the staff behind the bar. Mr MCLEAN confirms that he understands he has breached his licence.

Not only is this latest incident a matter of serious crime and serious disorder during the operating hours of the venue, we feel that it demonstrates a complete lack of integrity on the part of Mr MCLEAN who is blatantly and actively ignoring the consent order he signed just a few weeks ago by allowing Isaac GREEN and Afiyah DALILA to be present at the location.

It is apparent that Mr MCLEAN is complicit with the already proven ineffective management of the venue, Isaac GREEN and Afiyah DALILA.

Police licensing have no confidence that Mr MCLEAN is willing to uphold the licensing objectives.

West Midlands Police are gravely concerned regarding the latest incident at The Harp Inn. Due to the nature of the urban street gangs involved in this disorder, there is a real and credible threat of violent repercussions. The fact that these gangs use this venue as a late night drinking establishment, lends itself to the danger of them meeting again. The risk to public safety is too great to not address this matter immediately and certainly before the period of anticipated trading this coming weekend.

On this basis police licensing will be seeking an immediate suspension of the premises licence pending the evidence gathering prior to full review.

If the committee should decide to allow the venue to continue trading during this period, West Midlands Police would ask for very specific interim measures to promote safety at the premises.

However, police feel that the only way to guarantee the promotion of public safety and the prevention of crime licensing objectives, is to suspend the licence.

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Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
2	0	08
2	0	15

If you have made representations before relating to the premises please state what they were and when you made them

West Midlands Police bought an expedited review of the premises on the 20th of August 2015 following an incident of serious crime and disorder. This particular matter involved the previous premises licence holder and designated premises supervisor.

The matter was heard by the licensing sub-committee on the 21st of August 2015. The decision of the sub-committee was to invoke interim measures and suspend the premises licence pending the full hearing.

On the 16th of September 2015, the full review hearing was held. After hearing all of the evidence, the sub-committee decided to revoke the premises licence.

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Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date **20th January 2016**

Capacity **Responsible Authority (Police)**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

West Midlands Police
Wolverhampton LPU
Wolverhampton Police station
Bilston Street
Wolverhampton

Annex A

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder.

**The Harp Inn
Walsall Street
Eastfield
Wolverhampton
WV1 3LP**

Premises licence number (if known): **WN/14/01354/PRE**

Name of premises supervisor (if known): **Mr Garnett MCLEAN**

I am a superintendent in the West Midlands Police. I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because procedures such as a standard review process are not thought to be sufficient to promote public safety or the prevention of crime licensing objectives due to the seriousness of the crime and / or disorder with this case.

Name: Keith FRASER

Signature: 

Rank: Superintendent

Date: 20th January 2016



Incident 379 of 16/01/2016

URN	Date	Owner	LPU beat
379	16/01/2016 03:52	WVR2	WVLF
Initial classification	Response	Last updated	Status
DISORDER	IMMEDIATE	16/01/2016	CLOSED
Reported by	IN PERSON		
Caller	ANON		
Caller Address			
Caller Phone	Ex-Directory		
Location	HARP INN PH WALSALL STREET CITY CENTRE, WOLVERHAMPTON, WEST MIDLANDS		
OSGR	392287,298442		
Incident Detail	DISORDER - WHITMORE REANS CREW MAY BE INVOLVED		
Warning Markers			
Crime Number			

