

# Licensing Committee

31 July 2013

**Time** 10.00am      **Public meeting?** Yes      **Type of meeting** Regulatory

**Venue** Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

**Room** Committee Room 1 (3<sup>rd</sup> floor)

## Membership

**Chair** Cllr Bishan Dass (Lab)  
**Vice-chair** Cllr Alan Bolshaw (Lab)  
**Shadow-chair** Cllr Mark Evans (Con)

**Labour**  
Cllr Harman Banger,  
Cllr Ian Claymore,  
Cllr Craig Collingswood,  
Cllr Susan Constable,  
Cllr Keith Inston  
Cllr Rita Potter  
Cllr John Rowley

**Conservative**  
Cllr Neville Patten  
Cllr Patricia Patten

## Information to the Public

If you have any queries about this meeting, please contact the democratic support team:

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

*Item No.*    *Title*

### **BUSINESS ITEMS**

1.        **Apologies for absence**
2.        **Declarations of interest**
3.        **Minutes**  
**(a) Meeting, 22 May 2013**  
[For approval]  
  
**(b) Licensing Sub-Committee meetings – 3, 11, 19 and 26 June and  
4 July 2013**  
[For approval and adoption]
4.        **Matters Arising**  
[To consider as necessary]
5.        **Schedule of Outstanding Minutes**  
[To receive a schedule of outstanding minutes indicating when reports on  
individual items will be submitted for consideration]

### **DECISION ITEMS**

6.        **Scrap Metal Dealers Act 2013**  
[To approve a delegation to the Strategic Director for Education and  
Enterprise to approve fees, delegations and local conditions during the  
Summer of 2013 to enable transitional mechanisms to be in place and  
applications to be processed prior to commencement on 1 October 2013]
7.        **Gambling Act 2005 – Small Casino Premises Licence Stage 2 Storage  
Protocol**  
[To approve the storage protocol for Stage 2 applications]
8.        **Gambling Act 2005 – Small Casino Premises Licence Stage 2  
Delegations**  
[To endorse and approve a delegation to the Licensing Manager and  
Development and Regeneration Officer to engage or negotiate with each  
Stage 2 applicant]

9

**Officer Decisions**

[To receive a verbal update on matters delegate to officers during the 2012/13 municipal year]

# M MINUTES

meeting: **LICENSING COMMITTEE**

date: **22 MAY 2013**

**PRESENT:-**

Councillors Bishan Dass (Chair), Harman Banger, Alan Bolshaw, Ian Claymore, Craig Collingswood, Susan Constable, Mark Evans, Keith Inston and John Rowley.

**APOLOGIES FOR ABSENCE:-**

Apologies for absence were submitted on behalf of Councillors Mrs Patricia Patten, Neville Patten and Rita Potter.

**IN ATTENDANCE:-**

R Jervis	-	Director of Public Health
R Marshall	-	Solicitor
E Moreton	-	Section leader (Licensing)
C Parr	-	Licensing Manager
L Banbury	-	Democratic Support Officer

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## **Declarations of Interest**

1. No interests were declared.

## **City Centre Pubwatch Scheme**

2. The Chair agreed to bring this item forward on the agenda to enable Mr Keasey to withdraw from the meeting following its consideration. The item had been included at the request of Mr Keasey who was the current Chair of the Pubwatch scheme.

Mr Keasey advised the Committee of a proposal made by the Police and Licensing Authority, at a recent Pubwatch meeting, for the trade to adopt a voluntary minimum pricing strategy for the sale of alcohol. A subsequent Pubwatch meeting had been held, without the attendance of the Responsible Authorities, to discuss the proposal. Unfortunately no consensus had been achieved and the proposal for a voluntary agreement had therefore been abandoned. Mr Keasey had attended this Committee meeting to ascertain the views of the Councillors in regard to this issue and their intentions in regard to the regeneration of the City's night-time economy. He drew attention to the loss of trade due to the current economic situation and the specific difficulties being experienced by small independent traders.

The Licensing Manager advised that the suggestion for a voluntary code was aimed at dealing with irresponsible drinks promotions with a proposed threshold of £1 per drink and that officers had been mindful not to have a negative impact on trade. Irrespective of the implementation of a voluntary code, Responsible Authorities would deal with irresponsible drinks promotions by way of review of the individual Premises Licence or in accordance with relevant legislation via the Courts. The Licensing Manager drew attention to some of the work of the Council aimed at supporting the night time economy, citing the examples of the Taxi Marshalling Scheme and reform of the Hackney Carriage service. He further made reference to the forthcoming 'Slam Dunk' festival which would hopefully stimulate trade in the City and discussions with a representative of 'Wonderland' who were taking over the 'Oceana' premises, at a meeting of the Responsible Authorities Forum.

The Committee were sympathetic to the problems currently being experienced by the licensed trade in the City and acknowledged that reducing the price of alcohol was merely a 'quick fix' solution. It was suggested that the trade should carry out some customer research to ascertain the needs of patrons with a view to providing a competitive market. The Licensing Manager undertook to ascertain the availability of Council Officers who might be able to offer support in regard to any research carried out. It was agreed that a progress update be presented to the Committee in six months' time.

It was suggested that it might be useful for a trade representative of the Pubwatch scheme to accompany the Committee on their annual visit to the Night-time Economy with the Police and Council Officers. It was agreed that an appropriate amendment to the protocol would be considered at agenda item 7. Page 5 of 55

### **Minutes**

3. Resolved:-

(a) That the minutes of the meeting held on 17 April 2013 be approved as a correct record.

(b) That the minutes of the meeting of the Licensing Sub-Committee held on 29 April 2013 be approved as a correct record and adopted.

### **Review of a Premises Licence – Empire Suite, Ward Street, Wolverhampton**

4. Pursuant to minute 59 of the minutes of the meeting held on 17 April 2013, the Licensing Manager advised that, as of the previous weekend, the outstanding fire safety issues had not been rectified.

### **Schedule of Outstanding Minutes (Appendix 1)**

The Democratic Support Officer submitted a report, which set out a schedule of outstanding minutes together with details of when it was expected that reports on individual items would be presented for consideration.

5. Resolved:-

That the report be received.

### **Review of Decision Making (Appendix 2)**

The Licensing Manager presented a report, which sought endorsement of an approval to the proposed decision making process and delegations in relation to categories 2 and 3 decision making powers.

6. Resolved:-

(a) That the proposals contained within section 2 of the report, relating to categories 2 and 3 decisions, be endorsed and approved.

(b) That category 3 decision making powers be delegated to the Strategic Director for Education and Enterprise.

(c) That the schedule attached at Appendix 1 to the report, which includes further proposed delegations from the Strategic Director for Education and Enterprise to officers, be noted.

(d) That annual delegation reports be presented to the Committee at the beginning of the municipal year.

### **Licensing Committee Night-time Economy Visits Protocol (Appendix 3)**

The Licensing Manager presented a report, which sought approval of the proposed protocol for Licensing Committee night-time economy visits.

7. Resolved:-  
That the protocol for Licensing Committee night-time economy visits as attached at Appendix A to the report be approved, subject to inclusion of attendance by a trade representative of the Pubwatch scheme where appropriate.

**Alcohol Strategy: Progress Update (Appendix 4)**

The Director of Public Health presented a report, which provided an update on the implementation of the Wolverhampton Alcohol Strategy 2011/2015, highlighting performance against the outturn for 2012/13, together with the revised action plan for 2013/2014 following a review of the Strategy Action Plan undertaken early 2013.

