

Statutory Licensing Sub-Committee

Minutes - 12 February 2024

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Rashpal Kaur

Cllr Jonathan Crofts

Premises Licence Applicant

Mr Simon Voysey

Mr Rashid Hussain

Ms Nazia Khanum

Agent

Applicant

Applicant's Business Partner

Responsible Authorities

Amitabh Singh

Kayley Nixon

Ellina Bawa

Licensing Authority

West Midlands Police

Public Health

Employees

Debra Craner

Joshua Queensborough

Ronald Sempebwa

Jacob Stokes

Section Leader – Licensing and Compliance

Licensing and Compliance Officer

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 Premises Licence in respect of One Stop, 174 Stafford Street, Wolverhampton, WV1 1NA

An application for a Premises Licence in respect of One Stop, 174 Stafford Street, Wolverhampton, WV1 1NA was considered following representations received from the Licensing Authority, West Midlands Police and Public Health.

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.

Joshua Queensborough, Licensing and Compliance Officer, provided an outline of the application. Mr Simon Voysey, Agent for the Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Voysey did so, as per Appendix 1 of the report and the information contained within the Supplementary Agenda Pack. He stated the following:

1. The Applicant had full regard for the Licensing Objectives, the Council's Statement of Licensing Policy, Home Office guidance, the Licensing Act 2003 and all representations received when making his application.
2. The Applicant had spent tens of thousands renovating the derelict property to a very high standard.
3. The Premises was not inside the Cumulative Impact Zone (CIZ).
4. Due to the Premises' proximity to the CIZ, the Applicant was willing to introduce robust conditions in order to satisfy the concerns of the Responsible Authorities.
5. The Applicant had made a great deal of concessions and introduced voluntary conditions in order to satisfy the concerns of the Responsible Authorities and had implemented the recommendations suggested by individual Responsible Authorities.
6. The Premises was being prejudged on things that had not yet happened, and there was no evidence to suggest issues such as pre-loading would be a cause for concern at the Premises.

7. The Premises had a robust operating schedule that would ensure that the Licensing Objectives were upheld.
8. The Premises had contributed significantly to the local economy and was an asset to the community.
9. The Applicant's other business – a convenience store – was run with the upmost regard to the Licensing Objectives and had never had any issues.
10. The Premises Licence should be granted with the robust conditions attached.
11. The Applicant was willing to mediate further with the Responsible Authorities or have further conditions attached to the Licence, if granted.

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

1. A comprehensive staff training pack had been provided to the Applicant, and Licence Leader Ltd had committed to delivering training at the Premises every six months.
2. After mediation and being made aware that the premises was in a Special Consideration Area, the licensable hours suggested by the Applicant were 09:00 – 22:30 hours.
3. Alcohol would be secured at the premises after the end of licensable hours.
4. The Applicant's Right to Work Application was currently with the Home Office, but there was a backlog.
5. The Applicant's business partner, Nazia Khanum, held a personal licence and could be named as a Designated Premises Supervisor (DPS) if the Applicant's Right to Work had not been resolved upon the granting of a Premises Licence.
6. There would be a DPS on site nearly all the time, and two people working on most nights and all matchdays.
7. The Applicant had a good understanding of the Licensing Objectives and was confident he could uphold them at the Premises.
8. The Premises had been open for a few months, so the Applicant had a good understanding of the footfall in the area where it was situated.

Responding to questions, Mr Rashid Hussain, Applicant, confirmed the other businesses he owned and that these did not sell alcohol.

Debra Craner, Section Leader – Licensing and Compliance, confirmed that the Home Office had received the Right to Work application, that there was a backlog and that the application had been received before the Applicant's existing Right to Work had expired, meaning that he could continue to work.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Licensing Section Leader, did so as per Appendix 3 of the report. He stated the following:

1. Mediation had been unsuccessful due to the Premises' proximity to the CIZ, and its location in a Special Consideration Area.
2. The Applicant's Agent had confirmed that the hours of operation had not been finalised.
3. This Application was subject to the Matrix Approach, as outlined in the Council's Statement of Licensing Policy.
4. The Premises was located on a main entry road to the city.

