

Licensing Sub-Committee

Minutes - 16 May 2017

Attendance

Chair Cllr Alan Bolshaw (Lab)

Sub-Committee Members

Cllr Rita Potter
Cllr John Rowley

Employees

Joanne Till	Section Leader – Licensing
Jacky Bramley	Senior Legal Executive (<i>agenda item 3</i>)
David Abel	Solicitor (<i>agenda item 5</i>)
Mike Hooper	Democratic Services Officer
Chris Howell	Licensing Manager (<i>observing</i>)

Responsible Authorities

Elaine Moreton	Section Leader – Licensing
Parpinder Singh	Public Health Development Officer
Acting Inspector Lee Davies	West Midlands Police

Licence Applicants

Agenda item 3:

Mr Leo Charalambides,	Barrister representing Lockett & Co on behalf of Shell UK Oil Products Limited
Mr Corrigan Lockett	Lockett & Co on behalf of Shell UK Oil Products Limited

Agenda item 5:

Mr Balbir Singh	Applicant
Mr Surinder Buray JP	Reade Buray Associates on behalf of applicant
Mr Rarvinder Singh	

Other Persons (agenda item 3)

Councillor Dr Mike Hardacre	Park Ward Member
Mr Mark Vaughn	Local resident
Ms Gill Price	Local resident
Dr Paul Henderson	Local resident
Mrs Margaret Needham	Local resident
Mr Andrew Imrie	Local resident
Mr Clint Osborne	Local resident

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

Councillor Bolshaw stated that he lived in Park Ward but not in the vicinity of the Tettenhall Road Shell Triton and he was not a customer of the business.

3 Licensing Act 2003 - Application for a Premises Licence in Respect of Shell Triton, 95 Tettenhall Road, Wolverhampton, WV3 9NQ (10:00 am)

An application for a Premises Licence in respect of Shell Triton, 95 Tettenhall Road, Wolverhampton, WV3 9NQ, was considered following representations received from West Midlands Police, the Licensing Authority, Public Health and Other Persons.

The Chair detailed the procedure to be followed. All parties confirmed that they understood the procedure.

Ms J. Till, Section Leader, Licensing, provided an outline of the application. All parties confirmed that the summary was accurate.

The Chair invited the applicant to present the application. Mr Leo Charalambides, Barrister representing Lockett & Co on behalf of Shell UK Oil Products Limited, did so. Mr Corrigan Lockett confirmed that the information presented was accurate.

The Chair afforded all parties present the opportunity to question the applicant in relation to its representation. Mr Charalambides and Mr Lockett provided responses to questions asked.

The Hearing adjourned for 10 minutes to allow Mr Charalambides to make a telephone call to gain instruction from Shell Triton following proposals from West Midlands Police to amend the licensed hours and staffing arrangements of the premises.

During the adjournment a number of persons present left the room. Upon checking that all had returned before reconvening the meeting, the Chair recognised that a local resident that had submitted representations, Ms Gill Price, had not returned. He then asked an attendee representing a responsible authority that had also left and returned to the room if they had seen Ms Price. Ms Price then returned.

Mr Charalambides had been unable to contact the appropriate persons and therefore could not respond to the proposals from the Police.

The Chair invited West Midlands Police to make representations. Acting Inspector Lee Davies, made representations.

The Chair invited all parties present to question the Police in relation to its submission. Acting Inspector Davies provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton, Section Leader – Licensing, did so.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mrs Moreton provided responses to questions asked.

The Chair invited Public Health to make representations. Mr Parpinder Singh did so.

The Chair invited all parties present to question Public Health in relation to its submission. Mr Singh provided responses to questions asked.

The Chair invited Other Persons to make representations. They did so in the following order:

Councillor Dr Mike Hardacre – Park Ward Member
Mr Mark Vaughn – local resident
Ms Gill Price – local resident
Dr Paul Henderson – local resident
Mrs Margaret Needham – local resident
Mr Andrew Imrie – local resident
Mr Clint Osborne – local resident

Following each representation the Chair invited all parties present to question the individual in relation to their submission. Questions were asked of Cllr Dr Hardacre, Mr Vaughan, Ms Price, Dr Henderson, Mrs Needham, Mr Imrie and Mr Osborne, to which they provided responses.

Representations had also been received from the following Other Persons that had been unable to attend to address the Sub-Committee:

Councillor Roger Lawrence – Leader of the Council
Councillor Craig Collingswood – Park Ward Member
Councillor Claire Darke – Park Ward Member
Mr Steve Rayner – local resident
Mrs Jane Henderson – local resident
Mr Tim Taylor – local resident

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

West Midlands Police, Public Health and the Licensing Authority all stated that they had nothing further to add.

Mr Vaughan, Cllr Dr Hardacre, Mr Singh, Mrs Moreton and Mr Charalambides made closing statements. All other parties stated that they had nothing further to add.

All interested parties, with the exception of the Council's Legal Advisor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Legal Advisor.

Resolved:

The Sub-Committee have taken account of all the written concerns raised in respect of Shell Triton, 95 Tettenhall Road, Wolverhampton, WV3 9NQ and have listened carefully to the arguments of those who have spoken at this hearing.