The Committee acknowledged the difficulties experienced by Public Health, as a Responsible Authority, due to the lack of a health related licensing objective under the 2003 Act. They noted, however, that the Public Health function in Wolverhampton was extremely proactive, compared to other authorities in the West Midlands, with regard to dealing with issues under the Licensing Act.

Responding to a Councillor's questions, the Director undertook to raise the issue of inconsistency regarding the times of day that particular premises sell alcohol in neighbouring authorities at the Responsible Authorities Forum.

8. (a) That the report be received and the Action Plan for 2013/2014 endorsed.
- (b) That a further update be presented in six months' time and that individual goal leads attend the meeting to provide information on their area of work.

**Licensing Committee – Decision Tracking (Appendix 5)**

A summary of issues considered by the Committee during the 2012/2013 municipal year was prevented for information.

9. Resolved:-  
That the report be received.

# 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

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**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.

# M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **11 JUNE 2013**

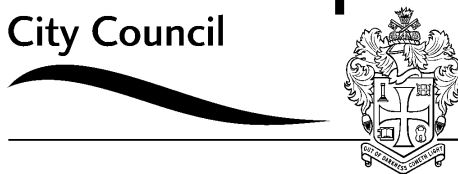
**PRESENT:-**

Councillors Alan Bolshaw (Chair), Keith Inston and Patricia Patten

**IN ATTENDANCE:-**

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

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**PART 1 – OPEN ITEMS**

**Licensing Act 2003 – Review of a Premises Licence**  
**The Greyhound, 14 Bond Street, Wolverhampton (Appendix 7)**

13. In Attendance  
For the Premises  
 K Love - Premises Licence Holder
- Applicant for the Review  
 WPC N Holt and  
 Inspector S Thomas-West - West Midlands Police
- Responsible Authorities  
 E Moreton - Licensing Authority

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, WPC Holt proceeded to outline the application for review of the Premises Licence. It was noted however that she would be making reference to details of incidents still under police investigation and it was agreed that such issues should be heard in closed session.

**Exclusion of Press and Public**

14. 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 2 of Schedule 12A to the Act (Information relating to the identity of an individual) is likely to be disclosed.

**Application for Review**

15. WPC Holt summarised the grounds for the review application, as detailed at Appendix 3 of the report of the Section Leader (Licensing). In addition, she drew attention to a number of incidents which had occurred either in or within close proximity to the premises between 2008 and 2013. A copy of this document was given to the Solicitor for the Council. The police were of the belief that the Premises Licence Holder did not take responsibility for the issues which had arisen at the premises and, in view of the information presented at this meeting in regard to incidents of crime and disorder, suggested that the Sub-Committee might wish to consider their powers of suspension or revocation.

All parties were afforded the opportunity to question the police representatives. On a point of clarification WPC Holt advised that, although the police had their own Section 161 power of closure, a voluntary agreement was always sought in the first instance. The Sub-Committee were given the opportunity to listen to an example of the loud and potentially offensive music played at the premises, which the police believed was not typical of that normally played at gay venues and would have an impact on the behaviour of patrons. It was acknowledged however that crime and disorder, together with high levels of intoxication and drug related issues, were the main areas of concern for the police. The police representatives stated that the premises had no ejection policy and that problems were not well managed by the door staff. They believed that the imposition of additional conditions on the operating schedule would not alleviate the existing problems.

At this juncture, the Premises Licence Holder made his representations and in so doing advised that, since his last meeting with the police, changes had been made and patrons involved in the gang culture no longer frequented the premises. The music genre had been changed and currently approximately thirty patrons attended on Friday and Saturday nights. Door staff always used wands for search purposes, although it was not possible to carry out thorough searches of individuals and the staff did not know the names of the individuals involved in the gang culture. Plastic glasses were always used after 2200 hours. The Premises Holder felt that he was being harassed by the police, that they did not work alongside the premises and he had therefore decided that he wished the licensing hours to be reduced to terminate at 0300 hours, adding that most of his trade was during the day with meals being provided.

All parties were afforded the opportunity to question the Premises Licence Holder. Mr Love indicated that he would still describe the premises as a gay venue. He believed that the incidents of crime and disorder were due to the late closure hour and that he would be willing to reduce this to 0300 hours, although he had considered putting the premises up for sale. He did not attend Pubwatch meetings because he did not get along with the Chair of this organisation, but had not arranged for a member of staff to attend in his place. On a point of clarification, WPC Holt advised that the Premises Licence Holder also did not attend meetings of the 'SIA Watch' scheme. With regard to the suggested additional conditions proposed by the police, Mr Love indicated that he would ask for two SIA registered door staff, rather than the four requested.

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

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



## **PART I - OPEN ITEMS**

### **Responsible Authority**

17. At this juncture, E Moreton outlined the representations on behalf of the Licensing Authority and, in so doing, referred to complaints received by the authority and representations made by other persons (local businesses). She added that, should the Sub-Committee be minded to impose conditions on the Premises Licence, those suggested by the police required some rewording in order to render them enforceable.

### **Summing Up**

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

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

19. 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**

20. The Sub-Committee discussed the issues which had been raised during consideration of the review of the Premises Licence

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

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

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

## **PART I - OPEN ITEMS**

### **Announcement of Decision**

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

An application has been made by the West Midlands Police for a review of the Premises Licence in respect The Greyhound, 14 Bond Street, Wolverhampton.

At this hearing to review the Premises Licence, the Licensing Sub-Committee have listened carefully to all representations made by the persons who have spoken at the hearing, namely the Police and Licensing Authority (Responsible Authority). They have listened carefully to submissions made by the Premises Licence Holder, have considered all the evidence presented and have found the following facts:

The Premises Licence Holder has failed to promote the prevention of crime and disorder licensing objective, in that there has been a catalogue of incidents of crime and disorder linked to the premises; these are detailed below:-

The Committee heard that between January 2013 and March 2013 there were five serious incidences in or outside the premises. It should be noted that at the outset of the meeting the Police made it clear to Committee that the most recent incidences are currently under investigation. As a result of this when these incidences were being discussed the press and public were excluded from the meeting.

The Committee heard that between January 2013 and March 2013 the five incidences referred to above included Class A and B drugs being found at the premises and malicious wounding. The Committee further heard representations from the Police regarding a number of incidences that had occurred at the premises between 22 September 2012 going back to 6 September 2008, namely:-

1. 22.09.12 at 2320 hours Possession of Class A drug (cocaine). Officers attended location to a report of males with weapons. Upon searching males matching description, a bag containing white powder recovered, tested and identified as cocaine
2. 26.11.11 at 0215 hours malicious wounding where male had been in the premises and was set upon by six to seven males, all males had been ejected where attack continued and he received injuries to his face and back.
3. 23.10.11 – 0030 to 0530 hours malicious wounding where female was having an altercation with another female inside the premises and had somehow ended up on ground outside front door where a male offender has kicked her with

- force in the face causing a chipped tooth and cut lip
4. 20.11.10 – 0130 to 0230 hours  
malicious wounding where male victim has had a verbal altercation with another male in the toilets of the premises. Male offender has returned with three other males who have assaulted the victim causing him to lose consciousness and have lacerations to forehead and other facial injuries
  5. 05.12.10 at 0338 hours  
GB W/I – male victim was refused entry into premises and a verbal altercation took place where door supervisor has stabbed victim
  6. 11.04.10 at 0215 hours  
GBH W/O intent. Two males had verbal altercation on the dance floor. Victim is grappled to the floor where male offender kicks ip to head causing injury.
  7. 15.05.10 – 0145 to 0215 hours  
GBH W/O intent. Male victim involved in an altercation with approximately fifteen males on the dance floor. During altercation victim received a two centimetre stab wound to upper right leg.
  8. 13.02.10 at 0100 hours  
inflicted GBH W/O intent. Male victim was hit with a glass object to eye area and then dived on by offender. Received injuries to eyebrow, nose and rib cage.
  9. 15.11.09 at 0335 hours  
GBH W/O intent. Males had verbal altercation in toilet area and offender hit victim to head using a glass bottle, causing a cut.
  10. 03.10.09 at 0159 hours  
Affray. Persons involved in a disturbance at premises which spilled out onto street. Offenders dispersed upon police arrival.
  11. 15.09.08 at 0110 hours  
GBH W/O intent. Two persons ejected from premises following an altercation inside. They then pushed victim backwards into glass door causing injuries to arm.
  12. 06.09.08 at 0200 hours  
GBH with intent. The victim who is a door supervisor was approached by a male who had been refused entry. Following a verbal altercation victim has been hit over head with a glass bottle and further assaulted him. Victim required surgery to hand.

