

Statutory Licensing Sub-Committee

Minutes - 12 June 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Zee Russell (Chair)

Councillor Rashpal Kaur

Applicant

Oisin Daly

Jas Singh

Sukhvinder Kaur

Agent for the Applicant

Responsible Authorities

Amitabh Singh

Ryan Hollings

Emily Fellows

Sgt Gemma Turner

Licensing Authority

Public Health

Environmental Health

West Midlands Police

Other Persons

Martin Cartwright

Ken Wordley

Employees

Debra Craner

Bankole Thomas

David Abel

Jacob Stokes

Licensing Section Leader

Licensing Solicitor

Senior Solicitor (Observer)

Democratic Services Officer

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Councillor Gillian Wildman, Councillor Craig Collingswood and 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 The Connaught Hotel, 44-50 Tettenhall Road, Wolverhampton, WV1 4SW

An application for a Premises Licence in respect of The Connaught Hotel, 44-50 Tettenhall Road, Wolverhampton, WV1 4SW was considered following representations received from the Licensing Authority, Environmental Health, Public Health, West Midlands Police, West Midlands Fire Service and Other Persons.

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

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 representations, and to take such steps as contained in the Licensing Act 2003, as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader – Licensing and Compliance, provided an outline of the application. Mr Oisin Daly, Agent for the Applicant, confirmed that the summary was accurate.

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

1. There was already an existing Premises Licence at the premises, but the Premises Licence Holder felt that a new application was more appropriate to amend and add conditions.
2. The primary concerns from residents were related to noise but the conditions agreed with Environmental Health would help to alleviate any issues.
3. Doors and windows at the back of the Hotel would be closed at all times when regulated entertainment took place.
4. The Applicant was confident that they can get customers to leave through the proper exits once regulated entertainment had concluded.
5. There would be no new entry after 23.00hrs.
6. Any anti-social behaviour would not be tolerated.
7. The Applicant hoped that, through these conditions, a situation can be created where the Hotel and residents can co-exist.

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

1. The Hotel had installed a new CCTV system and will work with West Midlands Police closely.
2. During functions, the Hotel had someone on the door to ensure no drinks were allowed in the car park.
3. The Hotel ran a strict policy regarding which events could be held on the premises and have declined bookings that may have caused trouble.
4. The Applicant was always happy to cooperate with the residents regarding their concerns.
5. The Applicant was happy to propose another condition to the licence that for any private function, a parking attendant would be present on site.
6. The Hotel was updating their fire alarm system and removing potential fire hazards.
7. The Hotel had 60 rooms and most bookings were made via the internet.
8. The Hotel had strict policies that aimed to keep noise to a minimum.
9. The Hotel had a no-tolerance approach to drug use.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Licensing Section Leader, did so, as per Appendices 3 and 10 of the report. He stated that the Licensing Authority had mediated with the Applicant and licence conditions had been agreed. He outlined the conditions for the Sub-Committee.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. There were no questions asked.

The Chair invited Environmental Health to make representations. Emily Fellows, Team Leader – Environmental Health, did so as per Appendices 4 and 12 of the report. She stated that Environmental Health had undertaken a site visit and had mediated with the Applicant. She outlined the licence conditions for the Sub-Committee.

The Chair afforded all parties present the opportunity to question Environmental Health in relation to its submission. The Team Leader – Environmental Health responded to questions asked.

The Chair invited Public Health to make representations. Ryan Hollings, Health Improvement Officer, did so as per Appendices 5 and 11 of the report. He stated that Public Health had mediated with the Applicant and licence conditions had been agreed.

The Chair afforded all parties present the opportunity to question Public Health in relation to its submission. The Health Improvement Officer responded to questions asked.

The Chair invited West Midlands Police to make representations. Sgt Gemma Turner did so, as per Appendix 6 of the report and the Supplementary Agenda Pack. She stated that West Midlands Police had mediated with the Applicant and licence conditions had been agreed. She outlined the licence conditions for the Sub-Committee.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. There were no questions asked.

The Chair invited other interested parties to make representations. Mr Martin Cartwright did so. He stated that the residents living nearby were concerned about potential events at the premises. However, he stated that a lot of his concerns had been addressed by the Applicant who had given assurances that events would be vetted.

The Chair afforded all parties present the opportunity to question Mr Cartwright in relation to his submission. There were no questions asked.

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

The Applicant made a final statement.

All parties, with the exception of Bankole Thomas, Licensing Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.59 hours.

The Hearing reconvened at 13.59 hours.

All parties re-joined the meeting.

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

Resolved:

The Licensing Sub-Committee has taken note of all the representations made both in writing and given orally by those attending the hearing regarding the concerns raised in respect of the application for a new Premises Licence made by Lodging Investments Limited (Company Registration Number 12612160) who are the owners of The Connaught Hotel, 44-50 Tettenhall Road, Wolverhampton, WV1 4SW.

The Sub-Committee has heard representations from the applicant's agent stating that:

The Connaught Hotel is a 60 roomed hotel with a public bar and attached conference and function rooms which proposes to provide live music performances, recorded music, late night refreshments and the sale and supply of alcohol on and off the Premises in accordance with a proposed operating schedule.

