

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 11 October 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Jane Francis

Applicant for Review – Trading Standards

Dianne Slack

Tobacco Control Officer

Premises Licence Holder

Mr Sandeep Nangpal

Mr Patrick Burke

Get N Go UK Ltd

Agent

Responsible Authorities

Amitabh Singh

Kayley Nixon

Ryan Hollings

Licensing Authority

West Midlands Police

Public Health

Employees

Lizzie Gregg

Ronald Sempebwa

Donna Cope

Paul Dosanjh

Senior Licensing & Compliance Officer

Solicitor

Democratic Services Officer

Service Manager – Trading Standards and Licensing Act

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Councillor Sally Green.

2 Declarations of interest

There were no declarations of interest made.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Kwik Save, 7a Long Knowle Lane, Wolverhampton, WV11 1HZ

An application for a review of a Premises Licence in respect of Kwik Save, 7a Long Knowle Lane, Wolverhampton, WV11 1HZ had been received from The City of Wolverhampton Trading Standards Department as a Responsible Authority.

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

Elizabeth Gregg, Senior Licensing and Compliance Officer, provided an outline of the report. Dianne Slack, Tobacco Control Officer for Trading Standards (Applicant), confirmed that the summary was accurate.

The Chair invited Trading Standards to present their application. Dianne Slack, Tobacco Control Officer, did so as per Appendix 3 and 4 of the report.

The Chair afforded all parties present the opportunity to question the Applicant in relation to her submission. Dianne Slack, Tobacco Control Officer, provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Patrick Burke, representative for the Premises Licence Holder, and Mr Sandeep Nangpal, Company Director of Get N Go UK Ltd, did so.

They stated that:

1. There had been some confusion at the time of the sale and a catalogue of errors had occurred.
2. Mr Sandeep Nangpal's wife had called him because their son was violently ill, so he had left the shop and found a friend to keep an eye on the premises who normally worked in the post office. She was only covering for that short period of time whilst he'd been called away. There was also a delivery taking place and the delivery guy was also behind the counter.

3. They accepted however that ID should have been requested.
4. Since the incident, they had reviewed the premises licence and found it had very few enforceable conditions and therefore had proposed several updated conditions (set out in Appendix 8 of the Report).
5. Moving forward on those conditions there would always be somebody with the level 2A PLH qualification for personal licence holders on duty.
6. The member of staff on duty every morning had been on the training course and had attained the qualification.
7. Conditions had also been submitted with regards to general staff training.
8. A copy of the refusals book was available to inspect at the hearing and they apologised for the confusion as it should have been very clear where it was kept. They assured the committee that it would be kept on the counter going forward.
9. They had also taken the step to remove the current DPS and replace him with Sandeep Nangpal who was at the premises all the time. An application would be submitted to vary the DPS after the hearing.
10. Mr Sandeep Nangpal was experienced in the trade and should have done better.
11. All issues raised had been rectified and appropriate conditions had been proposed.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to his submission. Mr Patrick Burke and Mr Sandeep Nangpal responded to questions asked.

The Chair invited West Midlands Police to make representations. Kayley Nixon did so as per Appendix 7 of the report. She stated that West Midlands Police fully supported the application for review and agreed that the licence should be suspended, and the proposed conditions imposed.

The Chair invited all parties present to question West Midlands Police in relation to its submission. Kayley Nixon responded to questions asked.

The Chair invited Public Health to make representations. Ryan Hollings, Senior Public Health Specialist, did so as per Appendix 6 of the report. He stated that Public Health supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. Public Health agreed to the proposed conditions and encouraged a condition in relation to single sales and no sales for super strength alcohol.

The Chair invited all parties present to question Public Health in relation to its submission. No questions were asked.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Licensing Section Leader, did so as per Appendix 5 of the report. He stated that the Licensing Authority fully supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. He suggested that the conditions proposed by the PLH were added onto the operating schedule with additions in relation to single sales and super strength lagers, beers and ciders where strength exceeds 6.5 ABV alcohol by volume. He also recommended that a

period of suspension of the premises licence to be applied to implement these conditions.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. No questions were asked.

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

Mr Patrick Burke and Dianne Slack made final statements.

Ronald Sempebwa, Solicitor, provided legal guidance to Members and reminded them of their available options.

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

The Sub-Committee adjourned at 11.24 hours.

The Hearing reconvened at 12.08 hours.

All parties returned to the meeting, and the Chair confirmed the decision of the Sub-Committee.

The decision was summarised by the Solicitor and the full Decision Notice would be sent out to all parties within 5 working days.

Resolved:

An application had been made on 22 August 2023 from Trading Standards as a Responsible Authority, to review the Premises Licence in respect of Kwik Save, 7a Long Knowle Lane, Wolverhampton, WV11 1HZ. The review had been brought in support of the Prevention of Crime and Disorder, and the Protection of Children from Harm licensing objectives.

Relevant representations had been received from the Licensing Authority, Public Health and West Midlands Police.

The Statutory Licensing Sub-Committee had considered the evidence presented and had regard to the application, representations made, Guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy.

The Statutory Licensing Sub-Committee were very concerned about the circumstances outlined by the Applicant, specifically in relation to the protection of children from harm and resolved to adopt the conditions proposed by the Premises Licence Holder, along with the additional conditions suggested by the Licensing Authority.

Further, the Sub-Committee took the view that considering all the evidence it had heard and the circumstances outlined by the applicant, that a period of suspension of the premises licence of 3 months was appropriate to note the gravity of the situation and allow the conditions to be applied and implemented.

An appeal could 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 the written notice of decision.