Further, at the hearing Police admitted that whilst they initially applied as a minimum to reduce trading hours of the venue and to incorporate amendments to the operating schedule, upon hearing their evidence and the evidence of other responsible authorities and interested parties they requested that the Sub-Committee considered their powers to suspend or revoke the Licence.

Based upon the above and having regard to the application and relevant representations made, the Sub-Committee have decided to revoke the Premises Licence.

The above actions are considered appropriate and proportionate action for the promotion of the prevention of crime and disorder licensing objective.

An appeal may be made to the Magistrates' Court against the decision, by the applicant, the holder of the Premises Licence or any other person who made a relevant representation, within 21 days from the date of receipt of this written decision.

# M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **19 JUNE 2013**

**PRESENT:-**

Councillors Bishan Dass (Chair), Alan Bolshaw and Neville Patten

**IN ATTENDANCE:-**

N Gilchrist	-	Legal Counsel for Licensing Authority
L Banbury	-	Democratic Support Officer, Delivery
S Hardwick	-	Senior Solicitor
J Till	-	Licensing Officer

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**PART I – OPEN ITEMS****Licensing Act 2003 – Application for a Small Casino Licence  
Rubicon Casino, 56-58 Temple Street, Wolverhampton  
(Appendix 8)**

23.

In Attendance  
For the Premises

P Adkins, A Ballard & J Bourne	-	Sydney Mitchell Solicitors
P Kolvin	-	Legal Counsel

Objectors

K Bourne-Genner  
D & D Doughty  
I Jones – Legal Representative for the All Nations Church  
M & R Kaul  
K H Ong  
C Price  
J Singh  
P Sofroniou  
D & S Takura  
A Wrighton  
S Uppal – All Nations Church

The Chair introduced the parties. He confirmed that there were no declarations of interest on behalf of the Sub-Committee Members. He advised that P Kolvin had provided legal training in regard to the provisions of the Gambling Act 2005 for Wolverhampton Councillors. However, P Kolvin had not spoken to the Sub-Committee about the application being considered today, other than at the meeting held on 29 April 2013 when they considered only issues of law in relation to the validity of the application prior to this full hearing. The Legal Representative for the All Nations Church indicated that, as the Sub-Committee had their own independent legal adviser, he was content with the explanation and for the proceedings to continue.

The Licensing Officer briefly outlined the report submitted to the meeting and circulated to all parties in advance. The Licensing Authority had received 106 representations before the end of the consultation period. Licensing Services had considered each representation and the Officer confirmed that only the following were bonified interested parties:

- Poppleston Allen Solicitors on Behalf of Wolverhampton Racecourse Ltd
- Jesse Tuffour
- Melonie Tuffour
- Tracey Jayne Simpson
- Makesh Kaul
- Sarah Kaul

- Dr Cherk-yun-liu
- Kamlesh Kaur
- Reena Lal

N Gilchrist advised that Dawn Doughty appeared on the original list, but it had since been ascertained that she had made her objection on her own behalf and not in respect of a local business; the objection was not therefore deemed relevant. An additional relevant representation, not included in the above list, had been received from Brian and Sheila Lowe and was included in the bundle to be considered by the Sub-Committee. Only those named, or who were calling people on their behalf, would be allowed to address the Sub-Committee. The legal representative for the All Nations Church advised that he would be in a position to represent those mentioned who were part of the Church but not in attendance. It was further noted that Poppleston Allen Solicitors had indicated in advance of the meeting that they would not be in attendance.

At this juncture, P Kolvin submitted the application on behalf of Casino 36. He drew attention to section 3.2 of the Licensing Officer's report, which indicated that in making decisions at stage 1, the authority shall permit the use of gambling premises in so far as the authority think it is:

- I. In accordance with any relevant code of practice issued by the Commission;
- II. In accordance with any relevant guidance issued by the Commission;
- III. Reasonably consistent with the licensing objectives (subject to the above), and
- IV. In accordance with the authority's Statement of Gambling Policy (the Statement) under the Act (subject to all of the above).

P Kolvin stated that the application complied with I, II and IV above and that the only question to be considered was consistency with the licensing objectives. He indicated that a casino had been in existence in Temple Street since 2004 and in the ownership of his client since 2009. Notwithstanding the decision made today, the casino would remain. There had been no complaints raised in respect of the current business since 2009 and in regard to the application being considered today, there had been no objections from the Licensing Authority, Police, Child Protection Authority or Gambling Commission. The casino did not admit children and operated a 'Challenge 21' policy. He further advised that his client had held a combined operating licence since April 2013. He also produced at the meeting a Certificate of Social Responsibility received from GamCare and advised that the management, entry procedures, gambling policies, operating schedule, stakes and prizes and games would remain the same. Should the Small Casino Licence be granted, the only change would be to the size of the premises and increased number of machines and ancillary betting facilities. He suggested that, of the 106 objections received, only about ten were aware that there was already a casino on the site.

Responding to questions, P Kolvin stated that:

- a) there was no definition in statute in respect of what constituted a vulnerable person, but he believed in the case of gambling it would be someone who gambled more than they could afford and were unable to stop. Staff were trained to notice symptoms and to intervene where necessary, the first option being to seek self exclusion. The vulnerable persons were signposted to help groups;
- b) the maximum capacity for the proposed premises had not yet been agreed, but would comply with recommendations of the Fire Service;
- c) casinos were naturally low crime areas, with alcohol consumption being a secondary part of the business. Door staff were only needed on Friday and Saturday nights;
- d) a pre-meeting had been offered with the local church and arrangements had already been made for a meeting with them following this hearing;
- e) any increased signage at the enlarged premises would be subject to planning approval and the church would, as close neighbours, be consultees;
- f) there was no evidence to suggest that the expansion of the casino would affect the businesses and organisations in the near vicinity and the regulations prevented objectors bringing additional objections to the meeting today unless agreed by all parties, and
- g) there would still only be one entrance to the extended premises.

At his juncture, I Jones outlined the objections on behalf of the local church. He indicated that he would be representing Mr and Mrs Kaul and Mr and Mrs Tuffour (who were not present) and he would be calling upon a small number of individuals in support of the submissions. He stated that there would be a conflict of between the use of the premises as a larger casino and the work of the church in dealing with young persons and vulnerable people. He accepted that there was an existing casino, that the morality of gambling was not an issue for consideration at the hearing and that some issues would be dealt at stage 2 of the proceedings.

