

# M M I N U T E S

meeting: **LICENSING SUB-COMMITTEE**

date: **4 MARCH 2013**

**PRESENT:-**

Councillors Dass (Chair), Bolshaw and Mrs Patten

**IN ATTENDANCE:-**

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

**Wolverhampton**  
City Council



**PART I – OPEN ITEMS****Licensing Act 2003 – Application for a New Premises Licence  
Sainsbury's, 51-53 Compton Road, Wolverhampton (Appendix 18)**

40.

In AttendanceFor the Premises

R Botkai	-	Solicitor
J Surguy	-	Manager

Objectors

WPC N Holt and		
WPC M Rushton	-	West Midlands Police
J Freeman-Evans	-	Environmental Health (Commercial)
E Moreton	-	Licensing Authority
M Liburd and		
J Till	-	Public Health
M Jones	-	Planning Authority
P Farmer	-	Local Resident (also representing D Knight, J Hinton, R Stanley, S Griffiths and M Vaughan)
Councillor Collingswood	-	Supporting Local Residents

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.

The applicant's solicitor advised that the following amendment to the application and additional conditions had been agreed with the police:-

Licensable Activities

Sale of Alcohol	Monday to Sunday 0800 to 2300 hours
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Additional Conditions

1. There shall be no sale of single cans or bottles of beer, lager or cider from the premises and no single bottles of beer, lager or cider in vessels of less than 500ml.
2. No super-strength beers, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises save for premium beers or ciders in glass bottles.

WPC Holt confirmed that she was in agreement with the proposed amendments.

At this juncture, Mr Botkai outlined the application for a new Premises Licence as detailed at Appendix 1 to the Licensing Officer's report. He advised that it would be a new build and would employ 20-25 local people. The premises would benefit from internal and external CCTV coverage, staff would be regularly trained in regard to the

purchase of alcohol and appropriate signage would be displayed around the store. He stated that there were two other retail outlets in the near vicinity, serving alcohol until 2300 hours.

Responding to questions from the Sub-Committee and other parties, Mr Botkai advised that:

- there would be three to four staff employed at the premises at all times and that, following a risk assessment, it had been decided that there was no justification to employ uniformed security;
- an electronic refusals log would be operated;
- there was no restriction in regard to hours of trading on Sundays as the premises was under 3,000 square feet;
- the Manager would be encouraged to attend any local residents' or neighbourhood associations, if necessary, and
- the exterior of the premises would be well lit during opening hours and when the store was closed.

The Section Leader (Licensing) observed that, whilst guidance issued under Section 182 of the Licensing Act 2003 recommended that applicants should have local knowledge of the area, the two additional conditions had only been added as a result of the representations, rather than being included in the original application.

At this juncture WPC Holt outlined the representations on behalf of the West Midlands Police and, in so doing, indicated that she had no objection to the revised application. She drew attention to ongoing multi-agency work to combat the problems of street drinking in the local area.

The representatives from Environmental Health (Commercial), Planning Authority, Licensing Authority and Public Health advised that they were satisfied with the revised application.

Mr Farmer read out his representations made on behalf of a number of local residents and, in so doing, referred to the problems of anti-social behaviour displayed by the residents of the two local hostels. He requested that the applicant consider the need to ensure that alcohol is not on display close to the entrance to the premises. He welcomed the revised closure time and additional licence conditions.

Responding to questions from the Sub-Committee and other parties, Mr Farmer indicated that he would prefer the Sub-Committee to make the decision in regard to the timing for sale of alcohol, adding that he understood the need to match the sale of alcohol to the closing time in the interests of staff safety.

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

**Exclusion of Press and Public**

41. 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**

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

**Re-Admission of Press and Public**

43. Resolved:-

That the press and public be readmitted to the meeting.

**PART I - OPEN ITEMS**

**Announcement of Decision**

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

The Sub-Committee have taken note of all the written concerns raised in respect of Sainsbury's, 51-53 Compton Road, 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 have decided that the application should be granted as applied for, subject to the following:

a) Sale of Alcohol: Monday to Sunday 0800 to 2300 hours.

b) Additional conditions:

- (i) There shall be no sale of single cans or bottles of beer, lager or cider from the premises and no single bottles of beer, lager or cider in vessels of less than 500ml.