Log updates

Date	Time	User	Terminal	Text
16/01/2016	03:52	4220	YM1	Routed To Radio Operator(s)
16/01/2016	03:52	1106	WVR2	Incident Transfer Accepted by terminal WVR2
16/01/2016	03:53	50641	WVR3	Incident Brief Details Amended from :
16/01/2016	03:53	50641	WVR3	[DISORDER - WHIT MARINE CREW MAY BE INVOLVED]
16/01/2016	03:53	50641	WVR3	WVM65 Automatic STM Notification generated
16/01/2016	03:53	50641	WVR3	WVM65 Despatched
16/01/2016	03:53	1106	WVR2	WVM65 Already Despatched
16/01/2016	03:53	50641	WVR3	WVM61 Redeployed from Incident 331 16/01/16
16/01/2016	03:53	50641	WVR3	WVM61 Automatic STM Notification generated
16/01/2016	03:53	50641	WVR3	WVM61 Despatched
16/01/2016	03:53	57504	YMR2	AD62 Automatic STM Notification generated
16/01/2016	03:53	57504	YMR2	AD62 Despatched
16/01/2016	03:53	4220	YM1	LARGE FIGHT OCCURRING, NO WEAPONS SEEN BUT BELIEVED
16/01/2016	03:53	4220	YM1	THIS IS BETWEEN THE OCG CREW OF WHIT MARINE
16/01/2016	03:54	50641	WVR3	WVM61 Arrived at Incident
16/01/2016	03:54	50641	WVR3	Resource at Scene - Processing Abandoned
16/01/2016	03:54	57589	YM3	ZT22 Automatic STM notification generated
16/01/2016	03:54	57589	YM3	ZT24 Automatic STM notification generated
16/01/2016	03:54	57589	YM3	ZT22 Allocated to Incident
16/01/2016	03:54	57589	YM3	ZT24 Allocated to Incident

16/01/2016	03:54	57589	YM3	ZT22/24 TACTICALLY RELOCATING ONLY AT THIS TIME
16/01/2016	03:55	0	Airwave	WVM65 Arrived at Incident
16/01/2016	03:55	0	Airwave	WVM65 Left Incident
16/01/2016	03:55	50641	WVR3	NO FIGHT AT ALL. THE HARP INN IS ALL LOCKED UP. MAY
16/01/2016	03:55	50641	WVR3	BE F&M
16/01/2016	03:56	1106	WVR2	All Resources Leave Scene/Dispatch Cancelled etc
16/01/2016	03:56	1106	WVR2	WVM61 Arrived at Incident
16/01/2016	03:56	1106	WVR2	REMAINING IN AREA
16/01/2016	03:56	1106	WVR2	WVM65 Arrived at Incident
16/01/2016	03:57	57589	YM3	ZT24 Not attached to this Incident
16/01/2016	03:57	4220	YM1	ZT22 RELOCATING IN AREA IN CASE THERE ARE
16/01/2016	03:57	4220	YM1	REPERSUSSIONS... SEEMS POCKETS OF FIGHTS HAVE
16/01/2016	03:57	4220	YM1	OCCURRED THROUGH THE EVENING.
16/01/2016	04:02	1106	WVR2	NOTED
16/01/2016	04:08	0	Airwave	WVM65 Left Incident
16/01/2016	04:08	1106	WVR2	WVM65 Not attached to this Incident
16/01/2016	04:13	1106	WVR2	WVS21 Arrived at Incident
16/01/2016	04:14	1106	WVR2	Incident Transfer Enquiry - No Action
16/01/2016	04:34	3299	WebOASIS	PREMISES APPEARS CLOSED THERE ARE ONLY A COUPLE OF
16/01/2016	04:34	3299	WebOASIS	CARS PARKED NEARBY NO SIGNS OF ANY PERSONS OR
16/01/2016	04:34	3299	WebOASIS	DISORDER
16/01/2016	04:35	50641	WVR3	All Resources Leave Scene/Dispatch Cancelled etc
16/01/2016	04:35	50641	WVR3	Incident Closed By Terminal WVR3
16/01/2016	04:35	50641	WVR3	Incident End (Result / Close)

Resources

Rank	Name	Collar No	Dispatched	Arrived	Left	Cancelled	Informed	Informed Cancelled	Dealt With	Call Sign
PC	BARYANA	<u>20662</u>	3:53	3:55	3:55					WVM65
PC	POULTON	<u>9121</u>	3:53	3:55	3:55					WVM65
PC	PAUL	<u>22173</u>	3:53	3:54	3:56					WVM61
PC	DAVIES	<u>7283</u>	3:53	3:54	3:56					WVM61
PC	DEAN	<u>6775</u>	3:53			3:56				AD62
PC	BRENTON	<u>20901</u>					3:54	3:56		ZT22
PC	BRADBURN	<u>3253</u>					3:54	3:56		ZT22
PC	FORD	<u>21007</u>					3:54	3:56		ZT24
PC	HUGHES	<u>6135</u>					3:54	3:56		ZT24
PC	PAUL	<u>22173</u>		3:56	4:35					WVM61
PC	DAVIES	<u>7283</u>		3:56	4:35					WVM61

