



Licensing Sub-Committee

Minutes - 25 October 2018

Attendance

Sub-Committee Members:

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Jane Stevenson

Premises Licence Applicant:

Licensing Authority:

Public Health:

Parpinder Singh Senior Public Health Specialist

Employees:

Employee	Role
Sarah Hardwick	Senior Solicitor
Donna Cope	Democratic Services Officer
Elizabeth Gregg	Senior Licensing Officer
Michelle James	Licensing Policy Manager (observing)

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 Supernewz, 5 Market Way, Wolverhampton, West Midlands, WV14 0DR

An application for a Premises Licence in respect of Supernewz, 5 Market Way, Wolverhampton, WV14 0DR was considered following representations received from Public Health, Licensing Authority and West Midlands Police.

The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed that they understood the procedure.

Ms Elizabeth Gregg, Senior Licensing Officer, provided an outline of the application and confirmed that the premises are situated within a Cumulative Impact Zone (CIZ). She advised that since the report had been published, mediation had taken place between Mr Chris Nixon, Knight Training Ltd, representing Mr Surinder Mahey (applicant), West Midlands Police and Public Health.

The Senior Licensing Officer confirmed that during these discussions, West Midlands Police and the Applicant had agreed on additional Licence Conditions and therefore, West Midlands Police had formally withdrawn their representations.

Mr Chris Nixon and Mr Shaun Ward, Knight Training Ltd, representing Mr Surinder Mahey (applicant), confirmed that the summary provided was accurate.

The Chair invited the Applicant to present the application. Mr Shaun Ward, Knight Training Ltd, did so.

He explained that prior to the Hearing mediation had taken place with West Midlands Police, Public Health and the Licensing Authority. He stated that all concerns raised by the Responsible Authorities had been addressed and that his client was open to further discussions.

Mr Chris Nixon added that consultation had taken place with the Responsible Authorities before, during and after the application had been made.

The Chair afforded all parties present the opportunity to question the Applicant in relation to its representation.

Mr Chris Howell, Licensing Manager, questioned when pre-consultation had taken place between the Applicant and Licensing Authority, and following discussions, it

was established that pre-consultation between the Applicant and Licensing Authority had not taken place.

Mr Nixon and Mr Ward provided the following responses to further questions asked:

- It was not essential to mention the CIZ within the application if the operating schedule demonstrated that the premises would not add to the cumulative impact already experienced;
- Robust training and support would be offered by Knight Training;
- CCTV was currently in operation at the premises;
- Incident security logs would be kept;
- There was currently no demand for alcohol at 0830 hours.
- These hours had been applied for to keep the licensing hours parallel to the opening hours.

The Chair invited the Licensing Authority to make representations. Mr Chris Howell, Licensing Manager, did so.

He confirmed that the premises was situated within a Cumulative Impact Zone (CIZ) and explained that there was a rebuttable presumption that applications within these areas would be refused.

He stated it was therefore essential that applicants detailed in full, within their operating schedule, how their application would have no negative impact on any of the Licensing Objectives and where appropriate, with supporting evidence, that the operation of the premises would not add to the cumulative impact already being experienced.

The Licensing Manager advised that the application submitted, did not demonstrate this, and stated there was no reference at all to the CIZ within the application.

He stated that Police crime statistics for 2016/2017 showed an increase in anti-social behaviour incidents within the Bilston CIZ when compared to the previous 12 months.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mr Howell provided responses to questions asked.

The Chair invited Public Health to make representations. Parpinder Singh, Senior Public Health Specialist, did so. He emphasised the importance of the Cumulative Impact Policy and noted that the Applicant had not referred to the policy at all in the application. He believed the Applicant had failed to demonstrate how the application for a new licence would not further exacerbate problems within the CIZ.

The Senior Public Health Specialist discussed the increase in crime in the area concerned and stated that despite mediation with the Applicant he had not felt comfortable withdrawing his representations.

The Chair invited all parties present to question Public Health in relation to its submission. Parpinder Singh provided responses to questions asked.

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

Mr Parpinder Singh and Mr Chris Howell made closing statements.

The Sub-Committee adjourned at 11.10 hours.

The Hearing reconvened at 11.24 hours.

Mr Shaun Ward and Mr Chris Nixon made their closing statements.

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

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Senior Solicitor.

Resolved:

The Licensing Sub-Committee had taken note of all written concerns raised in respect of the application for a premises licence for Supernewz, 5 Market Way, Wolverhampton, WV14 0DR. They had listened to the arguments of those who had spoken at the hearing, both for and against the application.

The Sub-Committee had considered written representations from the West Midlands Police and had heard from the Licensing Authority as Responsible Authority and Public Health in relation to the Cumulative Impact Policy and relevant Licensing Objectives. The Licensing Authority and Public Health had confirmed that the application was for a premises in a CIZ. This had not been addressed in the application and the Applicant had not provided sufficient evidence to rebut the presumption of non-grant.

The Sub-Committee had heard from the Applicant and within their submissions that West Midlands Police had agreed a proposed condition regarding the sale of white ciders on the premises.

The Sub-Committee were satisfied that the Cumulative Impact Policy applied to these premises and that therefore there was a rebuttable presumption of non-grant.

Further, they were not satisfied that sufficient evidence had been provided by the Applicant to illustrate that the premises would not add to the cumulative impact already experienced. Therefore, the presumption of non-grant had not been rebutted.

The reasons for this were as follows:

1. The CIZ was not referred to or addressed in the application;
2. The application was not sufficiently tailored to the needs of the premises or the location where it is situated;
3. The Applicant confirmed that staff would be trained, should the licence be granted, however, there seemed no clear plan of when this would happen, or examples given of what training would be provided and how;

4. When asked if there was a market for alcohol at 8.30 am the Applicant responded no which called into question why this had been applied for;
5. The application was too general for it to succeed in its present form.

The Senior Solicitor stated that all parties had a right of appeal to the Magistrates Court within 21 days of receipt of the decision.