

# M I N U T E S

meeting: **LICENSING SUB-COMMITTEE**

date: **5 JANUARY 2012**

**PRESENT:-**

Councillor Davis (Chair) and Inston  
[Councillor Claymore was present for agenda items 8-12 only]

**APOLOGY FOR ABSENCE:-**

Submitted on behalf of Councillor 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  
La Salsa, 179 Stafford Street, Wolverhampton (Appendix 7)**

166

In Attendance  
For the Premises  
Mr G Karakurt

Objectors

Sergeant R Edwards,  
WPC N Holt &

PC S Williams - West Midlands Police  
Mrs J Freeman-Evans - Food & Environmental Safety  
Service

The Chair 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 to all parties.

At this juncture, Mr Karakurt outlined his case and, in so doing, advised that there would be no drum and bass music and no charge for entrance. There was CCTV provision and qualified door staff would be in place. He pointed out that there had been no incidences of crime and disorder at the Premises. He indicated that the variation was required in order for him to pay his staff and business rates.

All parties were afforded the opportunity to question Mr Karakurt. He advised that the fliers for the previously planned Temporary Events did not belong to him and that the events had in fact been cancelled. He intended to provide salsa and modern European music at his restaurant via recordings or on occasion a band. The permanent seating would remain in place during the regulated entertainment. He further advised that the fish and chip takeaway would close at 1930 hours.

At this juncture Mrs Freeman-Evans outlined certain conditions, agreed with the Premises Licence Holder prior to the meeting, which would be included in the operating schedule should the application to vary the Premises Licence be approved. Mrs Freeman-Evans withdrew from the meeting at this point.

At this juncture, WPC Holt outlined the representations on behalf of the West Midlands Police. She pointed out that, as the Premises were situated in the Cumulative Impact Zone, there was a rebuttable presumption to refuse the application. The Police were not satisfied

that further crime and disorder would be avoided if the variation application was granted and were concerned regarding the Premises Licence Holder's failure to engage with them in regard to the application.

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

On a point of clarification the Solicitor asked Mr Karakurt if he would cease serving food 1930 hours. Mr Karakurt replied that food would be served until 0300 hours.;

Mr Karakurt and the representatives of the West Midlands Police made final statements.

### **Exclusion of Press and Public**

167 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**

168 The Sub-Committee discussed the issues which had been raised during consideration of application to vary the Premises Licence.

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

### **Re-Admission of Press and Public**

169 Resolved:-

That the press and public be readmitted to the meeting.

## **PART I - OPEN ITEMS**

### **Announcement of Decision**

170 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 Premises Licence for La Salsa, 179 Stafford 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 heard from the applicant that:-

1. there is CCTV and security staff at the Premises;
2. the applicant wishes to provide salsa and modern European music at this restaurant venue, suitable for families and couples, and
3. takeaway fish and chips will be available only until 1930 hours, with restaurant food served until 0300 hours.

The Food and Environmental Safety Service agreed with the applicant prior to the hearing that certain conditions be included in the operating schedule, should the application to vary the Premises Licence be granted. However, the Sub-Committee have heard from the West Midlands Police that:-

1. the Cumulative Impact Policy applies to these Premises;
2. they are not satisfied that further crime and disorder would be avoided if regulated entertainment and the extended hours were granted;
3. the applicant has failed to properly engage with the Police in regard to his application, and
4. it is believed that there will be loud music events at the Premises attracting Anti-Social Behaviour.

Having considered the views of all concerned, the Sub-Committee are satisfied that the Cumulative Impact Policy applies to these Premises. They are further satisfied that the applicant has failed to provide sufficient evidence to illustrate that the Premises will not add to the cumulative impact already experienced and therefore to rebut the presumption of non grant. The application for variation of the Premises Licence is therefore refused.

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

COUNCILLOR CLAYMORE JOINED THE MEETING AT THIS POINT

**Licensing Act 2003 – Application to Vary a Premises Licence  
The Prince Albert, Railway Street, Wolverhampton (Appendix 8)**

171

In Attendance

For the Premises

Mr R McGillicuddy	-	Premises Licence Holder
Mr T Jones	-	Designated Premises Supervisor (Stourbridge venue)

Objectors

WPC N Holt &

PC S Williams

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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.

At this juncture Mr McGillicuddy outlined the case for the Premises and, in so doing, referred to consultations with the West Midlands Police and West Midlands Fire Service in order to implement their recommendations to support the relevant Licensing Act objectives.

All parties were afforded the opportunity to question Mr McGillicuddy. Mr McGillicuddy indicated that a large amount of funding had been invested in the Premises with a view to providing a quality establishment for all age ranges.

At this juncture WPC Holt outlined the objections on behalf of the West Midlands Police. She indicated that the objection had been made as the Premises were located within the Cumulative Impact Zone. However, the Premises Licence Holder had convinced the Police that he would be establishing a responsible venue, the details of which were not necessarily reflected in the application. Suggested amendments/additions to the operating schedule were attached at appendix 6 to the Licensing Officer's report and had been agreed with the Premises Licence Holder, subject to minor amendments to numbers 7 and 8.