At this juncture Pastor Uppal, senior minister and chair of the church trustees, outlined his representations, which would also be made on behalf of Mr Kaul. The church had been in its present location for some 60 years and was a registered safe place for vulnerable people. It provided a food and clothes bank, assistance for people with gambling addictions and advice and counselling, with a foot flow of 1,200 to 1,400 per week. The top floor of the premises was utilised for youth work. The building was used from 0600 hours with 12 paid staff and in excess of 50 volunteers. He added that, irrespective of whether people's concerns were real or perceived, it would have an effect on the assistance the church could provide and that 12.5% of referrals came from agencies in the near vicinity.

Responding to questions, I Jones and Pastor Uppal stated that:



- a) the definition of a vulnerable person as outlined by P Kolvin was correct and persons attending the local job centre were potentially vulnerable;
- b) the church had not made any previous representations in regard to the casino;
- c) there was a fear that the enlarged casino would not assist the work the church and other agencies were undertaking in regard to young and vulnerable persons and the perceived fear would affect the number of people who were prepared to seek help,
- d) they did not understand the premises in Temple Street to be a destination gambling establishment as it was in the City Centre.

The meeting was adjourned at this point for a period of 45 minutes to enable all parties to take lunch.

The meeting re-convened and Mr Jones called upon the persons who would be outlining their representations:-

A Wrighton indicated that he had been a youth worker for a period of two years, having previously had personal problems in regard to gambling, drug and alcohol addiction, which were experienced outside the City. He also made reference to the continuing problems experienced by a close friend. He was concerned that parents would not allow their children to take up the facilities available at the church if the enlarged casino was granted. Responding to questions he indicated that he had no professional qualification in youth work and had not personally been in the casino.

S Takura indicated that she was a Youth Worship Leader and travelled alone to and from the church four times per week, mostly in the evenings. She felt that the casino would make her feel more insecure and she feared that some parents would prevent their children from attending the youth facility which was quite close to the casino. She added that not all the youngsters who attended came from positive backgrounds and the enlarged casino would not help. She indicated that she had not personally been a victim of any incident in the vicinity of the casino.

K Bourne-Genner strongly objected to the enlarged casino. She worked with persons with learning disabilities who travelled independently to the facility, but were vulnerable and believed that the larger more visible casino would result in a reduction of people who could continue to travel independently. Due to reduced funding they would not be able to afford taxis. As a care manager she was required to carry out risk assessments and believed that the enlarged casino would mean the area would be classed as more risky. P Kolvin pointed out that none of the above points had been raised prior to this hearing. N Gilchrist added, however, that general assertions had been made via the church submissions. The Sub-Committee agreed to note the verbal comments made by K Bourne-Genner.

I Jones, Pastor Uppal and P Kilvin were afforded the opportunity to make final statements.

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

24. 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 2 of Schedule 12A to the Act (Information relating to the identity of an individual) is likely to be disclosed.

For ease, the Sub-Committee withdrew from the meeting room together with the Legal Counsel for the Licensing Authority, City Council's Solicitor and the Democratic Support Officer.

## **PART II - EXEMPT ITEMS**

### **Deliberations and Decisions**

25. The Sub-Committee discussed the issues which had been raised during consideration of the application for a Small Casino Licence.

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

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

26. At this juncture the Sub-Committee and Officers returned to the meeting room.

## **PART I - OPEN ITEMS**

### **Announcement of Decision**

27. Legal Counsel outlined the decision of the Sub-Committee as follows:

In reaching our decision we have taken in to account the relevant legislation, Code of Practice, Gambling Commission Guidelines and the Authority's Statement of Gambling Policy.

In approaching this matter we are required to 'aim to permit' the use of the premises for gambling in so far as we think it is;

- i. In accordance with any relevant code of practice issues by the Gambling Commission, and;
- ii. In accordance with any relevant guidelines issued by the Gambling Commission, and;
- iii. Reasonably consistent with the licensing objectives, and;

- iv. In accordance with the Authority's Statement of Gambling Policy under the Act.

We are satisfied as to (i), (ii) and (iv) above and there has been no argument to the contrary.

We have considered therefore whether the use of the premises for gambling would be reasonably consistent with the licensing objectives in all the circumstances of this particular case and based upon the evidence we have heard and, where appropriate, read.

The licensing objectives are:

1. *'Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime'*.

With regard to that objective we note that there has been no objection from the Police to this application and there has been no real suggestion from those objecting to the application that this particular objective would be damaged.

2. *'Ensuring gambling is conducted in a fair and open way'*.

There is no evidence or submission made to suggest that the granting of this application would not be consistent with this objective.

3. Protecting children and other vulnerable persons from being harmed or exploited by gambling'.

In relation to this objective there is a live issue. We have listened and have had careful regard to the evidence given on behalf of the interested parties in respect of this concern, including, where relevant to the licensing objectives, the submissions made in writing by interested parties.

We have taken care in considering that evidence and the arguments put forward on behalf of the interested parties.

Having done so, we are satisfied that the use of the premises would be reasonably consistent with the licensing objectives, including the objective relating to the protection of children and other vulnerable persons from being harmed by gambling.

We are fortified in our decision by the fact that the Casino that is already operating has been operating since 2004 and has never given rise to complaint or cause for concern.

In those circumstances we conclude that it is proper and appropriate to provisionally grant the application.

The legal Counsel advised that written confirmation of the decision would be circulated to relevant parties within the legislated timescale.

### Attendance

#### Members of the Sub-Committee

CLlr Bishan Dass (chair)  
CLlr Alan Bolshaw  
CLlr Mark Evans

#### Staff

Sarah Hardwick	Senior Solicitor
Elaine Moreton	Section Leader (Licensing)
Linda Banbury	Democratic Support Officer

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## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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### BUSINESS ITEMS

2. **Declarations of interest**  
No interests were declared.

### EXCLUSION OF PRESS AND PUBLIC

3. **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within the paragraphs of Schedule 12A of the Act set out below:

<i>Item No.</i>	<i>Title</i>	<i>Applicable paragraph</i>
5	Review of a Private Hire Vehicle Driver's Licence	3

## Part 2 – exempt items, closed to the press and public

### DECISION ITEM

5. **Review of a Private Hire Vehicle Driver's Licence**

The Chair introduced the Sub-Committee and officers. The Licensing Officer then briefly outlined the report.

Mr Gill was in attendance at the meeting, accompanied by a friend Mr Durham, in connection with the review of his Private Hire Vehicle Driver's Licence and answered questions raised by Members of the Sub-Committee and officers as appropriate.

The driver was afforded the opportunity to make a closing statement.

Resolved:

That the recommendation of the Licensing Manager which was agreed by Mr Gill, that an additional DBS criminal record check be carried out in August 2014 with the cost to be met by the Licensing Authority, be endorsed.

Elaine  
Moreton

That Mr Gill be requested to retake the knowledge course as soon as possible.

### Attendance

#### Members of the Sub-Committee

Cllr Mark Evans (chair)  
Cllr Keith Inston  
Cllr Rita Potter

#### Staff

Sarah Hardwick	Senior Solicitor
Rob Edge	Section Leader (Licensing)
Linda Banbury	Democratic Support Officer

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## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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### BUSINESS ITEMS

- 1. Apologies for Absence**  
There were no apologies for absence.
- 2. Declarations of interest**  
No interests were declared.

### DECISION ITEMS

- 3. Licensing Act 2003 – Application for a new premises licence in respect of A Taste of Ochi, 33 Princess Street, Wolverhampton**  
In attendance  
For the premises  
Ms S Campbell – Applicant  
Mr L Campbell – Applicant's son  
Objectors  
WPC Holt and  
WPC L Davies – West Midlands Police

Mrs E Moreton – Licensing Authority

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.

