

Statutory Licensing Sub-Committee

Minutes - 26 September 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Rashpal Kaur

Cllr Gillian Wildman

Premises Licence Holder

Mr Rob Edge

Mr Ravi Chopra

Agent

Premises Licence Holder

Responsible Authorities

Greg Bickerdike

Ryan Hollings

Kayley Nixon

Licensing Authority

Public Health

West Midlands Police

Other Persons

Councillor Ellis Turrell

Councillor Wendy Thompson

Councillor Jonathan Crofts

Employees

Debra Craner

Bankole Thomas

Jacob Stokes

Section Leader – Licensing and Compliance

Licensing Solicitor

Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

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 Canalside, Castlecroft Lane, Wolverhampton, WV3 8JU

An application for a Variation of a Premises Licence in respect of Canalside, Castlecroft Lane, Wolverhampton, WV3 8JU was considered following representations received from the Licensing Authority, 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 Rob Edge, Agent for the Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Edge did so, as per Appendices 1 and 13 of the report and the Supplementary Agenda Pack. He stated the following:

1. Full regard had been given to the Licensing Objectives, the Council's Statement of Licensing Policy, Home Office guidance, and to representations received.
2. The Applicant had not long taken over the building and had undertaken refurbishment works.
3. The Applicant intended to run the business in a responsible manner and had implemented a range of policies and procedures to ensure the Licensing Objectives were upheld.
4. The Applicant intended to run the business in harmony with residents and it was not in his interests to fall out with them.
5. The Applicant recognised that he had not always gotten things right, which was why he was seeking the guidance of a Licensing Consultant.
6. An offer of mediation had been sent to Councillor Turrell, reducing the opening hours to 22:30 hours, Sunday to Wednesday, and to 00:30, Thursday to Saturday.

7. The Premises Licence Holder had little to no control over patrons' actions on the public highway. He had signage in place and frequently reminded patrons to park responsibly.
8. Parking issues also arose whenever there was a local rugby match on, and no complaints had been received about this.

Mr Ravi Chopra, Applicant and Premises Licence Holder, stated that the application to extend the opening hours was not to cause trouble but to make the business more successful.

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

1. To address parking concerns, the venue had cameras, and customers were kindly requested to park more considerately.
2. The car park had a reasonable capacity of approximately 40 spaces, which was not sufficient when the venue was full. Even so, blue light vehicles were not impeded when the car park was full, and patrons needed to park on the public highway.
3. The Premises Licence Holder would be willing to have a voluntary condition of a marshal on site during certain hours to monitor and control parking.
4. Parking issues that arose from the local rugby club were anecdotal evidence provided by staff members.
5. The maximum capacity for the venue was 200 as confirmed by West Midlands Fire Service's risk assessment. The premises had complied with the restrictions outlined in the West Midlands Fire Service voluntary undertaking.
6. A Planning Agent had been appointed and was currently drafting a planning application to vary the permitted hours. Conversations would be had to investigate whether an extension of the car park could be incorporated into the planning application.
7. Any extension of a car park would fall under the remit of Planning rather than Licensing.
8. The venue accepted bookings, but these would not be for the entire venue and rather for large groups. The booking fee had been waived in these instances.
9. On one occasion, the premises was open beyond its permitted opening hours. This was a mistake and would not happen again.
10. Any conditions imposed would be fully complied with.
11. Entertainment at the venue consisted of ambient background music and the occasional disco.
12. Noise had not been formally monitored at the venue. Staff had checked the noise levels when going outside to monitor the parking situation.
13. As part of the Variation, a Noise Management Plan and Noise Management Strategy had been proposed to ensure noise was carefully monitored.
14. No formal noise complaints had been received from residents by Environmental Health.
15. Plans submitted with the Application included changes to the internal layout to allow for better flow for customers and better utilisation of the space available.
16. Moving forwards, the venue would host periodic meetings between the Premises Licence Holder and residents living directly opposite to discuss any issues or areas for improvement.

17. Only a few car parking spaces had been taken up by the installation of outdoor decking during the Covid pandemic.

An advertisement for the premises in the August – September 2023 edition of the Finchfield, Compton and Castlecroft Pages was produced for the Sub-Committee to consider.

Bankole Thomas, Licensing Solicitor, provided legal advice and stated that since the evidence produced was in the public domain, it could be considered by the Sub-Committee.

Mr Edge and Mr Chopra responded to questions asked regarding the advertisement and stated the following:

1. The advertisement was wrong; the venue did not host DJs and the hours stated in the advertisement were wrong and should not have been published.
2. Event hire had been advertised as the venue did not want to exclude event hire in its entirety and restrict potential.
3. An external company prepared the advertisement and had published it in error.
4. The advertisement had been live since the start of the year, but the errors had not come to the attention of the Premises Licence Holder.
5. These errors would be rectified as soon as possible.

An advertisement from 4 September 2023 on the premises' Facebook page was produced for the Sub-Committee to consider.

It was agreed that the Sub-Committee be adjourned to allow the advertisements from the Finchfield, Compton and Castlecroft Pages and from the premises' Facebook page to be circulated to all parties.

The Sub-Committee adjourned at 11.10 hours.

The Hearing reconvened at 11.23 hours.

Mr Edge and Mr Chopra responded to further questions asked and stated the following:

1. The advertisement would be removed from the premises' Facebook page. The venue had not hosted live DJs in 2023 and would not have any at the premises moving forwards.
2. The premises was completely vacated by staff and locked up at approximately 23:00 - 23:30pm. The lights outside shut off at approximately midnight.
3. An incident on 19 August 2023 where Councillor Crofts was called to the premises at 01.00am due to noise emanating from the venue was not included in representations submitted to the Sub-Committee and could therefore not be answered at the hearing in a feasible manner.
4. The Premises Licence Holder would consider all available options to address parking concerns.
5. In line with the West Midlands Fire Service voluntary undertaking, the capacity of the venue had been restricted to 60.
6. The venue did not have door or security staff as it was a restaurant.