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

The Premises Licence Holder and West Midlands Police made final statements.

**Exclusion of Press and Public**

172

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**

173 The Sub-Committee discussed the issues which had been raised during consideration of application to vary the Premises Licence.

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

### **Re-Admission of Press and Public**

174 Resolved:-  
That the press and public be readmitted to the meeting.

## **PART I - OPEN ITEMS**

### **Announcement of Decision**

175 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 the Prince Albert, Railway Street, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee are satisfied that the Cumulative Impact Policy applies to these Premises. They are further satisfied that sufficient evidence has been provided by the applicant to illustrate that the Premises will not add to the cumulative impact already experienced and that the presumption of non grant has been rebutted.

The application for variation to the Premises Licence is therefore granted, subject to the following conditions, recommended by the West Midlands Police, for inclusion in the operating schedule:-

1. On Thursday, Friday and Saturday evening and at any other times where any licensable activity is permitted past 12 midnight, at least two SIA door supervisors to be deployed from 2100 hours until close of business and until every member of the public has left the Premises. Two door staff to be deployed at the entrance of the Premises and at least one female (for searching females) and two door staff on each floor, with a further member of door staff floating between floors as a more visible presence in the Premises.

2. All door staff to be SIA registered, clearly displaying their own badges and wearing high visibility attire.
3. At least one member of SIA registered door staff to be deployed at the external smoking facility.
4. All patrons to be searched on entry or re-entry to the Premises with the use of electric hand wands and random searches to be carried out at the discretion of the Designated Premises Supervisor. All patrons refusing to be searched would have their access to the Premises refused.
5. A strict dress code to be implemented at the Premises, i.e. no tracksuits, baseball caps, hoodies etc. Smart, casual dress only.
6. Challenge 21 to be implemented at the Premises and photograph identification should be produced by anyone who appears to be under the age of 21 and all staff to receive sufficient training in challenging underage drinking. This training to be documented.
7. No glass drinking vessels or glass bottles to be permitted outside the venue, either out into the street at the front of the Premises or out into the street at the rear of the Premises.
8. Last entry for all patrons into the Premises at 0200 hours, unless in possession of a pre-booked, dated admission ticket allowing access until 0300 hours.
9. Private events are to be at the discretion of the Designated Premises Supervisor but, in any case, at least 14 days notification to be given to the Licensing Department at the Wolverhampton Police Station to allow for a suitable risk assessment to be conducted.
10. No events aimed specifically at under 18s to be held prior to authorisation of the Licensing Department at the Wolverhampton Police Station and at least 14 days notice to be given of the event.
11. Premises to join the Radio Link Scheme and sign up to the Information Sharing Agreement in conjunction with Wolverhampton City Centre Management (currently known as WV ONE).
12. The Designated Premises Supervisor or representative to attend Pubwatch meetings and any customer who behaves inappropriately will be barred from the Premises and their details passed to the Pubwatch Scheme.
13. Evidential quality CCTV to be installed and maintained to a high standard, with images/recordings to be kept for 31 days and to be available upon request by any Responsible Authority. At any time, at least one member of staff to be on duty who can use/download CCTV on request. CCTV should cover entry and exit points of the Premises and areas where alcohol/money is served/taken and in all areas to which public have access and the immediate vicinity outside the Premises. The CCTV system should indicate the correct time and date.
14. An incident logbook shall be kept in the Premises, in which will be recorded any incident of crime and disorder. This book will be reviewed by senior management in association with the Designated Premises Supervisor. Any incident of crime and disorder at the Premises shall be reported by a member of staff to the Police as soon as it is reasonably practical to do so.
15. All staff who are involved in the sale of alcohol will be fully trained to ensure that no person who is drunk or disorderly or who appears to

be under the age of 18 years will be served with intoxicating liquor; such training to be repeated every six months and to be documented.

16. An accurate record shall be kept of the number of persons admitted to each part of the Premises; such records to be kept for six months and to be made available to any Responsible Authority.
17. All staff to be trained in order to carry out the safe evacuation of the Premises in an emergency and training to be implemented at least annually. A record of this training is to be kept at the Premises and to be made available to any Responsible Authority upon request.
18. At least one member of First Aid trained staff to be on the Premises at any time that members of the public are present, to deal with problems associated with alcohol/drugs. If more than one First Aid trained member is on duty then their specific role and responsibilities are to be outlined before their duties commence. Training to be undertaken every six months, to be documented and made available to any Responsible Authority upon request.
19. Daily briefing/tasking to be undertaken for all staff, outlining their responsibilities and any relevant information/policies in relation to the Premises to be documented and provided to any Responsible Authority upon request.
20. At least two (four – six if all floors/beer garden to be open) SIA door staff to be deployed at the Premises when there is a football match at Wolverhampton Wanderers Football Club of a Category C or above. For all other categories it is advisable, but to the discretion of the Designated Premises Supervisor. Police advice should be taken into consideration.
21. Facilities shall be provided to enable taxis to be booked/ordered from the Premises.

It is considered that the above conditions should be attached in support of the prevention of crime and disorder licensing objective.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the Licence, together with any mandatory conditions required by the Act.

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