Ms and Mr Campbell outlined the application for a Premises Licence, advising that a restaurant and takeaway was already operating and that the application was in order to extend the hours, particularly in relation to private function, and to include the sale of alcohol. Mr Campbell indicated that, in the month that the business had operated there had been no problems and only good feedback received. He further advised that the applicant had now signed up to a number of conditions requested by the West Midlands Police.

At this juncture WPC Holt outlined the representations on behalf of the West Midlands Police and in so doing, advised that the initial measures proposed by the applicant did not meet the licensing objectives. She added that she believed this was due to a lack of knowledge rather than reluctance on the part of the applicant. Copies of the thirteen proposed conditions had been circulated immediately prior to the meeting and WPC Holt indicated that she would be content for the Licence to be granted, subject to these conditions being included on the operating schedule.

E Moreton, representing the Licensing Authority concurred with the view of the Police, adding that A Taste of Ochi was the type of application that should be welcomed in the City.

The Sub-Committee questioned why the conditions had not been agreed at an earlier stage, but were advised that it had not been possible until that morning for the Police Officer to meet with the applicant in order for the proposed conditions to be signed.

## **EXCLUSION OF PRESS AND PUBLIC**

### **4. Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.



All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting at this point.

## **Part 2 – exempt items, closed to the press and public**

### **5. Deliberations and decisions**

The Sub-Committee discussed the issues which had been raised during consideration of the application for a Premises Licence and the Solicitor advised them of the options open to them in determining the application.

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

Resolved:

That the press and public be readmitted to the meeting.

## **Part 1 – items open to the press and public**

### **7. Announcement of Decision**

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

Rob Edge  
Linda  
Banbury

The Sub-Committee have taken note of all the written concerns raised in respect of a Taste of Ochi, 33 Princess Street, 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 are satisfied that the Cumulative Impact Policy applies to these Premises. They are further satisfied that sufficient evidence has been provided by the applicant to illustrate that the Premises will not add to the cumulative impact already experienced and that the presumption of non-grant has been rebutted.

The application for a new Premises Licence is therefore granted, subject to the following conditions recommended by the West Midlands Police and agreed as follows:

1. A CCTV system to be installed and maintained at the premises, which is to be of evidential quality and indicates the correct time and date. Sufficient cameras to be located at all entry and exit points and areas where alcohol is sold and money is taken and public have access to. There

must also be clear footage of all patrons entering and exiting the premises and the whole area outside the premises.

2. All CCTV footage must be kept for a minimum of 31 days in a suitable format to be easily viewed and must be provided to a member of a responsible Authority upon request.
3. Sufficient documented training to be provided to staff to operate the CCTV system and at least one member of staff who can operate the system must be available to ensure that, in the event of a request by a Responsible Authority, footage can be provided without any undue delay.
4. There shall be appropriate signage relating to the operation of CCTV within the premises. Customers shall be informed that images will be forwarded to Police should any incidents of crime/disorder occur.
5. An incident logbook to be maintained at the premises with all incidents, regardless of whether emergency services are called, to be recorded with full details and action taken. This must be dated and produced to a member of a Responsible Authority upon request.
6. All staff who are involved in the sale of alcohol must be fully trained to ensure that no person who is drunk or disorderly or who appears to be under the age of 18 years will be served with intoxicating liquor, such training to be repeated every six months and to be documented. This training record must be produced for examination at the request of any member of a responsible authority.
7. The Designated Premises Supervisor (DPS) must attend City Centre Pubwatch meetings.
8. Challenge 25 to be implemented at the premises and photograph identification produced and inspected by anyone that appears to be under the age of 25 and all staff to receive training in challenging underage drinking; this training to be documented and records to be produced for examination at the request of any member of a Responsible Authority.
9. In the event of the premises remaining open past 0100 hours for licensable activities on any Thursday, Friday, Saturday or Bank Holiday, Christmas Eve or New Years Eve, then SIA registered door supervisors authorised for frontline duties shall be deployed at the premises from 2300 hours.

10. Facilities shall be provided to enable taxis to be booked/ordered from the premises.
11. All children under the age of 18 years must vacate the restaurant by 2300 hours
12. Strictly no sales of alcohol to be made within the takeaway area for consumption on the premises, whilst customers are waiting for food.
13. In the event of the restaurant being used for a private function, at least 10 working days notice to be given to Wolverhampton Central Police Licensing Department, including full details of the person(s) booking and who the event is for. In addition, any DJs full names, dates of birth and addresses must be provided to enable a suitable risk assessment to be conducted.

It is considered that the above conditions should be attached in support of the prevention of Crime and Disorder Licensing Objective.

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.

Wolverhampton City Council

**OPEN REPORT**

**LICENSING COMMITTEE**

**Date: 31 JULY 2013**

Originating Service Group           **Delivery (Governance)**

Contact Officer                       **Linda Banbury**

Telephone Number(s)               **555040**

Title/Subject Matter                 **SCHEDULE OF OUTSTANDING MINUTES**

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Set out in this report is a schedule of outstanding minutes. An indication is contained within the Schedule when it is expected that reports on individual items will be submitted for consideration.

**SCHEDULE OF OUTSTANDING MINUTES**

	Subject	Date of Meeting and Minute No.	Decision	Comments
1.	Private Hire Vehicle Criteria	27.06.12 20(b)	Further report to be presented following completion of review by the Law Commission in relation to taxi legislation reform.	Report to future meeting
2.	Future of Hackney Carriage Services	13.02.13 38(c)	Further review of Hackney Carriage provision to take place in 2016	Report to July 2016 meeting
3.	Licensing Committee Work Programme	17.04.13 60(c)	Report to be presented on matters delegated to officers	Report to this meeting
4.	Hackney Carriage and Private Hire Vehicle Testing at VOSA Registered Garages	17.04.13 61(f)	Report to be presented in twelve months on impact of proposals in regard to vehicle testing	Report to April 2014 meeting
5.	City Centre Pubwatch Scheme	22.05.13 2	Update to be presented on outcome of customer research	Report to November 2013 meeting
6.	Review of Decision Making	22.05.13 6(d)	Annual delegation report to be presented	Report to May 2014 meeting
7.	Alcohol Strategy: Progress Update	22.05.13 8(b)	Further update to be presented in six months (individual goal leads to attend the meeting)	Report to November 2013 meeting



# Licensing Committee

31 July 2013

<b>Report Title</b>	<b><u>SCRAP METAL DEALERS ACT 2013</u></b>
<b>Classification</b>	Public
<b>Wards Affected</b>	All
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise
<b>Originating service</b>	Licensing Services
<b>Accountable officer(s)</b>	Colin Parr, Licensing Manager
<b>Telephone</b>	(10902) 550105
<b>Email</b>	colin.parr@wolverhampton.gov.uk

## **Recommendation(s) for action or decision:**

The Licensing Committee is recommended to:

- to approve the delegation to the Strategic Director, Education and Enterprise, to approve fees, delegations and local conditions during the Summer of 2013 to enable transitional mechanisms to be in place and applications to be processed prior to commencement on 1 October 2013.

## **Recommendations for noting:**

The Licensing Committee is asked to note:

- the key provisions of the Scrap Metal Dealers Act 2013 and the proposed local implementation arrangements.
- the compliance and enforcement arrangements detailed at Section 5 of this report and agreed by Safer Wolverhampton Partnership Local Police and Crime Board.

