

M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **18 DECEMBER 2012**

PRESENT:-

Councillors Claymore (Chair), Bolshaw and Mrs Patten

IN ATTENDANCE:-

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

Wolverhampton
City Council



PART I – OPEN ITEMS**Licensing Act 2003 – Application for a New Premises Licence
– Natałka, 18-19 Bargate Drive, Wolverhampton (Appendix 8)**

16.

In AttendanceFor the Premises

R Stuliglowa	-	Director, NJS UK Limited
M Stuliglowa	-	Personal Licence Holder
S Parkbhakar		

Objectors

PC S Williams	-	West Midlands Police
Mrs E Moreton	-	Licensing Authority
Mrs M Doughty-Smith	-	Local Health Board
H Gill, C Berresford, G Turner, Mrs Wilkes, Mr Sandhu and Mr Singh	-	Other Persons

The Chair introduced the parties and outlined the procedure to be followed at the meeting. No declarations of interest were made.

The Section Leader (Licensing) briefly outlined the report submitted to the meeting and circulated to all parties in advance. He advised that a number of letters had been received in the post and complaints received via City Direct from members of the public, alleging that they were offered financial or other merchandise to either write a letter to the Licensing Authority to object to the application or sign a petition. Following internal investigations and reporting of these matters to the Police and Environmental health (Commercial), it was recognised that the allegations could not be substantiated and those who had provided their names and addresses had insisted on remaining anonymous. He recommended, therefore, that all representations were taken at face value. In addition, the applicant had submitted documentation in support of his application via email at 2330 hours the previous evening and had been advised that he should use this in his presentation to the hearing today.

At this juncture, Mr Stuliglowa outlined his application for a new Premises Licence, indicating that:

- the Premises would sell mainly Polish meat and dairy products, together with Polish vodka and beer;
- the Company had been trading for 6 years;
- the Company had 8 stores nationwide, employing approximately 45 members of staff;
- the premises would not be in competition with other traders as they specialised only in Polish products;
- no objections had ever been received in respect of their other stores;
- the statutory blue notices were continually removed from the Premises, hence the need for a re-application;
- 'Challenge 25' was operated at all the existing premises;

- alcohol sales were a minor selling product but were required to attract business;
- he would be happy to amend the hours for sale of alcohol, in line with the opening hours, to 0900 – 2000 hours Monday to Saturday and 1000 to 1700 Sunday;
- CCTV was to be installed that day, and
- he was of the opinion that the multi-pack purchases would increase the problem of street drinking, and that people could still buy single cans from other outlets at the Avion Centre.

All parties were afforded the opportunity to question the applicant. Responding to questions Mr Stuliglowa advised that:

- the split of products amounted to approximately 80% food and 20% tobacco and alcohol, adding that he would not be prepared to forego the sale of alcohol;
- he had researched the area prior to securing the premises;
- staff would be instructed to check outside the premises every 30 minutes to ensure that there was no drinking of alcohol on the street and the Police would be called if problems arose;
- he would be prepared to restrict alcohol sales to that only of Polish origin, and
- he believed the establishment of an Alcohol Free Zone would prevent the problem of street drinking.

At this juncture the responsible authorities outlined their representations. It was noted that the Local Health Board's objection related solely to the location of the Premises and existing problems of street drinking, resulting in anti-social behaviour. Mrs Smith advised that the Local Health Board was currently working closely with the West Midlands Police to address these problems. It was noted that work was being undertaken with other Premises to secure their assistance via voluntary means; should these not be successful steps would be taken to review premises licences. PC Williams referred to the current problems around the Avion Centre and surrounding area, both in terms and reported and unreported crimes. He believed that the problem of street drinking would rise if there was an increase in the supply of alcohol. He further believed that the restriction of sale to multi-packs only would reduce the issue of street drinking. Suggested additional licence conditions were circulated to all parties at the meeting. Mrs Moreton, on behalf of the Licensing Authority, endorsed the points by the other responsible authorities. With regard to Mr Stuliglowa's point regarding alcohol free zones, she advised that the Council was currently considering a city wide Designated Public Place Order, but that this was currently subject to a consultation process.

At this point, Mr Gill and Mr Sandhu outlined the representations made by 'Other Persons'. Mr Gill refuted the allegations regarding to the offer of payment to people to make representations. He also questioned whether the statutory blue notices had been correctly placed at the premises. Mr Gill explained that the local concerns were raised because of the existing problems in respect of street drinking and Mr Sandhu echoed this comment.

On a point of clarification, the Section Leader (Licensing) advised that all relevant representations received in the statutory time period had been included in his report to the Sub-Committee.

Responding to a question from the City Council's Solicitor, PC Williams advised that street drinkers usually purchased single cans/bottles for fear of multiple packs being stolen or confiscated.

All parties were afforded the opportunity to make a closing statement.

Exclusion of Press and Public

17. 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

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

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

Re-Admission of Press and Public

19. Resolved:-

That the press and public be readmitted to the meeting.

PART I - OPEN ITEMS

Announcement of Decision

20. 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 Nataalka , 18-19 Bargate Drive, Wolverhampton. They have listened to the arguments of those who have spoken at this hearing, both for and against the application, namely the applicant, the responsible authorities and other persons.

Having considered the views of all concerned, the Sub-Committee have decided that the promotion of prevention of crime and disorder licensing objective has not been undermined and that the Premises Licence should be granted, as applied for, subject to the following conditions as outlined in the proposed conditions circulated at the hearing by the West Midlands Police:

1. Any lager, beer or cider in cans or bottles should be sold as a minimum four can or bottle multi-pack, unless the can or bottle is above one litre, when single sales will apply.
2. Evidential quality CCTV should be installed and maintained to a high standard, with images/recordings to be kept for 31 days and to be made available on request to anyone from a responsible authority. At any time, there should be at least one member of staff on duty who can use/download CCTV on request. CCTV should cover entry and exit points of the premises, areas where alcohol/money is served/taken and all areas to which the public have access.
3. 'Challenge 25' should be adopted, with clear and visible Challenge 25 signs at the premises and records of anyone refused service should be kept and made available to any responsible authority upon request.
4. Staff should be trained in drink/drugs awareness, in addition to underage and proxy sales, a record should be kept and made available and training should be completed every 12 months.
5. An incident book should be kept at the premises, in which should be recorded any incidents of crime and disorder. The book should be reviewed by senior management in association with the Designated Premises Supervisor. Any incidents of crime and disorder at the Premises should be reported by a staff member to the Police as soon as is reasonably practicable.

The Sub-Committee further agreed that the following condition should be placed on the Premises Licence:

1. Sale of alcohol to be restricted to the following hours, in line with the opening hours:

0900 to 2000 hours - Monday to Saturday
1000 to 1700 hours - Sunday

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the Premises 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.

[Councillor Mrs Patten requesting that her name be recorded as voting against the decision to grant the Premises Licence]