PC	BARYANA	<u>20662</u>	3:56	4:08	WVM65
PC	POULTON	<u>9121</u>	3:56	4:08	WVM65
PS	YAPP	<u>3299</u>	4:13	4:35	WVS21

PNC Results

No PNC checks have been made against this incident

Incorrect use of this facility may be an offence under the Computer Misuse Act 1990 and the data displayed is subject to the provisions of the Data Protection Act 1998.

For further information please see the WebOASIS Help page.

WITNESS STATEMENT

Page No

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of Lee Price

Age if under 18 0/18 (if over 18 insert 'over 18').

Occupation Police Officer

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Signature

Date: 20/01/16

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Detective Constable 8359 Lee Price of West Midlands Police, currently stationed at Wolverhampton Central Police Station on the Gangs Offender Management Team.

On 17th January 2016 I was on duty in company with PC 7161 Holden. We attended the Harp Inn Walsall Street, Wolverhampton to speak with staff following reports of some Gang related disorder that has occurred at the venue during the early hours of 16/01/16 (Friday night out in to Saturday morning).

I watched some CCTV footage at the venue initially and could clearly see that a large number of Urban Street Gang Members from 'The Firetown Crew' from Heath Town were present. There were a number of younger Heath Town Gang nominals at the venue, who use the Gang name 'The 623.'

Also in the venue were nominals from the Reans Crew, who are an Urban Street Gang from the Whitmore Reans area of Wolverhampton.

At 03:27:36 on the footage, I saw a main member of the Firetown Crew from Heath Town leave the dance floor area, walk down the entrance hall and enter what I would describe as the small bar. He punched a main member of the Reans Crew square in the jaw, knocking him flat on his back. The Firetown assailant retreated and went straight outside. The injured party was clearly shaken and did not seem to know where he was. He was on the ground for some time and was helped up by his friends, looking extremely dazed.

The Firetown Crew members have followed the assailant outside, with one or two laughing at what had occurred. The assailant made another attempt to get at the victim, pushing his way through the venue main door but being held back by his friends at the door to the small bar. The Firetown group milled around outside the venue and moved to the top extremity of the footage by the road at the front of the venue.

Sometime later, the victim appears to have got himself together, leaving the venue very angrily, being held back by a number of his friends. It is clear from the outside footage that some type of incident went on off camera, as there is a crowd of people standing and watching.

Signature

2006/07(1)

Signature Witnessed By

Intelligence Report:

Log Reference	Owner	Source	Log Date	Subject	Sub Header	Report Text
5580/16	IWW		16 Jan 2016	VIOLENCE/DISORDER	DISORDER	DURING EARLY HOUSE OF SATURDAY 16TH JANUARY 2016 THERE WAS A DISORDER AT THE HARP INN PUBLIC HOUSE, WALSALE STREET, WOLVERHAMPTON BETWEEN MEMBERS OF THE HEATH TOWN CREW AND WHITMORE REANS. IT IS BELIEVED SEVERAL INDIVIDUALS WERE IN POSSESSION OF KNIVES WHICH WERE USED TO THREATEN BUT NOT ACTIVELY USED. RESEARCH: LOG 379 OF 16/01/2016 MAY REFER TO THE SAME INCIDENT.