The Licensing Sub-Committee have heard representation from the Licensing Authority as Responsible Authority that:

There was initially insufficient information in the operating schedule to address how the applicant intended to address the Licensing Objectives. This was addressed in due course by way of further representations, and mediation between the applicant

and the Licensing Authority concluded with appropriate conditions that addressed their concerns.

The Licensing Sub-Committee heard from Environmental Health as Responsible Authority who stated that:

There was insufficient information within the operating schedule to show how the applicant will address the Licensing Objectives of Public Safety and the Prevention of Public Nuisance. However, after entering into mediation with the applicant, their concerns were resolved, and appropriate conditions agreed in this respect.

The Licensing Sub-Committee heard from Public Health as Responsible Authority who stated that:

It would be making representations to this application on the grounds of the Prevention of Crime and Disorder, Public Nuisance, Public Safety and the Protection of Children from Harm as they have concerns around the operating schedule and timings of selling alcohol both on and off the Premises. However, after entering into mediation with the applicant, their concerns were resolved, and appropriate conditions agreed in this respect.

The Licensing Sub-Committee heard from West Midlands Police as Responsible Authority who stated that:

It will be making representations in relation to this application under the Licensing Objective of the Prevention of Crime and Disorder because there was insufficient detail as to how this was to be achieved from the application and the operating schedule. However, after entering into mediation with the applicant, and proposing conditions of their own which were accepted, their concerns were resolved in this respect.

The Licensing Sub-Committee was not able to hear directly from the Fire Authority as a Responsible Authority but noted that they had made written representations in respect of the application with regard to the Licensing Objective of Public Safety due to a number of fire safety issues it had noted following an inspection. These are as follows:

1. The fire risk assessment requires updating to include Safe capacity numbers within the new assessment.
2. The emergency lighting needs upgrading in some areas.
3. The artificial plastic plants are a serious fire hazard.

They had however entered into mediation with the applicant following their site inspection in respect of which an undertaking had been provided by the applicant in writing prior to today's hearing that resolved their concerns.

Lastly the Licensing Sub-Committee also received written representations from Councillor Craig Collingswood and heard in person from Ken Wordley and Martin Cartwright of the Vauxhall Residents Association who stated that the Vauxhall Estate backs directly onto the Connaught Hotel and that the residents were extremely concerned with the proposals made in this application as:

1. The advertising of the application had not been done appropriately because no one in the estate knew about the application until he mentioned it to a few residents.
2. That the applicant's hotel is located beside the Solace community, which is a residential hostel/lodge for adult men with alcohol addiction issues.
3. There has previously been alcohol related Anti-Social Behaviour in this area, and it is anticipated that if the licence is granted, there will be an increase in Anti-Social Behaviour which will affect residents and place additional pressure on the Police.
4. Noise is already a major concern.
5. Car parking is already a big problem on the Vauxhall estate, which will be made much worse should the licence be granted.
6. He also presented a signed 74-person objection by members of the Vauxhall Residents Association, objecting to the application under the Licensing Objectives stating that there is a major fear amongst residents that the grant of the application will see a major increase in Anti-Social Behaviour which will have a detrimental impact on their lives.

The Licensing Sub-Committee have had regard to both the written and oral evidence that has been presented by all the attending parties today and has attached appropriate weight in its deliberations to all the facts and responses provided.

Having considered the views of all concerned, the Licensing Sub-Committee have decided that the application for a Premises Licence should be **granted**, subject to the following conditions, which have been proposed by the applicant, and all the Responsible Authorities present which are detailed below in accordance with section 18 of the Licensing Act 2003.

For the purposes of interpretation, where there is any conflict between the existing licence and the licence granted by this Licensing Sub Committee, today's licence shall take precedence.

It is considered by the Licensing Sub Committee that the proposed Operating Schedule and additional conditions should be attached in support of the Licensing Objectives as follows.

Amendment to the Operating Schedule

1. Sale and Supply of alcohol

Sunday to Thursday 10.00 hours to 23.00 hours.

Friday and Saturday 10.00AM hours to 01.00AM

2. No access shall be granted to new patrons seeking to enter the Premises or purchase alcohol from 23.00 hours till closing time on any given day of the week.

The Prevention of Crime and Disorder

3. The supply of alcohol is only to be permitted on the Premises or accompanied when a substantial meal is ordered.

4. Alcohol shall only be delivered to a domestic or commercial address, and must not be delivered to any person in a public place e.g., a car park, a street corner, a bus stop etc.

5. Customers who are permitted to temporarily leave and re-enter the Premises, e.g., to smoke, shall not be permitted to take drinks, bottles and glass containers with them.

6. An electronic or written incident log will be maintained at the Premises with a record of all incidents of crime and disorder reported to or by the Premises; to include all ejections of patrons; complaints received; the use of fraudulent Identification or other items; any faults reported or found in the CCTV system; any visits made by a relevant authority or emergency service.

7. The incident log must be produced immediately upon request of any authorised officer of a Responsible Authority. Where a crime is believed to have been committed, the incident must be reported to West Midlands Police within 48 hours of its occurrence.