## **Scrap Metal Dealers Act 2013**

### **1.0 Purpose**

- 1.1 This report is intended to inform the Licensing Committee of the key provisions of the Scrap Metal Dealers Act 2013 and the proposed local implementation arrangements.
- 1.2 The Licensing Committee is also asked to note the compliance and enforcement arrangements detailed at Section 5 of this report and agreed by Safer Wolverhampton Partnership Local Police and Crime Board.
- 1.3 Councillors are also asked to approve the delegation to the Assistant Director, Regeneration, to approve fees, delegations and local conditions during the Summer of 2013 to enable transitional mechanisms to be in place and applications to be processed prior to commencement on 1 October 2013.

### **2.0 Background**

- 2.1 Between 2001 and 2012 the international price of ferrous scrap metal increased from \$77 per ton to over \$500 per ton, this increase is due to ever increasing demand for resources from developing economies. The consequences of this at a national level have been a significant increase in the theft and illegal trade of stolen metal.
- 2.2 ACPO have identified metal theft as the UK's fastest growing crime type and it is estimated to cost the economy £770m per year. The growth of metal theft across the country has included thieves regularly targeting infrastructure such as power lines, railway signals and manhole covers. Metal theft has also become an emotive and political issue with thefts reported from churches, schools and war memorials.
- 2.3 At a local level the Council itself has experienced spates of metal thefts including bin liners, manhole covers and gullies all being targeted. In 2009 the copper roof of Bushbury Crematorium was stolen causing extensive damage and costing thousands of pounds to replace.
- 2.4 In response to this national trend Richard Otterway MP tabled a Private Members Bill which was sponsored by the Home Office. The Bill proposed an overhaul of the regulatory framework governing the trade of scrap metal.
- 2.5 The Bill received Royal Assent on 28 February this year and became the Scrap Metal Dealers Act 2013.

### **3.0 Current Position**

- 3.1 The Scrap Metal Dealers Act 1964 obliges every licensing authority to maintain a register of all persons carrying on a business in their area operating as a Scrap Metal Dealer. A Scrap Metal Dealer is defined as someone whose business is to buy and sell scrap metal.
- 3.2 Licensing Services currently has sixty four Scrap Metal Dealers registered. There is no registration fee.

- 3.3 The Vehicle (Crimes) Act 2001 and the Motor Salvage Operators Regulations 2002 provide the framework for the registration of Motor Salvage Operators. People or businesses are required to be registered as Motor Salvage Operators if they operate a business which involves the disposal of written off vehicles and the sale/re-use of salvageable parts from motor vehicles. The purpose of this registration scheme was to curtail the illegal trade in stolen vehicles.
- 3.4 Licensing Services has currently thirty two Motor Salvage Operators registered. The registration lasts for three years and a fee of £100 is required.
- 3.5 All enforcement activities under the current Scrap Metal Dealer and Motor Salvage Operator regimes are carried out by the police.

#### **4.0 Scrap Metal Dealers Act 2013**

4.1 The Scrap Metal Dealers Act 2013 will bring together the current registration schemes for Scrap Metal Dealers and Motor Salvage Operators and replace them with a single licensing regime.

4.2 The main provisions of the Act are as follows:-

- No person may carry on a business as a Scrap Metal Dealer unless licensed under the Act.
- There are two types of licence
  - (i) A Site Licence (authorises any site in a local authority area).
  - (ii) A Collector's Licence (authorises the licensee to carry on a business as a mobile collector in a local authority area).
- The licensing authority will be able to set fees locally for licences. However when determining fees regard will have to be given to the Home Office guidance which is yet to be published.
- Applicants will have to satisfy the licensing authority they are a 'suitable person' to carry on a business as a Scrap Metal Dealer. The guidance will provide greater clarity as to the factors which will need to be considered in making this decision.
- A register of licences will be maintained by the Environment Agency.
- The Act makes it an offence for any Scrap Metal Dealer including collectors to buy scrap metal for cash.
- Requirement for detailed records to be kept for receipt and disposal of metal.
- Provides the police and licensing authorities with new powers to enter and inspect sites.
- Closure of unlicensed sites by the police and licensing authorities.



- Licences will be issued for three years.
- Licences can be varied and revoked by the licensing authority with an appeal to the Magistrates Court.

4.3 The Home Office is responsible for the Act's commencement which is currently planned for 1 October 2013 and guidance in relation to the new Act will be published prior to this date.

## **5.0 Compliance and Enforcement Arrangements**

5.1 Under the existing registration schemes all enforcement is carried out by the police, however the new Act will introduce enforcement powers for both licensing authorities and the police. It should be noted however that currently multi-agency days of action take place on a regular basis; these initiatives consider a raft of other issues outside the registration schemes and include various partners such as HMRC and the Environment Agency.

5.2 It is proposed that a multi-agency partnership approach will be adopted to enforcement and compliance activities as is the case with many existing licensing functions.

5.3 In the case of inspections at businesses that have applied for and been granted a licence under the new Act it is proposed that the licensing authority and the police will work in partnership and initially carry out joint visits to all such premises to assess the level of compliance with licence conditions.

5.4 Where licensed dealers are found to be non-compliant then these will generally be referred back to the licensing authority to conduct a review of the licence, although in some circumstances the police may also progress criminal proceedings based on any other criminal activities that are identified.

5.5 A partnership approach is also proposed for investigating businesses that are suspected through intelligence to be operating outside the licensing regime, with the police progressing any subsequent criminal proceedings including the offence of operating as a scrap metal dealer without a licence, which carries penalties on conviction of a fine of up to £20,000 and/or up to six months imprisonment.

5.6 It is proposed that all enforcement and compliance activities are co-ordinated through the already established Responsible Authorities Forum.

## **6.0 Delegations**

6.1 Councillors are asked to approve the delegation to the Strategic Director, Education and Enterprise, to approve fees, delegations and local conditions during the Summer of 2013 to enable transitional mechanisms to be in place and applications to be processed prior to commencement on 1 October 2013.

## **7.0 Financial Implications**

7.1 Guidance regarding fee setting will be detailed in the Home Office guidance.

Approval for these fees will be sought as part of the Fees and Charges report taken to Licensing Committee annually. [TK/19072013/G]

## **8.0 Legal Implications**

8.1 Considered in the main body of the report. [SH/19072013/U]

## **9.0 Equalities Implications**

9.1 There are no direct equalities implications identified at this stage.

## **10.0 Environmental Implications**

10.1 This report has environmental implications. The Council will work closely with partners to ensure that scrap dealers work inside the legislative framework to ensure environmental protection requirements are adhered to.



# Licensing Committee

31 July 2013

**Report Title** **GAMBLING ACT 2005 - SMALL CASINO PREMISES LICENCE STAGE 2 STORAGE PROTOCOL**

**Classification** Public

**Wards Affected** All

**Accountable Strategic Director** Tim Johnson, Education and Enterprise

**Originating service** Licensing Services

**Accountable officer(s)** Colin Parr, Licensing Manager  
**Telephone** (10902) 550105  
**Email** colin.parr@wolverhampton.gov.uk

**Recommendation(s) for action or decision:**  
The Licensing Committee is recommended to:

- Councillors are requested to approve the Stage 2 storage protocol.

**GAMBLING ACT 2005 - SMALL CASINO PREMISES LICENCE**  
**STAGE 2 STORAGE PROTOCOL**

**1.0 Purpose**

- 1.1 To submit for approval by the Committee the storage protocol for Stage 2 applications

**2.0 Background**

- 2.1 In May 2008 Parliament gave Wolverhampton City Council the right to grant a premises licence for a Small Casino under the Gambling Act 2005. The process of issuing a small casino premises licence involves 2 Stages.
- 2.2 At the close of Stage 1 application period, 31 October 2012, two applications were received. Both were successful in the provisional grant of the premises licence/provisional statement application and will be invited to complete a Stage 2 application demonstrating how their application, if granted, would be likely to result in the greatest benefit to the Authorities area.
- 2.3 Supplementary information is likely to be required at Stage 2 to enable applications to be thoroughly evaluated
- 2.4 In accordance with Section 5.4.6 of the Department of Culture Media and Sport (DCMS) Code of Practice for Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos issued on 26 February 2008, the Licensing Authority is required to have in place a Protocol governing the storage of confidential information during the Stage 2 of the Casino licensing process.

