

Licensing Sub-Committee

Minutes - 11 October 2017

Attendance

Chair Cllr Alan Bolshaw (Lab)

Sub-Committee Members

Cllr Rita Potter
Cllr Patricia Patten

Employees

Sarah Hardwick	Senior Solicitor
Joanne Till	Section Leader Licensing
Donna Cope	Democratic Services Officer

Responsible Authorities

Parpinder Singh	Public Health Development Officer
Acting Inspector Lee Davies	West Midlands Police

Licence Applicants

Mr Tilak Raj	Premises Licence Holder / Applicant
Mr Rohit Saharan	Son of Applicant
Mr Steve Hamblett	Solicitor

Other Persons

Ms Jacqueline Smith	Local Resident
Ms Nikki Smith	Local Resident

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Elaine Moreton, Licensing Authority.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Variation of a Premises Licence in respect of Super Stop, 25 Market Street, City Centre, Wolverhampton, WV1 3AE.

An application for a Premises Licence in respect of Super Stop, 25 Market Street, City Centre, Wolverhampton, WV1 3AE 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 Joanne Till, Section Leader, Licensing, provided an outline of the application. This led to discussions regarding representations from Environmental Health. After clarification from the Democratic Services Officer, it was established that Environmental Health had indicated they were withdrawing their representations. However, EH had also submitted proposed conditions which could be added to the premises licence in the event the variation application was granted.

Sarah Hardwick, Senior Solicitor, advised the Sub-Committee that the law did not permit EH to withdraw representations and still submit conditions to modify a licence. Following discussion, the LSC determined that on the evidence it was likely that the intention of EH was to propose modification, through conditions, to the licence and therefore not withdraw representations made.

The Chair invited the applicant to present the application. Mr Steve Hamblett, Solicitor representing the applicant Mr Tilak Raj, did so. He stated the hours applied for on the application form were incorrect and confirmed they should be as follows:

Opening Hours:

Sunday to Thursday – 10.00 – Midnight

Friday & Saturday – 10.00 – 02.00

Sale/Supply of Alcohol off the premises:

Sunday to Thursday – 10.00 – Midnight

Friday & Saturday – 10.00 – 02.00

Provision of Late Night Refreshment:

Sunday to Thursday – 23.00 – Midnight

Friday & Saturday – 23.00 – 02.00

Mr Hamblett then confirmed that in addition to the security measures stated on the initial application, the applicant also intended to put SIA trained door staff on the premises on Friday and Saturday from 23.00 to 02.00.

Mr Tilak Raj confirmed that the information presented was accurate.

The Chair questioned why the applicant had not applied for Regulated Entertainment despite their application stating they intended to play music on a small radio. Joanne Till, Section Leader, Licensing, explained the definition of Regulated Entertainment and that permission for the type of music to be played was not required.

The Chair afforded all parties present the opportunity to question the applicant in relation to its representation. Mr Hamblett, Mr Raj and Mr Rohit Saharan, son of applicant, provided responses to questions asked.

During this time Ms Nikki Smith, Jacqueline Smith's sister, posed a question to the applicant and Sarah Hardwick, Senior Solicitor, advised that as she had not submitted formal representations she was not permitted to speak during the hearing.

The Chair invited Other Persons to make representations. Ms Jacqueline Smith, resident and business owner did so.

The Chair invited all parties present to question Ms Jacqueline Smith in relation to her submission. Ms Jacqueline Smith 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 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.

Ms Jacqueline Smith and Mr Parpinder Singh stated that they had nothing further to add.

Inspector Lee Davies and Mr Hamblett made closing statements.

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 Solicitor.

Resolved:

The Sub-Committee have taken note of all written concerns raised in respect of the application for a variation to the premises licence for Super Stop, 25 Market Street, City Centre, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

The Sub-Committee are satisfied that the Cumulative Impact policy applies to these premises and that therefore there is a rebuttable presumption of non- grant.

The Sub-Committee are satisfied that the applicant has failed to provide sufficient evidence to illustrate that the premises will not add to the cumulative impact already experienced and therefore to rebut the presumption of non-grant.

It is established that there are already issues of crime and nuisance in this area of Wolverhampton fuelled by the provision of alcohol and late night refreshment. The applicant has proposed practices to be implemented to help prevent any variation of licence adding to current problems however, Responsible Authorities make it clear these provisions would not be sufficient and past behaviour of the applicant whilst managing other licensed premises, to include the sale of alcohol to an intoxicated person, further shows failure to demonstrate they will not add to existing problems.

The application for variation of the premises licence is therefore refused.

All parties have a right of appeal to the Magistrates Court within 21 days of 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.