BETWEEN

Isaac Green/Garnett McLean
(THE HARP INN)

Appellant

and

WOLVERHAMPTON CITY COUNCIL

Respondent

CONSENT ORDER

UPON the parties agreeing the conditions in appendix 1 attached to this Order

AND UPON the parties agreeing that the said conditions are to be inserted into the Operating Schedule of the premises licence;

BY CONSENT IT IS ORDERED THAT;

1. The case be remitted back to the Licensing Authority for the licence to be amended with the agreed conditions attached hereto
2. All further proceedings in this action be stayed upon the terms set out in this Consent Order.
3. Each party will have permission to apply to the Court to enforce those terms without the need to bring a new claim.
4. Each party shall bear its own costs.
5. The hearing of the Appeal listed for 11 December 2015 be vacated

We hereby consent to an order in the above terms We hereby consent to an order in the above terms

Council Solicitor

Wolverhampton City Council
Civic Centre
St Peter's Square
WV1 1RG

£
Garnett McLean

Isaac Green
The Harp Inn
Walsall Street
Wolverhampton
WV1 3LP

APPENDIX 1

CONDITIONS of Premises Licence for The Harp Inn, Walsall Street, Wolverhampton, WV1 3LP

1. Isaac Green be excluded from the premises at all times, including outside licensable hours, unless by prior agreement with West Midlands Police.
2. Afiya Dalia be excluded from the premises at all times, including outside licensable hours, unless by prior agreement with West Midlands Police.
3. That all current licensable activities as at 08/12/15 be reduced by half an hour at the end of those licensable hours.

RECORD OF TAPED INTERVIEW

ROTI / ROVI / CONTEMPERANEOUS NOTES (Delete as applicable)

Person Interviewed	Mr Garnett Mclean	URN
Place of interview	Wolverhampton Police Station	Police Exhibit No. MJH / 1
Date of Interview	Wednesday 20 th January 2016	Sig _____ bit _____
Time Commenced	09:25 hours	
Time Concluded:	10:30	Duration of interview 1 hour 5 minutes
Audio Tape Reference No.		Visual Image Reference No.
Interviewer(s)	PC 1080 Mitch HARVEY	
Other persons present:	N/A	

Tape Counter Time	Person Speaking	Text
-------------------	-----------------	------

1080 Introductions – Caution given and explained.

1080 Can you please confirm your current job role and title?

GM LICENSEE AND PREMISES LICENCE HOLDER AT THE HARP INN.

1080 How long have you worked there?

GM I TOOK IT ON THE 17th DECEMBER 2015 I HAD DONE SECURITY WORK THERE BEFORE BUT ONLY EVERY NOW AND THEN.

1080 What day to day involvement do you have with the premises?

GM I RUN IT. I AM THERE EVERYDAY, MAKING SURE EVERYTHING IS ALRIGHT. I CLEAN UP, STOCK AND HAVE OVERALL RESPONSIBILITY FOR THE STAFF.

1080 Who looks after the CCTV system?

GM ONE OF THE BARMAIDS KNOWS HOW TO USE IT. WHEN I NEED SOMETHING, I ASK HER AND SHE DOES IT.

1080 Is the time and date stamp correct?

GM THE DATE IS RIGHT BUT THE TIME MIGHT BE OUT BY HALF AN HOUR. I CAN'T REMEMBER IF IT'S EARLY OR LATE.

Signature:

Person Interviewed	Mr Garnett Mclean	URN	
--------------------	-------------------	-----	--

1080 Are you aware of the reason why I have invited you here?

GM TO DISCUSS THE CCTV RELATING TO THE INCIDENT LAST WEEKEND. GM

1080 Tell me what happened during the early hours of Saturday the 16th of January 2016?

GM I WAS WORKING ON THE NIGHT. I SAW TWO GUYS ARGUING ON THE DANCEFLOOR. I WENT ROUND TO SEE WHAT WAS GOING ON. THE PEOPLE ARGUING WENT OFF IN OPPOSITE DIRECTION I ASKED ONE TO LEAVE THE PREMISES AND HE WALKED TOWARDS THE DOOR. AS I HELD THE DOOR OPEN FOR HIM TO GO, THE OTHER ONE HAS COME ROUND THE OTHER WAY INTO THE BAR. THE MAN GAVE FOR THE DOOR SLAPPED BACK INTO THE BAR AND PUNCHED THE OTHER. GM

1080 What time is the venue licensed until?

GM 03:30 GM

I am now going to show you some footage from the CCTV system from the early hours of the 16th of January 2016, there are a few questions I will ask during the viewing.