**3.0 Delegation**

- 3.1 Officers have drafted the Protocol and this is attached as Appendix A to this report. Councillors are asked to approve the Protocol so that the Licensing Authority is ready to accept casino stage 2 applications.

**4.0 Financial Implications**

- 4.1 Members agreed fees and charges for this function on 1 February 2012. The fee for this application is £8000.00 and is non-refundable. [TK/15072013/J]

**5.0 Legal Implications**

- 5.1 In accordance with provisions under the Act Schedule 9 shall apply to an application for a casino premises licence where a limit under section 175 has effect. Schedule 9 deals with procedure for this two stage consideration. Paragraph 4 (1) provides that the authority should first consider whether they would grant under s163.. In this instance an authority may, under s163, make a provisional decision to grant an application or reject it.
- 5.2 In making decisions at stage 1, the authority shall aim to permit the use of the premises for gambling in so far as the authority thinks it is:

- i. In accordance with any relevant code of practice issued by the Gambling Commission and;
- ii. In accordance with any relevant guidance issued by the Commission and,
- iii. Reasonably consistent with the licensing objectives (subject to the above) and;
- iv. In accordance with the authority's Statement of Gambling Police (the Statement) under the Act (subject to all of the above)

5.3 At Stage 2 of the process the authority shall determine which of those who have been granted a provisional grant shall be awarded the full small casino premises licence and with regard to this shall determine which of the competing applications would, in the authority's opinion, be likely if granted to result in the greatest benefit to the authority's area.

5.4 Section 5.4.6 of the DCMS Code of Practice provides that a licensing authority are required to have a protocol governing the storage of confidential of confidential information submitted by applications during the Stage 2 process. [SH/18072013/P]

## **6.0 Equalities Implications**

6.1 The committee will take into account their equality duties in determining this application.

## **7.0 Environmental Implications**

7.1 This report has no direct environmental implications.

## **8.0 Schedule of Background Papers**

8.1 *29 June 2011 – Revision to the Statement of Gambling Policy – Licensing Committee*  
*30 May 2012 – Small Casino Licence Application Pack – Licensing Committee*



# Licensing Authority Casino Applications Stage 2 Storage Protocol

# **Wolverhampton City Council Licensing Authority's Casino Applications – Stage 2 Storage Protocol**

## **Introduction**

In accordance with Section 5.4.6 of the DCMS Code of Practice for Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos issued on 26 February 2008 (“the Code of Practice”) the Licensing Authority is required to have in place a Protocol governing the storage of confidential information during Stage 2 of the Casino licensing process.

The Licensing Authority complies fully with the Data Protection Act 1998 including the Council's own Policy on the correct handling, use, storage, retention and disposal of all Casino Licensing Applicants' associated documentation or information. It also complies fully with its obligations under all other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of data and document submission.

A major consideration will be to ensure that the process for these competitions is transparent, fair, confidential and clearly understood.

## **Stage 1 Process**

All Stage 1 applications shall be made in the form and manner prescribed by the Gambling Act 2005 (Premises Licences and Provisional Statements (England and Wales) Regulations 2007). No other information other than the information required by these Regulations that govern the making of applications shall be included in or submitted with an application under the Stage 1 process.

Where any such additional information is submitted the Licensing Authority shall return all documentation, electronic or otherwise, to the applicant with the explanation that the information does not fall within the above prescribed Regulations.

## **Stage 2 Process**

In accordance with Section 5.4.6 of the Code of Practice the Licensing Authority will follow this Protocol governing the storage of confidential information submitted by applicants.

## **Storage, access and removal**

All Casino Licensing Applicants' supporting information, associated documents and data (including electronic data) will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are authorised to see it as part of their duties. A signed record of authorised officers shall be kept with this data.

Any authorised person seeking to remove any information from the secure environment shall complete a log book specifying the following information:

- date it has been removed
- officer removing the information
- description of the document removed
- reason for removal
- date and time returned

### **Handling**

In accordance the Data Protection Act 1998 and the Licensing Authority's procedures all information is only passed to those who are authorised to receive it in the course of their duties.

All Casino Licensing Applicants' supporting information, associated documents and data (including electronic data) will be handled as strictly confidential matters at all times.

It is recognised that interested parties may make representations at Stage 1 and the Licensing Authority will need to proceed to hold the necessary hearings. As such, all Application Forms in the prescribed format will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. Any additional information supplied at this stage will be returned to the applicant.

Where representations have been received, all relevant documents will be submitted to the Licensing Sub Committee in accordance with the Licensing Authority's normal procedures. In addition, all hearings will be conducted in accordance with normal procedures and a copy of the Hearings Procedure is available upon request. All determination notices will be made public on the Council's web site.

Where an appeal is lodged, the Licensing Authority will maintain strict confidentiality until the appeals are determined and the Licensing Authority will not proceed to Stage 2.

All Casino Licensing Applicants' supporting information, associated documents and data (including electronic data) will be subject to a formal acceptance procedure and a record will be maintained of all those to whom any information has been revealed and the Licensing Authority acknowledge that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

These formal procedures will include any information provided at the second stage, whereby a Licensing Authority may engage in discussions of negotiations (during the second stage) with each second stage applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise benefits to the Authority's area that would



result from it (were it granted). This may include financial or other contributions subject to negotiation.

The Licensing Authority shall not discuss or divulge the details of a person's application with the other competing applicants without the person's prior permission.

### **Usage**

All Casino Licensing Applicants' supporting information, associated documents and data (including electronic data) information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

After the closing date (as defined in the invitation regulations) but before considering an application, a Register of Interests shall be prepared by the Licensing Authority. The Register will detail any pre-existing contracts, arrangements or other relationships between the applicant and the Licensing Authority shall ensure that this is made available to the public upon application. In addition, the Register shall record every telephone call, letter and enquiry received to ensure the process is fair, open, consistent and transparent.

A copy of the information contained in the Register shall be provided by the Licensing Authority free of charge to each applicant and to any other person who requests it.

### **Retention**

Once a relevant decision has been made, all unsuccessful Casino Licensing Application Forms and supporting information (other than the prescribed information submitted at Stage 1), associated documents and data (including electronic data) information shall not be kept for any longer than is absolutely necessary. This is generally for a maximum period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep the above information for longer than six months, the Licensing Authority will consult with the **Head of Environmental Services???** and will give full consideration to data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

### **Disposal**

Once the retention period has elapsed, all unsuccessful Casino Licensing Applications and supporting information, associated documents and data (including electronic data) will be immediately destroyed by secure means, i.e. by shredding, pulping, deep burial or burning. Whilst awaiting destruction, the above information will be kept securely. Prior to destruction, the Casino

Licensing applicant may request the return of such information whereupon the Licensing Authority shall return all relevant documentation.

The Licensing Authority will not keep any photocopy or other image of the unsuccessful Casino Licensing Applicants' application and supporting information, associated documents and data (including electronic data). However, notwithstanding the above, the Licensing Authority will keep a record of the date of receipt of an Application, the name of the Applicant, the type of Licence requested, the reason for which the Application was submitted, a reference number identifying the Application and the details of the final decision. This information will be retained throughout the Application/Licensing Process and for 6 months thereafter.

