

Statutory Licensing Sub-Committee

Minutes - 11 October 2022

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Gillian Wildman

Cllr Wendy Dalton

Premises Licence Applicant

Mr Baljit Singh Batiya

Kimran Foods Limited

Responsible Authorities

Stephanie Reynolds

Amitabh Singh

West Midlands Police

Licensing Authority

Employees

Anita Chonk

Dave Abel

Angela Bernard

Donna Cope

Jacob Stokes

Jas Kaur

Senior Licensing & Compliance Officer

Senior Solicitor

Senior Solicitor (Observing)

Democratic Services Officer

Democratic Services Officer (Observing)

Democratic Services Manager (Host)

Item No. *Title*

1 Apologies for absence

Apologies were received from Neil Aston-Baugh, West Midlands Fire Service.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a new Premises Licence in respect of Snappy Tomato Pizza, 12 Worcester Street, Wolverhampton, WV2 4LD

An application for a Premises Licence in respect of Snappy Tomato Pizza, 12 Worcester Street, Wolverhampton, WV2 4LD was considered following representations received from West Midlands Police, the Licensing Authority and West Midlands Fire Service.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so.

It was noted that West Midlands Police (WMP) had submitted additional information by email to Licencing Services and the Applicant on 5 October 2022 which the Applicant had received but Licensing Services had not.

Evidence was provided by WMP confirming that the supplementary information had been sent to Licensing Services, and it was agreed that the hearing be adjourned for ten minutes so the additional information could be circulated and considered.

The Sub-Committee adjourned at 10.35 hours.

The Hearing reconvened at 10.45 hours.

The Chair outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

Anita Chonk, Senior Licensing and Compliance Officer provided an outline of the application. Mr Baljit Singh Batiya, Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Baljit Singh Batiya did so as per Appendix 1 of the report. He stated the following:

- The concerns raised within the evidence from West Midlands Police related to a business that he no longer owned.
- No alcohol would be sold on the premises and no sales of alcohol over 6.5% by volume would be allowed.
- No anti-social behaviour would occur as a delivery service would operate and there would be no collections from the premises.

The Chair afforded all parties present the opportunity to question the Applicant in relation to his submission. Mr Baljit Singh Batiya responded to questions asked and stated the following:

- There would be no collection of alcohol from the premises.
- There would be no single sales of alcohol in cans.
- He would not sell to underage customers.
- He was a responsible person.
- He had never sold counterfeit cigarettes and the police statement was incorrect.
- If the business did not work out, he would close it.
- He had sold his previous business years ago, but his name had still been on the licence.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Licensing Section Leader, did so as per Appendices 3 and 6 of the report. He stated that the Licensing Authority had mediated with the Applicant and licence conditions had been agreed.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. Amitabh Singh responded to questions asked.

The Chair invited West Midlands Police (WMP) to make representations. Sgt Steph Reynolds did so as per Appendix 4 of the report and supplementary documents. She stated the following:

- The Applicant was responsible for other premises where the police had needed to intervene.
- They had no confidence in the Applicant to uphold the Licensing Objectives.
- The Applicant was not a responsible person.
- The Applicant had other premises where he could sell alcohol from.
- They were not satisfied with the conditions agreed by the Licensing Authority and requested that a further 18 conditions be added if the licence were granted.
- The application should be refused.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Sgt Reynolds responded to questions asked, and as the proposed conditions had not been circulated to all parties prior to the hearing, they were not accepted by the Sub-Committee.

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

West Midlands Police, the Licensing Authority and the Applicant made a final statement.

David Abel, Senior Solicitor, provided legal guidance to Members and reminded them of their available options.

Mr Baljit Singh Batiya, Anita Chonk, Amitabh Singh and Sgt Steph Reynolds withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 12.00 hours.

The Hearing reconvened at 13.00 hours.

Mr Baljit Singh Batiya, Anita Chonk, Amitabh Singh and Sgt Steph Reynolds re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

The Licensing Sub-Committee listened carefully to all of the representations made by those in attendance and carefully considered the paperwork placed before them. They also had regard to the guidance issued by the secretary of state under section 182 of the Licensing Act 2003 and Wolverhampton Council's Licensing Policy Statement.

The application was made by Kimran Foods Ltd and related to the provision of late-night refreshment between the hours of 11.00pm and 1.00am, seven days a week. The premises operated as a Pizza Takeaway with delivery service which included the supply of Alcohol and Tobacco, and a representation to the application had been received from West Midlands Police.