- (ii) No super-strength beers, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises save for premium beers or ciders in glass bottles.

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.

**Licensing Act 2003 – Application to Vary a New Premises Licence**  
**Malone's Bar, 35A Lichfield Street, Bilston, Wolverhampton**  
**(Appendix 19)**

45.

In Attendance

For the Premises

A L M Madani	-	Designated Premises Supervisor/Premises Licence Holder
Mr Madani (father)		
D Woollam	-	Representing the owner of the premises

Objectors

WPC N Holt and		
WPC M Rushton	-	West Midlands Police
E Moreton	-	Licensing Authority
M Liburd and		
J Till	-	Public Health

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.

At this juncture Mr Woollam outlined the variation application on behalf of the Premises Licence Holder. He clarified that the application related only to the sale of alcohol for an extension of hours on Thursday, Friday and Saturday until 0130 hours, with a closing time of 0200 hours.

Responding to questions from the Sub-Committee and other parties, Mr Madani advised that the business was in its second year and that he had misinterpreted the section on the Licence relating to 'Non Standard Hours', hence the occurrences of trading beyond the licensing hours. Mr Woollam advised that the application to vary the Licence had been made for purely commercial reasons in light of competition and current financial pressures. Mr Madani indicated that the venue aimed towards older clientele, with the only entertainment

being background music. Mr Woollam advised that patrons exited the premises from the front entrance in order to minimise any noise issues.

At this juncture, WPC Holt outlined the representations on behalf of the West Midlands Police and, in so doing, drew attention to the following incident logs:

- 5 May 2012 – domestic incident report between 0115 and 0130 hours
- 3 June 2012 – three 999 calls (2 from a customer, 1 from a customer's relative)
- 16 September 2012 – Police attended and observed drinking at the premises after licensing hours
- 18 November 2012 – two 999 calls made by Mr Madani re. youths trying to gain entry to the premises after licensing hours
- 24 November 2012 – again youths trying to gain entry to the premises. Underage drinking observed
- 6 December 2012 – multi agency visit to Premises
- 26 January 2013 – Police attended at 0045 hours and observed drinking at the Premises

WPC Holt advised that a first and final warning letter was sent to the Premises Licence Holder on 11 December 2012. She indicated that the Police had concerns regarding the capability of staff and the lack of measures in place to support the licensing objectives.

Responding to questions from the Sub-Committee and other parties, WPC Holt advised that review of a Premises Licence was a consideration, but usually taken as a last resort. The action taken was based on observation. She added that the Designated Premises Supervisor had been invited to meet with the Police to discuss the issues involved, but had not to date responded.

D Woollam accepted the comment of the Police representative that it was vital for staff to be trained in the use of the CCTV system. He believed, however, that the presence of uniformed doormen at the premises would attract rather than deter trouble. Miss Madani confirmed that she had never attended a local Pub Watch meeting, but intended to do so in the future.

At this juncture, Mrs Moreton outlined the representations made on behalf of the Licensing Authority as detailed at Appendix 5 to the Licensing Officer's report. Miss Till then outlined the representations on behalf of Public Health, as detailed at Appendix 6.

Responding to a question in regard to fire safety, Mr Woollam advised that the Fire Safety Officer was happy with the procedures in place and that he would make further contact with the Officer to clarify whether it was acceptable to bolt the front door to the premises.

The Section Leader (Licensing) drew attention to the need for clarity in regard to the section on the Operating Schedule relating to the

prevention of crime and disorder and specifically in relation to the sentence relating to the use of SIA registered door staff.

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

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

46. 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**

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

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

48. Resolved:-

That the press and public be readmitted to the meeting.

## **PART I - OPEN ITEMS**

### **Announcement of Decision**

49. 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 Malone's Bar, 35A Lichfield Street, Bilston, 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 have decided that the Prevention of Crime and Disorder licensing objective has been undermined and that the application to vary the premises licence is refused for the following reasons:

The premises has traded beyond its licensable hours on a number of occasions, namely,

- on 5 May 2012, when a domestic incident was reported at the premises between 0115 and 0130 hours;
- on 16 September 2012, when police attended and observed drinking at the premises, and
- on 26 January 2013 at 0045 hours, when police attended and observed drinking at the premises.

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