5. There was a complete street-drinking ban in St Peters and Park Wards as these were hotspot areas, considered high risk for street drinking.
6. Preloading was a significant problem in Wolverhampton as it was linked to problems of drunkenness, disorderly behaviour and increased alcohol sales to children and other vulnerable people.
7. Due to the proposed licensable hours and the location of the premises, the Licensing Authority felt it appropriate for the Licensing Sub-Committee to determine the outcome of the Application and attach conditions as they saw fit.

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.

The Chair invited West Midlands Police to make representations. Kayley Nixon did so, as per Appendix 4 of the report. She stated the following:

1. The Premises was located in a Special Consideration Area.
2. The Application, as it stood, was not supported by West Midlands Police.
3. The Applicant had documented a number of conditions but had failed to outline how their business would reduce the impact on the CIZ.
4. Due to its location, any detrimental effects of the premises would directly impact the CIZ.
5. West Midlands Police believed that the hours requested would have a negative effect on the CIZ.
6. Due to the premises location, it would be very easy for street drinkers to buy alcohol and congregate in the CIZ.
7. There were a number of bars close to the premises and West Midlands Police was concerned that a late terminal time would allow many patrons to continue buying alcohol and consume it in the street.
8. There would be increased opportunities for violent crime and disorder.
9. West Midlands Police did not support a terminal time of 22:30 and, if granted, would request an earlier terminal time of between 21:00 and 22:00, with the premises' closing time also coinciding with this.

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. Ellina Bawa, Health Improvement Officer, did so as per Appendix 6 of the report. She stated the following:

1. Following discussions with the Applicant's Agent, several conditions had been agreed.
2. The Applicant had agreed to all conditions except timings and had suggested 09:00 – 22:30.
3. Public Health had collaborated with other Responsible Authorities and significant concerns had been raised, especially regarding the premises' proximity to the CIZ.
4. The licensable hours requested could potentially exacerbate levels of harm, and the risk of preloading.
5. Many similar businesses closed much earlier than the hours requested.

6. Data indicated that Wolverhampton experienced a disproportionate levels of alcohol related harm and hospital admissions compared to regional and national averages.
7. There was already a significant concentration of premises licences for off-sales in the St Peters Ward.

The Health Improvement Officer stated that a number of conditions should be adhered to if the Premises Licence was granted. These were read out for the Sub-Committee.

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

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

Mr Voysey made a final statement.

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

The Sub-Committee adjourned at 11.35 hours.

The Hearing reconvened at 12.59 hours.

All parties re-joined the meeting.

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

Resolved:

The Statutory Licensing Sub-Committee considered the evidence presented and had regard to the Application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Policy.

The Policy provided that where an application fell within a Special Consideration Area, as this one did, there should be more careful consideration to the potential impact that its proximity has against the already recognised problem zone i.e. the Cumulative Impact Zone. Again, consideration would be given to the type of premises the Application refers to.

This was an Application for an off-licence within a Special Consideration Area where the Policy provided that it would be unlikely to succeed where relevant representations had been made.

The Council's "matrix" approach to licensing decisions provided a framework of what the Licensing Authority would like to see within its area and gave an indication of the likelihood of success or otherwise to investors and businesses who made applications within this district. It was noted that the Applicant had invested in the proposed premises, but it was unclear whether he was aware of the Policy in advance of this investment and how it affected the proposed premises.

This matrix approach would only be implemented where there were relevant representations to the Application. The Statutory Licensing Sub-Committee has therefore implemented it in this case as a result of the representations from Public Health, West Midlands Police and the Licensing Authority.

The Statutory Licensing Sub-Committee recognised that neither the Policy nor the Matrix Approach were absolute. One Stop's application must be considered on its own merits. However, it was also clear that the onus was on the Applicant to demonstrate to the Statutory Licensing Sub-Committee that this application warranted departure from the Policy. The notes to the Matrix approach set out that departure from the Policy was expected only in exceptional circumstances, with a non-exhaustive list of exceptional circumstances.

On all the evidence in writing and at the hearing, the Statutory Licensing Sub-Committee was not satisfied that there were exceptional circumstances demonstrated to warrant a departure from the Policy.

Therefore, and in accordance with Section 18 of the Licensing Act 2003 the application was rejected.

An appeal may be made to the Black Country Magistrates' Court against this 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.