1080 Who are the women working behind the bar?

GM SATA IS IN THE PINK SHIRT. I DON'T KNOW HER LAST NAME. SHE IS THE BAR SUPERVISOR AND SHE DEALS WITH EMPLOYING BAR STAFF. SHE WAS WORKING THERE BEFORE I TOOK OVER. I DON'T KNOW THE NAMES OF THE OTHERS. GM

1080 What are their roles at The Harp?

GM SATA IS BAR SUPERVISOR, SHE RUNS THE BAR AND BAR STAFF. THE YOUNG LADY IN THE WHITE TOP IS TRAINING. I DON'T KNOW WHO THEY ARE OR REMEMBER THEIR NAMES. GM

1080 How long have they worked there?

GM I DON'T KNOW BUT DEFINATELY BEFORE I TOOK OVER. GM

Signature:

09/2011

Person interviewed Mr Garnett Mclean

URN

1080 Are they on the payroll?

GM YES, CASH IN HAND. I PAY SARA, SHE PAYS THEM. GM

1080 The next set of footage is from later on in the night and people are clearing up. Can you identify yourself in this footage?

GM YES, STOOD NEXT TO SARA. GM

1080 Who are the two males that have just appeared on the footage?

GM THE DJ IS THE CHAP ON THE PHONE, I ONLY KNOW HIM AS COUNTRY. THE OTHER MAN IS MR GREEN. HE USED TO RUN THE PLACE BEFORE I TOOK OVER AND LIVES UPSTAIRS. HE HAD COME TO GE

1080 What are their roles at The Harp? HIS MAIL. GM

GM THE DJ WAS DOING THE MUSIC, MR GREEN HA NOTHING TO DO WITH THE PLACE. I'VE TOLD HIM NOT TO COME DURING OPENING HOURS. GM

1080 Are they on the payroll?

GM THE DJ GOT PAID ON THE NIGHT BUT HE'S NOT REGULAR STAFF. MR GREEN IS NOTHING TO DO WITH IT. GM

END PAGE

This footage now skips back to 03:10 hours and shows the front door. There is a door supervisor there and as you will see, he is letting people in and out of that door.

1080 Why is the knife arch not in use?

GM THE KNIFE ARCH IS USED UP UNTIL 0230. WHEN WE STOP LETTING PEOPLE IN, WE MOVE IT AS IT BLOCKS THE BAR DOOR. GM

1080 At what point in the night was it propped against the wall?

GM BETWEEN 0230 AND 0300. GM

1080 Was the knife arch used at all during that evening?

GM YES. IT WENT UP AROUND 0100, IT DEPENDS HOW BUSY WE ARE. GM

1080 Why is no-one being searched entering this venue?

GM I'M OUTSIDE SEARCHING BEFORE THEY COME IN. GM

1080 Why was no phone call made to Police regarding this incident from anyone at the venue?

GM BECAUSE IT WAS A ONE OFF THING AND I DIDN'T SEE THAT IT WOULD ESCALATE. GM

Signature:

09/2011

Person Interviewed	Mr Garnett Mclean	URN	
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I am now showing you a copy of the consent order agreed on the 8th of December 2015.

1080 Can you confirm that is your signature on the consent order?

GM YES IT IS GM

1080 Can you confirm that the conditions agreed by you at Appendix 1, are what you agreed and signed to back in December?

GM YES GM

1080 Why were Isaac GREEN and Afiyah DALILA on the premises, clearly working during the early hours of the 16th of January 2016 when they are both specifically excluded as part of the licence conditions?

GM MR GREEN CAME IN AFTERWARDS. TO BE HONEST WITH YOU AFIYAH WAS PASSING THROUGH AND I ASKED HER TO STAY AND WORK AS IT WAS VERY BUSY. SHE HAD COME TO PICK SOMEBODY UP AND THAT'S WHEN I ASKED HER. I AGREE I LIED WHEN I SAID I DIDN'T KNOW WHO WAS BEHIND THE BAR. GM

1080 Do you understand that breaching the conditions of the consent order is essentially breaching the conditions of your licence?

