

M I N U T E S

meeting: **LICENSING SUB-COMMITTEE**

date: **13 JULY 2012**

PRESENT:-

Councillors Claymore (Chair), Inston and N Patten

IN ATTENDANCE:-

L Banbury	-	Democratic Support Officer, Delivery
R Edge	-	Section Leader (Licensing), Education and Enterprise
R Marshall	-	Solicitor (for agenda item 3)
L Moses-Copeman	-	Solicitor (for agenda items 8 and 13)
C Parr	-	Licensing Manager (part)

Wolverhampton
City Council



PART 1 – OPEN ITEMS

**Licensing Act 2003 – Application for a New Premises Licence
9-10 Johnson Street (Appendix 19)**

46. In Attendance
For the Premises
Mr S Khunkhun

The Chair outlined the procedure to be followed at the meeting. No declarations of interest were made by the Members. The Local Health Board had objected to the application, but were unable to attend the hearing and had requested that their written representations be read out at the meeting.

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

At this juncture Mr Khunkhun outlined the application for a new Premises Licence and, in so doing, advised that the application had been made primarily to take into account the enlargement of the Premises to include 10 Johnson Street. It was intended to concentrate mainly on increasing the food sales and also to commence the sale of national newspapers. The application therefore included an opening time of 0600 hours to include all sales, including alcohol, the purpose being to provide flexibility as it was not envisaged that the sale of alcohol would increase. He added that the opening time of 0600 hours would be implemented on a trial basis in the first instance.

The Sub-Committee and Officers were afforded the opportunity to question Mr Khunkhun. He indicated that he currently traded from 0900 to 2100 hours.

The Section Leader (Licensing) read out the representations submitted by the Local Health Board. In response, Mr Khunkhun expressed the opinion that the representations were extremely vague and that they made no mention of the four licensing objectives.

Exclusion of Press and Public

47. 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

48. 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

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

PART I - OPEN ITEMS

Announcement of Decision

- 50 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 General Convenience Store, 9-10 Johnson Street, Woodcross, Wolverhampton. The only objectors to the application for a Premises Licence, namely the Local Health Board, did not attend the hearing but requested that their representations be read out to the Sub-Committee.

The Licensing Sub-Committee, having listened to the arguments of those who spoke at the hearing and to the written representations of the Local Health Board, have decided that the licensing objectives have not been undermined and have agreed to grant the Premises Licence as applied for.

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.

[NOTE: Councillor Patten requested that his name be record as voting against the decision to allow the sale of alcohol from 0600 hours]

Licensing Act 2003 – Application for a Variation to a Premises Licence – Drinks Express, 64 Chapel Ash (Appendix 20)

51

In Attendance

Objector

PC S Williams - West Midlands Police

The Chair outlined the procedure to be followed at the meeting. No declarations of interest were made by the Members. The Local Health Board, did not attend the hearing but requested that their representations be read out to the Sub-Committee. The applicant, Mr Mistry, failed to attend the hearing despite the fact that two separate letters had been mailed to him in connection with the meeting. The Section Leader (Licensing) telephoned Mr Mistry questioned whether he could suggest an alternative date for the hearing. The Sub-Committee agreed, however, to hear the matter in his absence.

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

At this juncture, PC Williams outlined the objections on behalf of the West Midlands Police and, in so doing, no other Premises in the locality were licensed until 0300 hours and that the Police were concerned that the application would add to the current problems of street robbery, thefts and other drink related offences; it would also be a drain on current Police resources.

All parties were afforded the opportunity to question PC Williams. It was noted that the Mrs Kaur and Mr Singh had verbally agreed to provide door supervision, from within their own staff, from 2300 to 0300 hours.

The Section Leader (Licensing) read out the representations submitted by the Local Health Board.

PC Williams was afforded the opportunity to make a final statement.

Exclusion of Press and Public

52.

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

53. The Sub-Committee discussed the issues which had been raised during consideration of the 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

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

PART I - OPEN ITEMS

Announcement of Decision

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

The applicant failed to attend the hearing, despite the fact that two letters were sent to him prior to the hearing; the Sub-Committee therefore agree to consider the matter in his absence. The Local Health Board had submitted objections, but did not attend the hearing and requested that their representations be read out at the meeting. West Midlands Police also raised objections on the basis that the Premises would be the only one in the locality licensed beyond midnight, which could lead to increased instances of anti-social behaviour and drink related disturbances.

The Sub-Committee have taken note of all the written concerns raised in respect of Drinks Express, 64 Chapel Ash, Wolverhampton and the written representations of the Local Health Board. They have listened to the arguments of those who have spoken at this hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee have decided that the application for a variation to the Premises Licence be refused on the basis that it would undermine the Prevention of Crime and Disorder Licensing Objective.

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

Licensing Act 2003 – Application for a New Premises Licence – One Stop, 335 - 337 Griffiths Drive (Appendix 21)

56. In Attendance
For the Premises
Ms Marklew and Mr Duerden

Objector

Mr & Mrs Brough - Interested Parties (local residents)
(accompanied by their son)

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. It was noted that the West Midlands Police and Local Health Board had withdrawn their representations following consultation with the application. The interested parties had been offered mediation but indicated that they wished for their representations to be considered by the Sub-Committee.

At this juncture outlined the application for a new Premises Licence and, in so doing, advised that the opening hours had been amended to 0800 following consultation with the Police. She drew attention to the steps they would undertake to promote the four licensing objectives as outlined on page 19 of the application.

All parties were afforded the opportunity to question the applicant.

At this juncture, Mr Brough outlined the objections on behalf of his parents. He advised that his parents welcomed the new facility, but were concerned regarding the late opening hours and problems with cars being parked outside his parents after 2300 hours and the consequent problems of anti-social behaviour.

All parties were afforded the opportunity to question the objectors.

The applicant and objectors were afforded the opportunity to make final statements.

Exclusion of Press and Public

57. 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

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

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

During the discussion, Members expressed a general concern regarding the vagueness of the Local Health Board representations and the fact that they did not always refer to any of the licensing objectives. They also expressed concern regarding the fact that the Police had, recently and on a number of occasions, consulted with applicants and had withdrawn their representations and then not attended the hearing. Inspector Affron had, the previous year, agreed that a Police Officer would be present at all hearings where initial objections had been made, but withdrawn, in order to present their proposed conditions to the Sub-Committee.

Re-Admission of Press and Public

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

PART I - OPEN ITEMS

Announcement of Decision

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

The representations made by the West Midlands Police and Local Health Board had been formally withdrawn prior to the meeting.

The Sub-Committee have taken note of all the written concerns raised in respect of One Stop, 335 – 337 Griffiths Drive, Ashmore Park, 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 by the interested parties in terms of potential anti-social behaviour. The applicant has provided an assurance that representatives of the Premises will meet regularly with local residents to consider and resolve any issues that may arise.

Having considered the views of all concerned, the Sub-Committee have decided that the application be granted, subject to the following conditions:-

- Hours of opening – 0600 hours to 2200 hours
- Sale of Alcohol – 0900 hours to 2200 hours

- Applicant, or representative, to meet on monthly basis with local residents commencing with immediate effect.

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.