7. Although the capacity of the venue was 200, the current seating layout did not allow for this number. The number of staff on shift each night was determined by the number of bookings received by the venue.
8. Environmental Health had viewed the application and had not submitted representations.
9. Off sales had been included in the Application to future-proof the business and allow customers to use the outside seating area as this would be classed as an off sale.
10. Off sales would also provide the ability to operate a takeaway service. A policy was in place to ensure that pick-up vehicles acted with due consideration.
11. A condition had been agreed during mediation with the Licensing Authority that no food or drink would be served outside of the building after 23:00 and no alcohol would be taken into or consumed in the outside seating area between 23:00 and close.
12. Training had been delivered and recorded. All staff were trained on Challenge 25 and the venue had the relevant signage in place. The Applicant's Agent had provided a staff training pack to the Premises Licence Holder.
13. A noise limiter would not be financially viable for the business.

The Chair invited the Licensing Authority to make representations. Greg Bickerdike, Licensing Manager, did so as per Appendices 4 and 9 of the report. He stated the following:

1. The Local Authority had previously agreed mediation with the Applicant.
2. Credible evidence of noise nuisance and DJs being hosted at the venue had been presented during the hearing and this called into question the Applicant's fitness as a Premises Licence Holder.
3. The Local Authority felt it was appropriate to reduce the hours of off sales to 21:00.
4. The Sub-Committee might wish to consider a condition that door supervisors, at a ratio of 1:100, must be present for private events.
5. The Sub-Committee might also wish to consider a more stepped approach to granting all aspects of the Variation as this may not be suitable until issues had been resolved with residents.
6. Much of the evidence presented at the hearing had not been made available to Responsible Authorities at the time of the Application. Affected residents were advised that they should contact the Premises Licence Holder in the first instance over any issues, and that these could be escalated to the Council in the case of non-action.

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

Responding to a question, the Section Leader – Licensing and Compliance advised all parties that four complaints in total regarding the premises had been received and logged.

The Chair invited Public Health to make representations. Ryan Hollings, Senior Public Health Specialist, did so as per Appendices 5 and 10 of the report. He stated the following:

1. Public Health had previously agreed mediation with the Applicant and conditions had been agreed.
2. Considering the significant evidence produced at the hearing, Public Health agreed with the reduction in off sales hours to 21:00.
3. Public Health would be led by the decision of the Sub-Committee as to whether the application was granted, either fully or partially, or refused.

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 West Midlands Police to make representations. Kayley Nixon did so, as per Appendices 6 and 12 of the report. She stated the following:

1. Considering the evidence produced at the hearing, West Midlands Police were concerned about the Variation that had been applied for.
2. The residents' concerns could not be disregarded.
3. West Midlands Police would be guided by the decision of the Sub-Committee as to the extension of hours at the premises.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Ms Nixon responded to questions asked.

The Chair invited Other Persons to make representations. Councillors Ellis Turrell, Wendy Thompson and Jonathan Crofts did so, as per Appendix 8 of the report and the Resident Concerns included in the Supplementary Agenda Pack.

Councillor Turrell stated the following:

1. The Ward Councillors felt they had no choice but to object based on concerns voiced by residents.
2. They had a duty to stand up for residents and protect the character of the area.
3. They had been aware of noise complaints and other concerns, such as littering, at the premises.
4. They had received significant correspondence from residents since the end of the representation period, and it would be fair to say that the issues that the Ward Councillors were aware of when the application was submitted were the tip of the iceberg.
5. There were concerns about the peace and quiet of the area being shattered and that the venue was something that it was not originally intended to be.

Councillor Thompson stated the following:

1. They wanted businesses to thrive in the area, but these had to meet a certain standard.
2. The residents were long-suffering and wanted a quiet life.
3. The premises appeared to be veering towards a nightclub, which was not appropriate for a residential area.
4. The residents were disappointed that the notice had not been displayed in a more appropriate and public place.
5. The residents were concerned about drunken behaviour and pollution in the local canal.
6. The premises appeared to be out of control.

7. There needed to be a greater consideration for the local area by the premises.

Councillor Crofts stated the following:

1. They were passionate about maintaining the peace and quiet of the area, and ensuring the premises complied with Licensing and Planning requirements.
2. They were giving a voice to residents and their concerns.
3. Things had gone wrong at the premises, and it was therefore very important that the hours were not extended.

The Chair afforded all parties present the opportunity to question Councillors Turrell, Thompson and Crofts in relation to their submissions. Councillors Turrell, Thompson and Crofts responded to questions asked.

Responding to a question, the Section Leader – Licensing and Compliance confirmed that the application had been properly made.

A condition, that the Applicant agreed to have waste receptacles in the outside areas of the premises to reduce littering and pollution, was suggested.

All parties, except for the Licensing Solicitor, and the Democratic Services Officer withdrew from the meeting.

The Sub-Committee adjourned at 12.55 hours.

The Hearing reconvened at 14.00 hours.

All parties re-joined the meeting.

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

Councillor Turrell, Greg Bickerdike and Mr Edge made a final statement.

The Chair thanked all parties for their participation and stated that the decision would be sent out in writing to all parties within five working days.

Resolved:

That the decision be sent out in writing to all parties within five working days.