GM YES. GM

1080 Is there anything further you wish to add, ask or clarify?

GM NO, NOTHING. GM

Signature:

09/2011

Person Interviewed Mr Garnett Mclean

URN

1080 Please sign to confirm I have handed you a copy of the CCTV disc of footage that I have just shown you :

Please sign to confirm that you have had the opportunity to read the above questions and answers and that you agree it is a true reflection of the interview

...

(*) 1080 THE FOOTAGE SHOWS MR GREEN TIDYING UP, GETTING A BROOM AND VACUUM AND COLLECTING GLASSES. WHY IS THAT? MA
 GM HE LIVES THERE AND HE DOESN'T MIND CHIPPING IN AND HELPING TO TIDY THING UP BUT HE DOESN'T GET PAID. *GM*

Signature:

08/2011

Premises Licence

Issued in accordance with The Licensing Act 2003

Name of Premises: The Harp Inn

Address of Premises: The Harp
Walsall Street
Eastfield
Wolverhampton

Premises Licence Number: WN/14/01354/PRE- Premises Licence Variation

Date of Last Update: 6th June 2014

1. Opening hours of the premises

Normal Hours: Monday to Thursday 1100hrs to 0030hrs
Friday to Sunday 1100hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

Activity: Recorded Music

Normal Hours: Monday to Thursday 1100hrs to 2330hrs
Friday to Sunday 1100hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Facilities for dancing

Normal Hours: Monday to Thursday 1100hrs to 2330hrs
Friday to Sunday 1100hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Late Night Refreshment

Normal Hours: Monday to Thursday 2300hrs to 2330hrs
Friday to Sunday 2300hrs to 0400hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Sale/Supply of alcohol on the premises

Normal Hours: Monday to Thursday 1100hrs to 2330hrs
Friday to Sunday 1100hrs to 0330hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Sale/Supply of alcohol off the premises

Normal Hours: Monday to Saturday 1000 to 2230hrs
Sunday 1200 to 2230hrs

Seasonal Variations: None

Non Standard Hours: Good Friday 1200 to 2230hrs
Christmas Day 1200 to 1500 & 1900 to 2230hrs

3. Name of the designated premises supervisor if the sale of alcohol is involved

Afiya Dalila

Personal Licence Number – PER2254

Issued by - Wolverhampton City Council

4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003

5. Name, (registered) address of the holder of the premises licence

Isaac Green

65 Junction Road

Bilston

Wolverhampton

WV2 2PB



N.P. Edwards

Assistant Director - Regeneration

On behalf of Wolverhampton City Council

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:
- (2) The first condition is that no supply of alcohol may be made under the premises licence:-
- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions where the licence authorises supply of alcohol: 2010

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.— (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Mandatory Licensing Condition banning the sale of alcohol below the cost of VAT and duty: 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula $P = D + (D \times V)$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iv) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed:-

- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licence authorising plays or films), or
- (b) In respect of premises in relation to –
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purpose of this section:-

- (a) "Security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and
- (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Conditions consistent with the Operating Schedule

Historic Permissions consistent with the Justices Licence as converted under the Licensing Act 2003

This licence is granted subject to any restrictions imposed on the use of the premises by the following enactments:

- Children and Young Persons Act 1933
- Cinematograph (Safety) Regulations 1955
- Licensing Act 1964
- Sporting Events (Control of Alcohol Etc) Act 1985

Provision of substantial refreshment

Hot food or hot drinks may be provided in line with alcohol sales with an additional thirty minutes thereafter.

Recorded Music

- The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964.

New Years Eve

The Regulatory Reform (Special Occasions Licensing) Order 2002.

- Where this licence does not otherwise permit, on New Years Eve these hours may be extended from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

General

- I fully train my staff and am committed to continue doing this.
- All staff are aware of the Law in relation to underage drinking and the accompaniment of Children by Adults onto licensed premises

The prevention of crime and disorder

- All staff are trained to be vigilant and to be able to identify possible problems before they escalate.
- We regularly employ between 2-4 Fully Licensed door staff depending on the anticipated crowd size.
- The licensed area will be covered by CCTV.
- All tapes shall be retained for at least one month and shall be kept at the premises.

