

Statutory Licensing Sub-Committee

Minutes - 30 August 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Jane Francis

Cllr Jonathan Crofts

Applicant

RB Premises Licence Holder

NB Premises Licence Holder

Responsible Authorities

Michelle Marie-Smith Public Health

Employees

Anita Chonk Senior Licensing and Compliance Officer

Ronald Sempebwa Licensing Solicitor

Jacob Stokes Democratic Services Officer

Item No. *Title*

1 Apologies for absence

Apologies for absence were submitted by West Midlands Police.

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 Costcutter, 38-44 Graiseley Lane, Wolverhampton, WV11 1PE

An application for a variation of a Premises Licence in respect of Costcutter, 38-44 Graiseley Lane, Wolverhampton, WV11 1PE was considered following representations received from 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. 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.

Anita Chonk, Senior Licensing and Compliance Officer, provided an outline of the application. RB and NB, Premises Licence Holders, confirmed that the report was accurate.

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

1. In the current economic climate, it was difficult to run a business and remain competitive against supermarkets.
2. They cared deeply about the Licensing Objectives. The Application was not to undermine these, but simply about keeping the business afloat.
3. Other premises in the local area did not have these conditions and this seemed unfair.
4. Research had shown that there were only moderate reductions in alcohol-related harms by the restrictions on high strength alcohol.
5. The Council had a responsibility to work with and uplift local businesses due to the benefit they had on the local economy.
6. The premises did not have a problem with street drinkers.
7. They had mediated with West Midlands Police and agreed to sell high strength alcohol as complete packs. This would bring the price on par with a bottle of wine.

The Chair afforded all parties present the opportunity to question the Applicant in relation to their submission. RB and NB responded to questions asked and stated the following:

1. The Designate Public Place Order (DPPO) was displayed prominently at the premises, in line with the licence conditions.
2. The premises had a functioning CCTV system that had been recently upgraded.
3. The premises regularly logged refusals, and these were mostly for lack of appropriate ID.
4. The premises did not regularly receive requests for high strength alcohol products.
5. Selling in packs of four would make high strength alcohol less attainable for problem and street drinkers.
6. Alcohol was not the main focus of the premises; the premises stocked a wide variety across every product in order to remain competitive.
8. There would be a significant impact to the business if the Application was refused as customers would shop elsewhere.

The Chair invited Public Health to make representations. Michelle Marie-Smith, Principal Public Health Specialist, did so as per Appendix 4 of the report. She stated the following:

1. Public Health had attempted mediation with the Applicant but were unsuccessful.
2. The proposed condition undermined the aims of the existing Licensing Agreement and would increase the likelihood of alcohol-related harm.
3. Evidence showed a clear link between high strength alcohol products and alcohol-related harm.
4. A multipack of super strength alcohol could be up to 18 units, which would exceed the weekly guidelines of 14 units.
5. Trends suggested that more alcohol was now consumed on the street or within the home.
6. Super strength alcohol sales were most commonly associated with street drinking. Researchers had identified problems caused by street drinkers such as antisocial behaviour and low-level crimes. There was also a well-established and complex link between alcohol and crime.
7. Wolverhampton was a regional and national outlier for alcohol-related harm and alcohol-related hospital admissions.
8. It was the view of Public Health that every premises should have a condition that would restrict on the sale of high strength alcohol.

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

The Chair invited all parties present to make a final statement. No final statements were made.

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

All parties except for the Licensing Solicitor and Democratic Services Officer withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.18 hours.

The Hearing reconvened at 13.14 hours.

All parties returned to the meeting.

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

Resolved:

An application was made by Bains Off Licence Limited for a variation of a premises licence in respect of Costcutter, 47-48 Graiseley Lane, Wolverhampton, WV11 1PE.

Relevant representations had been received from West Midlands Police and Public Health as Responsible Authorities.

At the hearing on 30 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 granted for a trial period of six months, subject to the fact that no later than 1 March 2024 the condition shall be reviewed at the behest of any of the Responsible Authorities to determine whether it is appropriate for it to continue indefinitely or whether there is evidence that the Premises are a direct cause of problems which undermine any of the Licensing Objectives.

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.