



Licensing Sub-Committee

Minutes – 2 April 2014

Attendance

Members of the Sub-Committee

Cllr Alan Bolshaw (chair)
Cllr Harman Banger
Cllr Patricia Patten

Employees

Sarah Hardwick	Senior Solicitor
Rob Edge	Section Leader (Licensing)
Linda Banbury	Democratic Support Officer

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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BUSINESS ITEMS

- Apologies for Absence**
There were no apologies for absence.
- Declarations of interest**
No interests were declared.

DECISION ITEMS

- Licensing Act 2003 – Application for review of a premises licence in respect of the Kings Arms, 434-435 Dudley Road, Blakenhall, Wolverhampton**
In attendance
For the premises
Mr D N Chand - Premises Licence Holder
Mr A Dhanda – Leaseholder

Applicant for review
Sergeant A S Reeves
and PC L Davies - West Midlands Police

Responsible Authorities

Jayne Freeman-Evans - Environmental Health (Commercial)

An apology was submitted on behalf of Elaine Moreton - Licensing Authority.

The chair introduced the parties and outlined the procedure to be followed at the meeting.

The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance.

Sergeant Reeves outlined the application for review of the premises licence as detailed at Appendix 3 to the report of Licensing Services, which had been brought in the interests of the promotion of the prevention of crime and disorder and protection of public safety licensing objectives. He acknowledged that the issues relating to the electrical and gas meters and employment of persons who were not allowed to work in the United Kingdom were not the responsibility of the current Premises Licence holder. However, visits to the premises during March had suggested that alcohol may have been sold outside the allocated licensing hours and it had still not been possible to obtain the requested CCTV footage. The Police had been informed that the events, which took place after the licensed hours, on 16, 22 and 28 March were private parties, although no prior notification had been received advising of the functions. The continuation of problems at the premises led to the belief of the Police that the licence should be revoked.

During the period of questioning and on a point of clarification, Jayne Freeman-Evans advised that multi-agency visits had been undertaken to various premises for a number of years. Western Power Electrical had made a specific request to accompany the agencies on the visit to the Kings Arms.

Sergeant Reeves supplied the Solicitor with suggested licence conditions relating to working tills and the CCTV system.

At this juncture the Premises Licence Holder presented his case, supported by the leaseholder, Mr Dhanda advised that the CCTV was now in working order and till receipts were available, adding that the events mentioned by the Sergeant were private parties. Mr Chand outlined the changes to be made to the premises including refurbishment and a change of clientele.

Responding to questions, Mr Chand advised that he intended to spend more time at the premises in the future, when his other business allowed and was currently seeking business premises in the area. He added that Mr Dhanda and his younger brother currently staffed the Kings Arms. He confirmed that the premises would be incorporating food into the offer to customers. He further advised that he had approximately five years' experience in the licensed trade and had worked in a premises in Telford. Mr Dhanda indicated that he was aware that the premises had had issues in the past, but was not aware of the extent of the problems prior to meeting with the Police. He advised that recordable CCTV footage had been available since 27 March and working tills, showing dates and times, had been available from the first day of trading. He advised that the Police would have been able to view the footage from 27 March if they had returned to do so after midnight.

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

EXCLUSION OF PRESS AND PUBLIC

4. Exclusion of press and public

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting at this point.

Part 2 – exempt items, closed to the press and public

5. Deliberations and decisions

The Sub-Committee discussed the issues which had been raised during consideration of the premises licence review and the Solicitor advised them of the options open to them in determining the application.

6. Re-Admission of Press and Public

Resolved:

That the press and public be readmitted to the meeting.

Part 1 – items open to the press and public

9. Announcement of Decision

The parties returned to the meeting and the Solicitor read out the decision of the Sub-Committee as follows:

An application has been made by the West Midlands Police for a review of the premises licence in respect of the Kings Arms, 434-435 Dudley Road, Blakenhall, Wolverhampton. At this hearing to review the premises licence, the Licensing Sub-Committee has listened carefully to all the representations made by the persons who have spoken at the hearings. They have considered all the evidence presented and have found the following facts:

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Linda
Banbury

1. There is a long history of problems with the premises.
2. On 11 January 2014 two Asian males were discovered at the premises who were not allowed to work in the United Kingdom.
[Paragraph 11.27 of the Section 182 guidance provides that certain criminal activity that may arise at the premises should be treated particularly seriously; this includes employing persons unlawfully in the United Kingdom]
3. Electrical and gas meters have been tampered with at the premises and a gas leak was evident on one occasion.
4. There is evidence that alcohol has been served outside licensing hours.

The Sub-Committee accept, however, that 2 and 3 above occurred prior to the current Premises Licence Holder and Designated Premises Supervisor taking control of the premises, are satisfied that there is no current criminal activity of this nature and have therefore disregarded them.

However, the Sub-Committee note that on 16 March, 22 March and 28 March 2014 events took place at the premises and evidence of police suggests that alcohol may have been sold outside the allocated licensing hours.

Based upon the above and having regard to the application and relevant representations made, the Sub-Committee have decided it is appropriate to modify the conditions of the licence permanently.

The modified conditions are as follows:

1. There must be working tills at the premises with time analogy.

2. (i) A CCTV system with recording equipment shall be installed and maintained at the premises, including entry and exit points. It is also to include all bar areas to cover serving across the bar as well as covering the main public areas inside and outside the premises. The beer garden is a main public area, as well as both open areas near to both bars and the rear area next to the kitchen.
- (ii) 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.
- (iii) Images/recordings must be of evidential quality, showing the correct time and date and be kept for at least 31 days.
- (iv) At least one member of staff to be on duty who is trained to download the CCTV system should any member of a Responsible Authority make a request.

The above actions are considered necessary and proportionate action for the promotion of the prevention of crime and disorder licensing objective.

An appeal may be made to the Magistrates' Court against the decision by the applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of this decision.