The Sub-Committee have decided that the application made by Shell Triton should be granted as applied for, subject to the conditions detailed below. It is considered by the Sub-Committee that the following conditions should be attached in support of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm Licensing Objectives:

1. A CCTV system with recording equipment shall be installed and maintained at the premises in accordance with the requirements of West Midlands Police. This will include the number of cameras and their location and the image quality.
2. Recordings will be kept for up to 31 days.
3. Images/recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without undue delay.
4. A paginated Incident Log must be maintained at the premises and a written record of any incident that may impact on the licensing objectives and occurs either within the premises or the premises forecourt must be appropriately recorded. Where it is deemed appropriate, the incident must be reported to West Midlands Police. The incident log will be checked and signed off on a regular basis by a supervisor and will be produced to a member of a Responsible Authority upon request.
5. To ensure compliance with Challenge 25, a refusals log will be made in the Refusals Book where any sale of alcohol is refused due to persons believed to be under age. The refusal log will be checked and signed off by a supervisor on a regular basis.
6. All instances of refusals to sell alcohol to be recorded in the Refusals Book. If a refusal lead to a situation where an incident occurred then that would be recorded in the Incident Log.
7. No sales of single cans/bottles of beer, lager or cider to be stocked or sold.
8. There will be no beer, lager or cider of an ABV of 6.5% or over stocked or sold. PSPO (Public Space Protection 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.
9. 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 under age persons.
10. All staff (involved with the sale of alcohol) to receive initial training with refresher training every 6 months thereafter on their responsibilities with regard to licensing legislation. Training to be documented and shown to a member of any Responsible Authority upon request.
11. Spirits (with the exception of spirit mixers and pre-mixed spirit drinks) will be located behind the counter.

12. A record of individuals who are not permitted to purchase alcohol from the premises will be kept. The DPS/retailer will keep the record up-to-date through on-going communication with the Licensing Authority, Police Licensing Officer, the Solace Community and Recovery Near You.
13. The Premises Licence Holder to keep under review the risk assessment in respect of staffing levels at no later than six monthly intervals and, if required, to increase staffing levels in light of that risk assessment.

This decision can be appealed to the Magistrates Court within 21 days from receipt of this decision. In the event an appeal is lodged and dismissed by the Court the Council will apply for its costs in defending the appeal.

4 **Adjournment**

The meeting adjourned for lunch.

5 **Licensing Act 2003 - Application for a Premises Licence in Respect of Newstop 64 High Street, Wednesfield, Wolverhampton, WV11 1SZ (2 pm)**

An application for a Premises Licence in respect of Newstop, 64 High Street, Wednesfield, Wolverhampton, WV11 1SZ, was considered. The premises was within a Cumulative Impact Zone and representations had been received from West Midlands Police, the Licensing Authority, Public Health and Other Persons.

The Chair detailed the procedure to be followed. All parties confirmed that they understood the procedure.

Ms J. Till, Section Leader, Licensing, provided an outline of the application. All parties confirmed that the summary was accurate.

The Chair invited the applicant to present the application.

Mr Surinder Buray JP of Reade Buray Associates on behalf of the applicant, Mr Balbir Singh, requested the agreement of the Sub-Committee to submit additional supporting information. The Sub-Committee declined the request on the grounds that Mr Buray had been notified by the Democratic Services Officer that any additional information should be submitted prior to the day of the Hearing. It would not be reasonable to permit the applicant to submit supporting information when all other parties had not been afforded that opportunity.

Mr Buray presented the application, supported by the applicant and Mr Rarvinder Singh.

The Chair afforded all parties present the opportunity to question the applicant in relation to its representation. Mr Buray, the applicant and Mr B. Singh provided responses to questions asked.

The Chair invited West Midlands Police to make representations. Acting Inspector Lee Davies, made representations.

The Chair invited all parties present to question the Police in relation to its submission. Acting Inspector Davies provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton, Section Leader – Licensing, did so.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mrs Moreton provided responses to questions asked.

The Chair invited Public Health to make representations. Mr Parpinder Singh did so.

The Chair invited all parties present to question Public Health in relation to its submission. Mr Singh provided responses to questions asked.

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

West Midlands Police, the Licensing Authority and Public Health all stated that they had nothing further to add.

Mr Buray made a closing statement on behalf of the applicant.

All interested parties, with the exception of the Council's Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Senior Solicitor.

Resolved:

The Sub-Committee was asked to consider an application for a Premises Licence In respect Of Newstop, 64 High Street, Wednesfield, Wolverhampton, WV11 1SZ.

The Sub-Committee considered the written and verbal submissions of the applicant and written and verbal representations from West Midlands Police, the Licensing Authority and the Local Health Board. It also considered written representations from Other Persons (local residents), who were not present at the Hearing.

The Sub-Committee were of the view that the needs of the local community should be reflected in its decision and Members were not satisfied that the conditions proposed in respect of the application were sufficient to address the concerns raised by the Responsible Authorities through their representations.

The Sub-Committee were satisfied that the Cumulative Impact Policy was relevant to the application due to:

- (a) the premises being located within the Cumulative Impact Zone;
- (b) the licensable activity applied for at the premises is to include sale of alcohol or late night refreshment;
- (c) the likelihood that the activity will have an impact on the Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives.

The Sub-Committee had regard to the Licensing Objectives and the fact that it 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. The Applicant did not rebut this presumption and the Sub-Committee were not satisfied of the need to grant the application. The application was therefore refused.

This decision can be appealed to the Magistrates Court within 21 days from receipt of this decision. In the event an appeal is lodged and dismissed by the Court the Council will apply for its costs in defending the appeal.