8. Any supply of alcohol for consumption off the Premises must be within a sealed container.

Public Safety

9. A daily incident log shall be kept at the Premises for a period of at least 12 months from the date of last entry, which will record the following:

- (i) all crimes reported to the venue
- (ii) all ejections of patrons
- (iii) all and any complaints received
- (iv) details of any incidents of disorder
- (v) all and any faults in the CCTV which must be repaired within 24hrs
- (vi) any refusal of the sale of alcohol
- (vii) any visits made by authorised officers of any relevant authority or from any of the emergency services.
- (viii) any lost property found or handed to staff at the Premises.
- (ix) any other relevant incidents that occur in the Premises.

10. Contact numbers for Local Taxi companies shall be kept and made available to all patrons requiring a taxi.

The Prevention of Public Nuisance

11. All staff responsible for selling alcohol shall receive regular training on the Licensing Act 2003 from an independent approved trainer in terms of the Licensing Objectives, offences committed under the Act and conditions of the Premises Licence.

(a) Written records of all staff training provided under the Licensing Act 2003 shall be retained and made immediately available to police and authorised officers of responsible authorities upon request.

(b) Staff shall receive refresher training under the Licensing Act 2003 at intervals of no more than 6 months.

(c) Signed and dated records shall be kept of all staff training and made immediately available for inspection at the Premises for a period of at least one calendar year from the last date of entry.

(d) There shall be CCTV in operation at the Premises and;

(i) a member of staff who has been nominated in writing and who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises are open to the public.

(ii) if the Premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system recordings from either the Police or any authorised officers of a Licensing Authority, this staff member must be able to show the Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.

(iii) CCTV shall record continuously and be retained for not less than 31 days.

12. Motorised vehicles engaged in the delivery of alcohol which are waiting at the Premises shall ensure that their engines are switched off during the preparation of their order. The Premises Licence Holder shall ensure that all individuals engaged in delivering food to customers shall arrive and depart the Premises and/or delivery point with a minimum of noise.

13. Alcohol shall be delivered to a residential or business address only and shall not be delivered to a person in a public place, e.g., a car park, a street corner, a bus stop etc.

14. Signage will be visible at all Premises exits to request that customers leave the Premises and the area quietly.

15. All windows that lead directly off rooms/spaces where regulated entertainment is provided shall be kept closed at all times when regulated entertainment takes place.

16. All doors that lead directly off rooms/spaces where regulated entertainment is provided shall always be kept closed when regulated entertainment takes place except for the egress of persons in the case of an emergency.

17. No noise shall emanate from the Premises, nor shall there be detected any vibrations transmitted through the structure of the Premises that gives rise to a nuisance detectable by the nearest noise sensitive receptor.

18. During periods of regulated entertainment, the Licensee, management or some delegated member of staff shall undertake regular noise monitoring at the nearest noise sensitive locations.

19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents when leaving the Premises and when using the smoking areas.

20. Staff shall monitor the customer smoking area on a regular basis to ensure patrons and residents do not cause/create a Public Nuisance.

21. No rubbish, including bottles, shall be moved, removed or placed in outside areas between the hours of 21.00 hours and 07.00 hours.

The Protection of Children from Harm

22. A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and "all" staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union. Posters shall be displayed in prominent positions around the Premises advising customers of the Challenge 25 policy in force at the Premises. A record shall be maintained recording every occasion when the sale of alcohol has been refused.

23. The record shall;

- (i) give the date and time of the occasion,
- (ii) a brief description of the customer and the name of the member of staff who refused to sell the alcohol,
- (iii) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

24. All delivery drivers must undertake Challenge 25 verification at the point of delivery for all and any goods at the point of delivery. All transactions are to be documented electronically, detailing the order number, recipient and delivery address. This record is to be made immediately available upon the request of any authorised officer of a Responsible Authority.

25. When age restricted goods are delivered to a customer's address, the person who takes receipt of the goods must be subject to a Challenge 25 verification. Where age verification is required, it must consist of an original valid photographic identity document such as a driving licence, a military identification card or a proof of age card carrying a PASS hologram.

26. The Premises Licence Holder shall maintain an accurate and up to date record of all sales of alcohol made via remotes means. This information shall be made immediately available to the Police and authorised officers when requested.

27. All staff shall be trained in how to spot child sexual exploitation indicators and how to report any concerns which arise.

28. The Premises Licence Holder shall maintain training records which must be produced immediately upon request by an authorised officer of a Responsible Authority.

29. All staff must report suspicious activity to local Police as soon as possible but no later than 48 hours and record information in an activity log including credit details, physical descriptions, retain CCTV recordings, vehicle registration numbers, times of arrivals/departures, and finding/natures of concern.

It is also noted that the applicant's agent voluntarily proposed a further condition to allay the concerns of affected neighbours with regards to the Premises car park and noise nuisance from patrons during the course of events as follows;

30. The Premises Licence Holder shall ensure that the Premises car park is patrolled by appropriately licensed security staff on an hourly basis at "all" events held on the Premises between 18.00 hours and the closure of the Premises.

A written copy of the decision will be forwarded to all parties forthwith.

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