Variation dated 06/06/2014

- A CCTV system with recording equipment shall be installed and maintained at the premises.
- 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.
- Images/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 time and date 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 systems images should any member of a Responsible Authority make a request.
- 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 West Midlands Police. Incident log book to be produced to a member of a Responsible Authority upon request.
- To ensure compliance with Challenge 25 a 'refusals book' where any sale of alcohol is refused to persons who present themselves to be under age.
- 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.

Public safety

- All staff are trained to be vigilant and to be able to identify possible problems before they escalate.
- All fire exits are clearly marked
- The capacity of the premises will be restricted to 110 persons at all times
- During discos and dances a third ladies toilet shall be made available for public use

The prevention of public nuisance

- All staff are trained to be vigilant and to be able to identify possible problems before they escalate.
- We regularly employ between 2-4 fully Licensed door staff depending on the anticipated crowd size.
- No noise nuisances will be caused to nearby businesses or residents

Variation dated 06/06/2014

- After 22:00 hours, SIA registered door supervisors, one of which will be female, shall be employed at the minimum of 1:55 customers (or part thereof) at the premises.
- A register will be maintained of all persons engaged as door supervisors to include the name and SIA number of the staff and the time and date duties commenced and finished.

The protection of children from harm

- We have designated area to children, which is a no smoking area and we also encourage a policy of no smoking at the bar.
- All staff are aware of the Law in relation to underage drinking and the accompaniment of Children by Adults onto licensed premises.

Variation dated 06/06/2014

- 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.

Plans

As submitted with application dated 06/08/2005 and retained by Wolverhampton City Council.

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CITY OF
WOLVERHAMPTON
COUNCIL

Mr R Edge
Licensing Service
Wolverhampton City Council
St Peter's Square
Wolverhampton
WV1 1DA

2 February 2016

Dear Mr Edge

**Application for a Review of a Premises Licence under Licensing Act 2003
The Harp Inn, Walsall Street, Wolverhampton WV1 3LP – PRE 715**

I write on behalf of the Licensing Authority as a responsible authority. I write in support of the above review application made by Chief Constable of West Midlands Police. Representations are made against the crime and disorder and public safety licensing objectives and the failure of the current management of the premises to promote these licensing objectives.

The premises licence holder, Garnett McLean who is also the designated premises supervisor and the management of the premises have not demonstrated they are operating in accordance with their premises licence and therefore are not promoting the licensing objectives of crime and disorder and public safety.

The issues raised by the Police relate to a serious incident of assault that took place on 16 January 2016 at the premises in full view of Garnett McLean the premises licence holder and designated premises supervisor.

Mr McLean has also allowed the previous premises licence holder Isaac Green and designated premises supervisor Afiya Dalia to work at the premises even though the premises licence explicitly excludes them from the premises at all times unless by prior agreement with the West Midlands Police. This shows a blatant disregard to the licensing objectives by the premises licence holder and the management of the premises.

If Councillors are satisfied that illegal activities have taken place at the premises and are in breach of promoting the licensing objectives, the Licensing Authority would request the Licensing Sub-Committee ensure these issues are addressed by considering modification of the current premises licence in accordance with Section 52 of The Licensing Act 2003 and guidance issued by the Secretary of State under 182 of the Act together with Wolverhampton City Council's Statement of Licensing Policy.

City of Wolverhampton Council
Licensing Services, Civic Centre
Wolverhampton WV1 1DA

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Councillors may conclude from the evidence given within the review application and at the hearing in order to promote the licensing objectives it is necessary to suspend or revoke the licence due to the serious nature of the incident at the premises.

The Licensing Authority fully supports the review application brought by the West Midlands Police and concludes the above issues should be resolved in order to promote the licensing objectives of crime and disorder and public safety.

I shall be in attendance at the hearing should Councillors have any questions or require any further assistance.

Yours sincerely

E Moreton
Section Leader Licensing
On behalf of the Licensing Authority

Copy: Premises Licence Holder

Direct: 01902 555033

Email: Elaine.Moreton@wolverhampton.gov.uk