DRAFT



# Licensing Committee

31 July 2013

**Report Title** **GAMBLING ACT 2005 - SMALL CASINO PREMISES LICENCE STAGE 2 DELEGATIONS**

**Classification** Public

**Wards Affected** All

**Accountable Strategic Director** Tim Johnson, Education and Enterprise

**Originating service** Licensing Services

**Accountable officer(s)** Colin Parr, Licensing Manager  
**Telephone** (10902) 550105  
**Email** colin.parr@wolverhampton.gov.uk

**Recommendation(s) for action or decision:**

The Licensing Committee is recommended to:

Agree to endorse and approve the delegation for the Licensing Manager and Development and Regeneration Officer to engage or negotiate with each Stage 2 applicant as set out at 2.4.

**Recommendations for noting:**

The Licensing Committee is asked to note:

Note the update on the outcome of Stage 1 of the small casino application.

**GAMBLING ACT 2005 - SMALL CASINO PREMISES LICENCE**  
**STAGE 2 DELEGATIONS**

**1.0 Purpose**

- 1.1 To provide Councillors with an update on the progress of Stage 1 of the Small Casino Premises Licence application process.
- 1.2 To seek the endorsement and approval of proposed delegations necessary at Stage 2.

**2.0 Background**

2.1 In May 2008 Parliament gave Wolverhampton City Council the right to grant a premises licence for a small casino under the Gambling Act 2005

2.2 Before granting such a licence, the Council is required to hold a two stage application process to ascertain who the casino operator shall be. At Stage 1 applications are subject to a public consultation and determined based on their impact against the licensing objectives, these are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- ensuring that gambling is conducted in a fair and open way, and,
- protecting children and other vulnerable persons from being harmed or exploited by gambling

This is identical to the process that must be followed by an application for any form of gambling premises licence under the Gambling Act 2005.

2.3 If only one application is received by the Council or only one application is successful at Stage 1 then the licence is awarded to this applicant and the process is complete. However should two or more applications received at Stage 1 be successful then they will progress to Stage 2.

2.4 At the close of the Stage 1 application period, 31 October 2012, two applications were received in relation to:

- Casino 36 Limited, The Rubicon Casino, 56-58 Temple Street, Wolverhampton (including the premises formerly known as Beach Nightclub, Temple Street, Wolverhampton)
- Wolverhampton Racecourse Limited, Dunstall Park, Wolverhampton.

2.5 One representation was received in respect of the Wolverhampton Racecourse application; however this was outside the consultation period and was disregarded. As such this application has been provisionally granted at Stage 1.

2.6 A total of 108 representations were received in respect of the Casino 36 Limited application. In accordance with the Gambling Act 2005 the decision of Stage 1 applications where representations are received is to be determined by the Licensing Sub-Committee.

2.7 At the hearing on 19 June 2013 submissions were made to the Licensing Sub-Committee by the legal representatives for the applicant and the Church objectors. Having heard all the arguments Councillors resolved to provisionally grant the application at Stage 1.

2.8 It is proposed that both successful applicants will be notified of the commencement of the Stage 2 process no later than 30 September 2013.

### **3.0 Progress**

3.1 At Stage 2 of the process, the Authority will decide which of the remaining applications would be likely, in its opinion, to result in the greatest benefit to the Authorities area. The decision will be made by the Licensing Committee.

3.2 Applicants will be invited to complete a form demonstrating how their application, if granted, would be likely to result in the greatest benefit to the Authorities area. Supplementary information would be required to enable applications to be thoroughly evaluated

3.3 All Stage 2 applications will be placed before an Evaluation Panel. The function of this panel is to evaluate the applications for the benefit of the Licensing Committee. The Evaluation Panel is not a decision making body, and whilst the Licensing Committee may take the panels evaluations into account, it is not bound to follow them.

3.4 At Stage 2 of the competition, each of the main criteria has been allocated a total number of marks. Applicants will be scored up to a maximum for each criterion depending on the benefits offered within that criterion. Each criterion is allocated into a separate category and will be marked based on the evidence provided in the respective applications. The Evaluation Panel will consist of experts in the field's category that is marked within the application.

3.5 Following approval from SEB for the proposed membership of the Evaluation Panel, it is intended that the final make up of the panel is presented to the Licensing Committee for agreement, following the formal procurement process for the external members of the panel and sub groups.

3.6 Once the procurement process is complete both applicants will be asked for comments on the draft membership of the Evaluation Panel, these comments and the draft panel membership will then be presented to Licensing Committee on 25 September 2013 for agreement.

### **4.0 Delegation**

4.1 The Licensing Committee has responsibility for a wide range of licensing functions. These relate principally to the issue of licences, permits, consents and their enforcement.

4.2 Councillors will be most familiar with premises applications made under the Licensing Act 2003 and a variety of taxi related matters. However, there are many other matters that are only occasionally brought to Councillors attention for consideration.

- 4.3 In order to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee has delegated certain decisions and functions and has established a sub-committee to deal with them.
- 4.4 It is intended that Councillors nominate the Licensing Manager and the Development and Regeneration Officer to engage in discussions or negotiations with a view to the particulars of Stage 2 applications being refined, supplemented or otherwise altered to as to maximise the benefits to the Authority's area, should the application be granted.
- 4.5 If the discussions are with a view to particulars of the application being improved or altered (rather than merely clarified or particularised), the same invitation will be offered to all other applicants to ensure equal treatment. The applicant will be invited to amend the bid documentation to reflect any clarifications or alterations to the bid arising.

## **5.0 Financial implications**

- 5.1 Members agreed fees and charges for this function on 1 February 2012. The fee for this application is £8000.00 and is non-refundable. [TK/15072013/J]

## **6.1 Legal implications**

- 6.1 In accordance with provisions under the Act Schedule 9 shall apply to an application for a casino premises licence where a limit under section 175 has effect. Schedule 9 deals with procedure for this two stage consideration. Paragraph 4 (1) provides that the authority should first consider whether they would grant under s163.. In this instance an authority may, under s163, make a provisional decision to grant an application or reject it.
- 6.2 In making decisions at stage 1, the authority shall aim to permit the use of the premises for gambling in so far as the authority thinks it is:
- i. In accordance with any relevant code of practice issued by the Gambling Commission and;
  - ii. In accordance with any relevant guidance issued by the Commission and,
  - iii. Reasonably consistent with the licensing objectives (subject to the above) and;
  - iv. In accordance with the authority's Statement of Gambling Police (the Statement) under the Act (subject to all of the above)
- 6.3 At stage 2 of the process the authority shall determine which of those who have been given a provisional grant should be awarded the full casino premises licence and with regard to this shall determine which of the competing applications would, in the authority's opinion, be likely if granted to result in the greatest benefit to the authorities area.
- 6.4 The Constitution for the Wolverhampton City Council provides that the Licensing Committee exercise the council's functions relating to the processing, determination and management of licensing matters including licensing functions set out in the Gambling Act 2005. The Licensing Committee, as regulatory committee can also delegate certain functions of the Licensing Committee to officers. This can relate to the function outlined in 5.4 above. [SH/18072013/H]

## **7.0 Equalities implications**

7.1 The committee will take into account their equality duties in determining this application.

## **8.0 Environmental Implications**

8.1 This report has no direct environmental implications.

## **9.0 Schedule of Background Papers**

9.1 *29 June 2011 – Revision to the Statement of Gambling Policy – Licensing Committee*  
*30 May 2012 – Small Casino Licence Application Pack – Licensing Committee*