

Statutory Licensing Sub-Committee

Minutes - 15 August 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Gillian Wildman

Cllr Rashpal Kaur

Applicant

Mr Patrick Currie

Applicant's Agent

Responsible Authorities

Amitabh Singh

Licensing Authority

Ryan Hollings

Public Health

Kayley Nixon

West Midlands Police

Employees

Elizabeth Gregg

Senior Licensing and Compliance Officer

Ronald Sempebwa

Licensing Solicitor

Jacob Stokes

Democratic Services Officer

Donna Cope

Democratic Services Officer

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Mr Lavan Sivalingham, Premises Licence Holder.

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 Aaryan Superstores Ltd, 644-645 Parkfield Road, Wolverhampton, WV4 6EH

An application for a Variation of a Premises Licence in respect of Aaryan Superstores Ltd, 644-645 Parkfield Road, Wolverhampton, WV4 6EH was considered following representations received from the Licensing Authority, Public Health and West Midlands Police.

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.

Elizabeth Gregg, Senior Licensing and Compliance Officer, provided an outline of the application. Mr Patrick Currie, Agent for the Applicant, confirmed that the summary was accurate.

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

1. The Application was for the removal of two conditions, on the basis that these conditions were too restrictive on the business.
2. These conditions aimed to reduce anti-social behaviour, but this was not the case in practice as several nearby businesses did not have these restrictions.
3. The premises was outside of the Cumulative Impact Zone.
4. The premises had adhered to all conditions, including the conditions in question, and had operated for twenty years without issue under previous ownership.
5. The conditions had been applied when the Premises Licence Holder had applied for a new premises licence after he had taken over the business.
6. The Applicant and his family had a vast amount of experience in licensed trade and were responsible people.

7. The Applicant understood why the conditions had been applied, but these risked the development of local businesses and trade in Wolverhampton, without influencing the level of anti-social behaviour or increasing the safety of the area.
8. The Applicant asked the Sub-Committee to make an exception to Council policy and consider removing the conditions.

The Chair afforded all parties present the opportunity to question the Applicant's Agent in relation to his submission. Mr Currie responded to questions asked and stated the following:

1. Having responsible licence holders was more important than restrictions on certain products. Responsible licence holders would help ensure that the business was run correctly to help overcome anti-social behaviour in a way that the current conditions did not.
2. It was in an individual business' interest to limit anti-social behaviour to ensure that it did not impact on the business and its custom.
3. The removal of the conditions in question would not have any adverse impact on the community as the Premises Licence Holder was a responsible business owner.
4. The Premises Licence Holder had written a letter for the Sub-Committee to consider in their decision-making, which set out his concerns.
5. The Premises Licence Holder had indicated that there had been refusals at the premises.
6. The Premises Licence Holder had mediated on the conditions in February 2022 but had done so as he was not aware that other local premises did not have these conditions.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Licensing Section Leader, did so, as per Appendix 4 of the report. He stated that an application for a Premises Licence had been received in February 2022 and the two conditions in question had been agreed. He stated that anecdotal evidence suggested that street drinkers and underage drinkers preferred single unit, high strength alcohol.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. The Licensing Section Leader responded to questions asked and stated that the conditions in question had been applied to any new premises licence or if a premises licence had been reviewed or varied.

Ronald Sempebwa, Licensing Solicitor, provided legal advice to the Sub-Committee and made them aware of the options available to them.

The Chair invited West Midlands Police to make representations. Kayley Nixon did so, as per Appendix 6 of the report. She stated that:

1. West Midlands Police did not support the removal of the two conditions in question.

2. The Premises Licence Holder had not outlined how they would uphold the Licensing Objectives with the removal of these conditions.
3. They were not aware of any problems at the premises, but West Midlands Police did not want the premises to become a hotspot area for street drinkers and anti-social behaviour.

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 Public Health to make representations. Ryan Hollings, Senior Public Health Specialist, did so as per Appendix 5 of the report. He stated that:

1. Public Health had attempted to mediate with the Premises Licence Holder but had been unsuccessful.
2. The removal of the conditions would increase the likelihood of risk to those affected by alcohol-related harm.
3. Super strength alcohol sales were commonly associated with street drinkers. Research had identified repeated problems caused by this group, including anti-social behaviour and low-level crime.
4. There was a well-established link between alcohol and crime.
5. Data showed that Wolverhampton was a regional and national outlier for alcohol-related harm and alcohol-related hospital admissions.
6. Public Health did not support the removal of the conditions.

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

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

The Applicant's Agent made a final statement. A letter from the Premises Licence Holder was provided to the Licensing Sub-Committee.

All parties, with the exception of the 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 11.25 hours.

The Hearing reconvened at 12.24 hours.

All parties re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee. The decision was summarised by the Licensing Solicitor and would be sent out to all parties within five working days.

Resolved:

An application was made by Aaryan Superstores Ltd for a variation of a premises

licence in respect of Aaryan Superstores Ltd, 644 – 645 Parkfield Road, Wolverhampton, WV4 6EH.

Relevant representations had been received by the Licensing Authority, Public Health and West Midlands Police as Responsible Authorities.

At the hearing on 15 August 2023 to determine the application, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made.

Having considered all the representations and having regard to the Licensing Objectives, the Statutory Licensing Sub-Committee determined that the application should be refused.

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