

M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **8 AUGUST 2012**

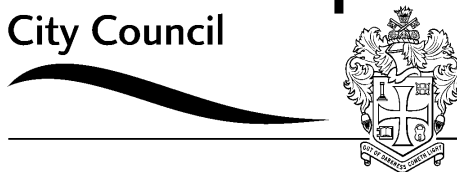
PRESENT:-

Councillors Dass (Chair), Mrs Patten and John Rowley

IN ATTENDANCE:-

- L Banbury - Democratic Support Officer, Delivery
- L Cross - Principal Solicitor, Delivery
- R Edge - Section Leader (Licensing), Education and Enterprise

Wolverhampton
City Council



PART 1 – OPEN ITEMS

**Licensing Act 2003 – Application for a New Premises Licence
Circle K, 206A Lea Road, Pennfields, Wolverhampton
(Appendix 25)**

67.

In Attendance

For the Premises

Mr I Green - Applicant
Ms A Dalali - Designated Premises Supervisor

The Chair outlined the procedure to be followed at the meeting. No declarations of interest were made by the Members. An interested party (local resident) had objected to the application, but was unable to attend the hearing and had requested that their written representations be considered in their absence.

The Section Leader (Licensing) briefly outlined the report submitted to the meeting and circulated to all parties in advance.

At this juncture Ms Dalali outlined the application for a new Premises Licence and in so doing advised that, in response to the objections raised, had agreed to sell alcohol between 0900 hours and 2200 hours and also gave voluntarily agreement to close the Premises at 2200 hours rather than 2300 hours as originally applied for.

The Sub-Committee and Officers were afforded the opportunity to question Mr Green and Ms Dalali.

At this juncture, PC Williams outlined the representations of the West Midlands Police. He advised that he had consulted with the applicant and Designated Premises Supervisor and written agreement had been given to a number of additional conditions; these had been forward to the Licensing Authority the previous day and were read out at the meeting. He requested that, should the Premises Licence be granted, the proposed conditions be added to operating schedule.

All parties were afforded the opportunity to question PC Williams.

At this juncture, Mrs Freeman-Evans outlined the representations on behalf of Environmental Health and, in so doing, advised that additional conditions had been agreed with and signed by the applicant; these were attached at Appendix 6 of the Licensing Officer's report.

All parties were afforded the opportunity to question Mrs Freeman-Evans.

At this juncture, Mrs Smith-Doughty outlined the representations on behalf of the Local Health Board. She supported the proposed conditions of the West Midlands Police, but wished to amend condition 5 to refer to 'Challenge 25' rather than 'Challenge 21' which she

advised was supported by Trading Standards as best practice. She also requested the inclusion of two further conditions, should the application be granted, and these were read out at the hearing.

All parties were afforded the opportunity to question Mrs Smith-Doughty.

At this juncture, all parties were afforded the opportunity to make a closing statement.

Exclusion of Press and Public

68. 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

69. The Sub-Committee discussed the issues which had been raised during consideration of the application for a new Premises Licence.

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

Re-Admission of Press and Public

70. Resolved:-

That the press and public be readmitted to the meeting.

PART I - OPEN ITEMS

Announcement of Decision

71. 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 Circle K, 206A Lea Road, Pennfields, 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 also considered the additional issues raised at

the hearing in respect of crime and disorder, prevention of public nuisance and protection of children from harm.

Having considered the views of all, the Sub-Committee have decided that the application for a Premises Licence be granted in the following terms:-

Alcohol Sales - Monday to Saturday - 0900 to 2200 hours

The amendment of the operating hours for the premises to close at 2200 hours was offered voluntarily by the applicant.

It is considered by the Sub-Committee that the following conditions should be attached to the Licence in support of the Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Children from Harm licensing objectives:-

Prevention of Crime and Disorder

1. Evidential quality CCTV to be installed and maintained to a high standard and images/recordings to be kept for 31 days and to be available on request by anyone from a responsible authority. At any time, at least one member of staff to be on duty who can use/download the CCTV on request. The CCTV should cover entry and exit points of the premises and areas where alcohol/money is served/taken and all areas to which the public have access.
2. An incident book shall be kept on 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 to the Police by a staff member as soon as is reasonably practicable.
3. 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 will be served with intoxicating liquor, such training to be repeated every six months.
4. 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 on request.
5. A 'Challenge 25' policy and a firm 'No ID No Sale' policy should be adopted, with clear and visible Challenge 25 signs to be displayed at the premises and records kept of anyone refused to be made available to any responsible authority upon request.

Protection of Children from Harm

6. Only documents which include a photograph of the purchaser should be used to prove that person's age e.g. Validate Card or Citizen's Card.
7. A till prompt or a notice should be secured to the till at eye level to remind staff that they must ask for ID if a customer looks under 25.

Prevention of Public Nuisance

8. Signage should be displayed inside the premises, in a conspicuous position, requesting customers to dispose of their litter in an appropriate manner.
9. Any litter accumulations outside the premises must be suitably disposed of. Daily litter picks of the footpath directly outside the premises must be undertaken to achieve this. All litter identified must be disposed of correctly in a refuse receptacle.

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,

Point of Clarification

72. The Sub-Committee were concerned that the responsible authorities were requesting conflicting conditions to be placed on Premises Licences, specifically in regard to the challenge to underage sales. They requested therefore that this issue be raised at the full Committee in order to clarify whether 'Challenge 21' or 'Challenge 25' was considered as best practice.