

M I N U T E S

meeting: **LICENSING SUB-COMMITTEE**

date: **14 SEPTEMBER 2012**

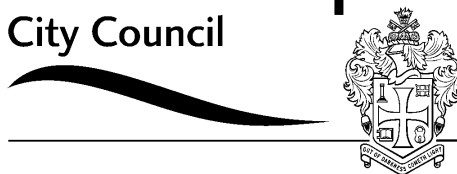
PRESENT:-

Councillors Claymore (Chair), Bolshaw and Mrs Patten

IN ATTENDANCE:-

- | | | |
|------------|---|--|
| L Banbury | - | Democratic Support Officer, Delivery |
| S Hardwick | - | Senior 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
The Warehouse, Unit 98, Biz Space Business Park, Upper Villiers
Street, Wolverhampton (Appendix 29)**

80.

In AttendanceFor the Premises

M Barton - Applicant
C Underwood - HCB Solicitors

Objectors

J Freeman-Evans - Environmental Health (Commercial)
J Hickman - Safeguarding Children Board
C Parr - Licensing Authority
M Smith - Local Health Board
Sergeant Reeves,
WPC Holt and
PC Williams - West Midlands Police
P Raw - West Midlands Fire Service
A Gittings - Other person (local business)

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.

At this juncture Mr Underwood outlined the application for a new Premises Licence and in so doing, advised that the applicant had vested approximately £20,000 into the Premises which was previously a derelict building. He stated that it was highly unlikely that the Premises would operate from Monday to Thursday. It was intended that a regular social event, for under privileged children, would be held on Fridays between 1900 and 2100 hours; these would be pre-booked with carers in attendance. It was planned to expand this activity in time and not just for under privileged children. There would be no sale of alcohol prior to 2100 hours. Mr Barton had previously worked at the Council, with under privileged children, but had left due to ill-health. From 2200 hours the Premises would be used as a nightclub, subject to the conditions outlined in the operating schedule. It would effectively be run as a Members Club, with a £5 membership fee and fingerprint/photo ID admission arrangements. Access issues raised by the West Midlands Fire Service had been addressed and sound insulation would be installed to eliminate noise nuisance. SIA staff would also be employed. It was unlikely that any wrestling/boxing events would be held but, if they were, they would be dealt with via the submission of Temporary Event Notices.

The Sub-Committee, Officers and objectors were afforded the opportunity to question Mr Underwood and his client.

Mr Underwood advised that his client was happy to amend the application to read from 1800 hours, given that it was not envisaged that any licensable activities would take place in the day time.. Mr Barton indicated that although he had friends in this area of work, he had no personal experience of running a nightclub. Responding to a further question from the Council's Solicitor Mr Underwood advised that, should pre-booked events for children and their parents take place between 1900 and 2100 hours, the facility for sale of alcohol might be required for the adults.

The Responsible Authorities and other persons were afforded the opportunity to outline their representations, which had been circulated prior the hearing and were appended at appendices 3 to 10 of the Licensing Officer's report. The Fire officer indicated that he would need to re-visit the Premises to ensure that there were no remaining fire safety issues. In the event that the Premises Licence was granted, the applicant offered some amendments to the application and conditions on the operating schedule to address certain issues raised by those making representations.

All parties were afforded the opportunity to question the objectors.

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

Exclusion of Press and Public

81. 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

82. 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

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

PART I - OPEN ITEMS

Announcement of Decision

84. 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 Warehouse, Unit 98, Biz Space Business Park, Upper Villiers 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 heard from the:-

Licensing Authority that:-

1. in accordance with section 8.34 of the revised S182 guidance, the applicant has not put forward sufficient steps/information to deal with concerns regarding dispersal of patrons at the end of events and that there has been no regard given to the local area.

Representative of Janitor Ltd that:-

1. any regulated entertainment during the day would cause a nuisance, and
2. a member of staff is often on site on Saturday evenings and she is concerned for their safety.

Representative of the Safeguarding Children Board that:-

1. the location is unsuitable for young persons.

Environmental Health (Commercial) that:-

1. the location is isolated and the lighting is poor, and
2. there may be noise issues.

West Midlands Fire Service that:-

1. there are issues with the door furniture and gates. (The Fire Service will need to re-visit the site to ensure that there are no remaining fire safety issues).

Local Health Board that:-

1. they have concerns about opening until 0500 hours on Saturday and Sunday, which would increase the propensity for crime, and
2. the sale of alcohol each day ceases at the same time as the terminal closing hour.

West Midlands Police that:-

1. the Premises/location are unsuitable for this venture and could lead to crime and disorder;
2. there are particular concerns regarding access for emergency vehicles;
3. there does not appear to have been an undertaking of risk assessments;
4. there are insufficient SIA registered door staff, and
5. the membership scheme, whilst positive, will not prevent issues arising.

The Sub-Committee have heard from the applicant that:-

1. he has made a substantial financial commitment to this project;
2. he intends to run events for under privileged children between 1900 and 2100 hours on Fridays. (from 2200 on Friday, Saturday and Sunday, the Premises will operate as a nightclub), and
3. conditions have been placed on the operating schedule to address issues relating to the licensing objectives. The applicant has also offered additional conditions at the hearing.

Within sections 8.34 to 8.40 of the guidance from the Home Office dated April 2012, it is provided that applicants for licences must be aware of the expectations of the Responsible Authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:-

- the layout of the local area and physical environment, including crime and disorder hotspots, and
- any risk posed to the local area by the applicant's proposed licensable activities.

Further, applicants are expected to provide licensing authorities with sufficient information to determine the extent to which proposed steps are appropriate to promote the licensing objectives in the local area.

The Sub-Committee do find the applicant's intentions admirable. However, from what they have heard, the Sub-Committee are not satisfied that sufficient information has been obtained by the applicant about the local area and risks posed, to enable them to demonstrate steps they propose are appropriate or that they are aware of the expectations of the Responsible Authorities.

The Sub-Committee have the power to take appropriate steps and therefore the application for a Premises Licence is refused.

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