

M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **14 DECEMBER 2011**

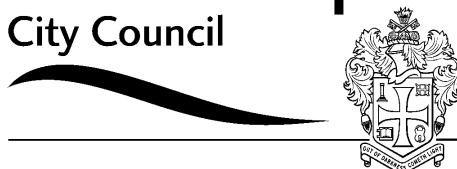
PRESENT:-

Councillor Dass (Chair)
Councillors Inston and N Patten

OFFICERS IN ATTENDANCE:-

L Banbury	-	Democratic Support Officer, Delivery
R Edge	-	Section Leader (Licensing), Education and Enterprise
S Hardwick	-	Senior Solicitor, Delivery

Wolverhampton
City Council



PART 1 – OPEN ITEMS

**Licensing Act 2003 – Application to Vary a Premises Licence
Suthi Superstore, 17 High Street, Wednesfield, Wolverhampton
(Appendix)**

160 Prior to this meeting the applicant had, via his legal adviser, informed the Democratic Support Officer that he wished to withdraw his application to vary the Premises Licence.

**Licensing Act 2003 – Application to Vary a Premises Licence
Super Stop, 25 Market Street, Wolverhampton (Appendix 6)**

161 In Attendance
For the Premises

Mr T Raj - Premises Licence Holder
Mr M Joshi - Colleague (acting as interpreter)

Objectors

Sergeant R Edwards,
WPC N Holt &
PC S Williams - West Midlands Police

The Chair introduced the Sub-Committee and all parties were introduced to the meeting. He then outlined the procedure to be followed at the meeting. No declarations of interest were made by the Members.

The Section Leader (Licensing) briefly outlined the report submitted to the meeting and circulated to all parties in advance. He advised that the Premises was situated within the Cumulative Impact Zone and circulated copies of the Council's Cumulative Impact Policy and Impact Zone map to all parties.

At this juncture, Mr Joshi outlined the case for the Premises Licence Holder and, in so doing, advised that the additional hours were required in order to avoid possible closure of the business after Christmas. He added that the Premises Licence Holder had decided not to employ a SIA registered door supervisor and that this provision should be deleted from Section P(b) of the variation application.

All parties were afforded the opportunity to question Mr Raj and Mr Joshi. On a point of clarification, the Solicitor advised that the Sub-Committee could only consider the sale of alcohol and that the sale of groceries for consumption off the Premises was not included in the legislation. On questioning, the Premises Licence Holder appeared to be unfamiliar with the four licensing objectives.

At this juncture, WPC Holt outlined the objection to the variation, on behalf of the West Midlands Police. She referred to the fact that the Premise was located in the Cumulative Impact Zone and that the onus was on the Premises Licence Holder to demonstrate the measures he would take to ensure they did not contribute to the existing crime and

disorder in the area. She stated that the West Midlands Police did not believe that the measures outlined in the application would prevent crime and disorder, even with the provision of an SIA registered door supervisor, which had now been withdrawn.

PC Williams expressed concern regarding the plan to lock customers in the store to reduce numbers, which would make it extremely difficult for Police Officers to assist should there be instances of crime and disorder on the Premises.

All parties were afforded the opportunity to question the representatives of the West Midlands Police.

Mr Joshi, on behalf of the Premises Licence Holder, and WPC Holt made final statements.

Exclusion of Press and Public

162 Resolved:-

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from consideration of the items of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within paragraph 3 of Schedule 12A to the Act (Information relating to the business affairs of particular persons) is likely to be disclosed.

All parties, with the exception of the City Council's Solicitor and the Democratic Support Officer, withdrew from the meeting at this point.

PART II - EXEMPT ITEMS

Deliberations and Decisions

163 The Sub-Committee discussed the issues which had been raised during the review of the Premises Licence.

The Solicitor advised them of the options open to them in determining the application.

Re-Admission of Press and Public

164 Resolved:-

That the press and public be readmitted to the meeting.

PART I - OPEN ITEMS

Announcement of Decision

165 All parties returned to the meeting room and the Solicitor outlined the decision of the Sub-Committee as follows:-

The Sub-Committee have taken note of all the written concerns raised in respect of the application for a variation to the Premises Licence for Super Stop, 25 Market Street, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application. The Sub-Committee have found that:-

1. there is considerable crime and disorder on Market Street;
2. the applicant has offered certain controls within the operating schedule for the application for variation, and
3. the West Midlands Police believe that the conditions offered would be insufficient to assist in the prevention of crime and disorder.

The Sub-Committee are satisfied that the Cumulative Impact Policy applies to these Premises and that there is a likelihood that the sale of alcohol, during the additional hours applied for, would have an impact on the prevention of crime and disorder licensing objective.

There is a presumption that any application in the Cumulative Impact Zone will be refused unless the Sub-Committee are satisfied that the applicant has provided sufficient evidence to show that the Premises will not add to the cumulative impact currently experienced.

The Sub-Committee are not satisfied that sufficient evidence has been provided to rebut the presumption of non grant and, therefore, the application to vary the Premises Licence is refused.

All parties have a right of appeal to the Magistrates' Court within 21 days of receipt of this decision.