The steps that may be taken by the Sub-Committee on an Application for a Premises Licence are to:

- a) Grant the Licence subject to Conditions.
- b) Exclude a licensable activity to which the Application relates from the scope of the licence.
- c) To refuse to specify a person as a Premises Supervisor.
- d) To reject the application.

The Sub-Committee heard from all of those in attendance and considered the written representations before them.

The Sub-Committee heard from the Licensing Authority that they had mediated with the Applicant and agreed conditions. The Applicant had also volunteered conditions that a refusals register be used and there would be no single sales of alcohol in cans.

The Sub-Committee heard from West Midlands Police that they had no confidence in the Applicant to uphold the Licensing Objectives. They did not consider him to be a suitable person. West Midlands Police agreed that they had not provided the Sub-

Committee with any evidence that the Applicant had breached licence conditions other than an email and unsigned Witness Statement.

West Midlands Fire Service did not attend but had agreed mediated actions with the Applicant.

The Sub-Committee heard from the Applicant that he had sold his previous business and the concerns which had been raised related to this previous business. He told the Committee that no alcohol would be sold on the premises and that no sales of alcohol over 6.5% by volume would be allowed. No anti-social behaviour could occur as a delivery service would operate and there would be no collections from the premises.

At the hearing, which took place at 10.30am on 11 October 2022, the Licensing Sub-Committee resolved to Grant the Licence Subject to Conditions in respect of Snappy Tomato Pizza, 12 Worcester Street, Wolverhampton, WV2 4LD.

The Application was granted in the terms sought with the following Conditions:

1. The Licence will be granted for a six-month Trial Period.
2. No off sales of alcohol will be provided to customers from the premises itself. Alcohol will only be offered as part of a delivery order and only permitted as an addition to food orders.
3. Sales of alcohol are not to include any super strength lagers, beers or ciders where strength exceeds 6.5% ABV (alcohol by volume) and there are to be no single sales of alcohol in cans.
4. All customer facing staff to receive training from an Accredited Licensing Firm before their first shift when the premises is open to the public and refresher training every six months on their responsibilities with regard to licensing legislation. Training will also cover Challenge 25, personal safety, conflict management, recognising signs of drunkenness, how to refuse service, the premises' duty of care, safe evacuation of the premises, and the conditions in force under this licence. This training must be documented and produced to an officer of a responsible authority upon request.
5. Alcohol shall be delivered to a residential or business address only and shall not be delivered to a person in a public place, eg a car park, a street corner, a bus stop etc.
6. The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age. Proof of age will only comprise a passport, photocard driving licence, an EU/EEA national ID card or a card bearing the PASS hologram.
7. When age-restricted goods are delivered to a customer's address, the person who takes receipt of the goods must be subject to Challenge 25 verification. Where age verification is required, an original valid photographic identity document must be provided.
8. All delivery drivers will undertake Challenge 25 verification at point of delivery. All transactions are to be documented electronically, in a Refusal's Register detailing the order number, recipient and delivery address. This record is to be made available to any responsible authority if requested.

9. Delivery staff shall be over 18 years of age. Where a delivery driver has concerns further to child protection at any address to which alcohol has been delivered, these concerns shall be made known to the premises licence holder with a minimum of delay, whereupon the premises licence holder shall report the matter to Wolverhampton Council's Emergency Duty Team.
10. There will be no collections of alcohol or tobacco from the Premises.
11. The premises will install and operate a CCTV System covering the premises and all points of sale which shall record continuously, with all recordings to be stored for a minimum period of 31 days and the recordings to be made immediately available to Police or an Officer of a Responsible Authority on request.

The above conditions were implemented with regard to furthering the Licensing Objectives of Public Safety and the Prevention of Children from harm, and these conditions were voluntarily proposed by the Applicant who stated the intention to co-operate with all parties in upholding the Licensing Objectives.

The Licensing Sub-Committee took the view that the implementation of conditions which were agreed between the parties were necessary and proportionate to uphold the licensing objectives. The Sub-Committee also clarified that their decision was made solely on the furthering of the Licensing Objectives and not as enforcement action under any other legislation.

There was a Right of Appeal available to all parties to the local Magistrates Court within 21 days from receipt of the decision letter should they feel aggrieved by this decision.