

M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **3 JUNE 2013**

PRESENT:-

Councillors Bishan Dass (Chair), Alan Bolshaw and
Craig Collingswood

IN ATTENDANCE:-

L Banbury	-	Democratic Support Officer, Delivery
R Marshall	-	Solicitor, Delivery
C Parr	-	Licensing Manager, Education & Enterprise

Wolverhampton
City Council



PART I – OPEN ITEMS**Licensing Act 2003 – Application for a New Premises Licence
– One Stop Store, 66 Oxley Moor Road, Wolverhampton
(Appendix 6)**

8.

In AttendanceFor the Premises

S Marklew	-	Officer, One Stop Stores Limited
N Smith	-	Solicitor
M Duerden	-	Acquisitions Manager
M Grace	-	Observer, One Stop Stores Limited

Objectors

WPC Holt	-	West Midlands Police
E Moreton	-	Licensing Authority
M Liburd	-	Public Health
J Hodgkiss	-	Local Ward Councillor (on behalf of Councillor Claymore)
Mrs Benn & Mrs Moore	-	Local Residents

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

The Licensing Manager outlined the report submitted to the meeting and circulated to all parties in advance. In doing so, he confirmed that the Premises Licence for the Hop Pole Public House had been surrendered and that the Sub-Committee were today considering a new application. A mediation meeting had been held with relevant parties with a view to finding some common ground and the applicant had voluntarily consented to amendments in regard to the CCTV provision and licensed hours for the sale of alcohol, which had been agreed to the satisfaction of the Responsible Authorities. The local resident objectors remained unhappy with the proposed licensed hours however and this issue was the only outstanding one for consideration by the Sub-Committee. Matters relating to the alleyway adjacent to the currently vacant pub building and parking had been discussed at the mediation meeting, but it was acknowledged that they were not relevant under the Licensing Act 2003 and could not, therefore, be considered by the Sub-Committee. Responding to questions, the Licensing Manager advised that representations from the local schools had been received outside the statutory period and had not, therefore, been included in the paperwork submitted. However, additional correspondence from a local Ward Councillor, relating to a spot check of use of the alleyway by pupils, had been included in the bundle.

At this juncture, N Smith outlined the application for a new Premises Licence and, in doing so, advised that:

- although the application included the sale of alcohol, the premises would primarily be a general convenience store;

- the premises would be subject to a fifteen year lease;
- the store was not due to open until July and, it was not therefore possible to conclude that the store would be responsible for an increase in crime and disorder or anti-social behaviour;
- the store would occupy approximately two thirds of the ground floor of the vacant building and it was anticipated that between ten and fifteen local persons would be employed;
- dedicated parking would be available at the front of the store for customers;
- robust policies and procedures were in place to promote the licensing objectives;
- the alleyway adjacent to the vacant pub building was not in control of the applicant, but it was understood that the landlord had no intention to close it, and
- 'Challenge 25' was operated in all One Stop Stores, together with a system of third party test purchasing.

N Smith requested that the application be approved in accordance with the documentation submitted to the meeting, as a further restriction in the timings for the sale of alcohol would not promote the licensing objectives.

All parties were afforded the opportunity to question the applicant.

At this juncture the responsible authorities outlined their representations. In response N Smith and her colleagues advised that:

- it was anticipated that the first floor of the vacant pub building was to be utilised as residential accommodation and that the remainder of the ground floor would be given over to further A1 retail use;
- the technology did not allow for the tills to be configured to disallow sale of alcohol outside the permitted licensing hours, although there would be till prompts and signage, and staff would be trained in this area of work;
- the premises located in Griffiths Drive, Ashmore Park were in a very different location to that being discussed at this hearing;
- the stores had a pass rate of 87% in respect of test purchases (general national average = 82%) and disciplinary action was undertaken within the stores where failure had occurred;
- a full analysis of the location had been undertaken by the company, prior to taking on the lease;
- the company had an open door policy to discuss any local concerns and were happy to attend residents' association meetings;
- the company had no specific policy in regard to drinks promotions;
- distribution would carry out a risk assessment prior to fixing delivery times;
- the sale of single cans of alcohol did not form any part of the representations received in regard to the application, and

- the applicant would be happy to give an undertaking to speak to the landlord with a view to obtaining permission to install a CCTV camera, at the expense of the company, on the external wall of the premises adjacent to the alleyway.

At this point, the Responsible Authorities outlined the representations made in regard to the application.

The Police representative confirmed that they were in agreement to the variations voluntarily offered by the applicant and would have no objection to the application being granted in these terms. The Licensing Authority representative echoed this view. The Public Health representative indicated that she was happier with the amended hours for the sale of alcohol.

Responding to questions, the Police representative advised 116 calls had been made to them over a 12 month period, although none of these were logged specifically in relation to the alleyway. She commented that the provision of a CCTV camera would be a good preventative measure.

At this juncture, the local Councillor and local residents outlined their objections to the application. The Councillor suggested that it would be a good gesture on behalf of the applicant to restrict the sale of alcohol to take place from 0900 hours rather than 0800 hours as proposed. She commented that the residents had concerns regarding the sale of alcohol up to 2300 hours.

On a point of clarification the Responsible Authority representative for the Licensing Authority advised that the Premises Licence for the Hop Pole public house provided for the sale of alcohol on and off the premises as follows:

- Monday – Wednesday 1100 – 2300 hours
- Thursday – Saturday 1000 hours – 12 midnight
- Sunday 1200 – 2300 hours

The local residents indicated that, in order to have 'peace of mind', they would like the licensed hours for the sale of alcohol to be restricted to take place between 0900 and 2200 hours.

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

Exclusion of Press and Public

9. 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

10. 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

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

PART I - OPEN ITEMS

Announcement of Decision

12. 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 One Stop Store, 66 Oxley Moor Road, Wolverhampton. They have listened to the arguments of those who have spoken at this hearing, both for and against the application, namely, the applicant, Responsible Authorities and other persons.

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

1. A CCTV system with recording equipment shall be installed and maintained at the premises in accordance with the plan submitted with the application. Images/recordings shall be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without any undue delay. Images and recordings shall be of evidential quality, shall indicate the correct time and date and shall be kept for at least 31 days.
2. There shall be at least one member of staff on duty at all times who is trained to use the CCTV system and download images, should any member of a Responsible Authority make a request.
3. Signage shall be displayed prominently, informing members of the public that CCTV is in operation within the store.
4. Signage provided by the Licensing Authority, advising that the police have powers to seize alcohol, shall be displayed prominently upon request.

5. A register of major incidents of crime and disorder shall be kept.
6. The premises shall be fitted with an industry standard approved intruder alarm system.
7. The requirements of the fire officer shall be complied with.
8. Fire risk assessments shall be undertaken prior to the premises trading.
9. A regular litter pick of the stores' external areas shall be carried out.
10. All staff shall be trained in relation to the sale of age restricted goods.
11. An age recognition scheme, such as Challenge 25, shall be in place.
12. A system of prompts shall be in place to ensure that staff undertake age checks on age restricted products.
13. A register of all challenged and refused sales shall be maintained.

The Sub-Committee have also decided that the sale of alcohol shall only take place between 0830 and 2300 hours.

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.

The Sub-Committee noted that the applicant had given an undertaking to speak to the landlord with a view to obtaining permission to install a CCTV camera, at the expense of the applicant, on the external wall of the premises adjacent to the alleyway.

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