



Licensing Sub-Committee

Minutes – 2 August 2013

Attendance

Members of the Sub-Committee

Cllr Mark Evans (chair)
Cllr Alan Bolshaw
Cllr Rita Potter

Staff

Fiona Davis	Head of Service (Governance)
Rob Edge	Section Leader (Licensing)
Linda Banbury	Democratic Support Officer

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

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

DECISION ITEMS

- Licensing Act 2003 – Application for a new premises licence in respect of Bargain Grill, 21 Broad Street, Wolverhampton**
In attendance
For the premises
M A Myrie - applicant
Objectors
Sergeant T McElroy-Baker – West Midlands Police
E Moreton – Licensing Authority
A Clarke – Environmental Health (Commercial)

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. It was noted that there was an error in the Premises Licence application in that the timings for late night refreshment should read '2300 to 0500 hours'.

At this juncture Mr Myrie outlined his application, indicating that he had not been aware initially that the Premises Licence had been surrendered and was currently utilising Temporary Event Notices. Responding to questions, he indicated that he would be producing traditional, slow cooked Jamaican food and popular background music would be played whilst customers awaited their food. He indicated that he was prepared to sign up, within reason and subject to cost, the conditions proposed by the Responsible Authorities.

The Responsible Authorities then outlined their objections as follows:

Mrs Moreton indicated that, although the business was situated within the Cumulative Impact Zone, it had already benefitted from a Premises Licence which had been surrendered; there was therefore a rebuttable presumption in regard to the new application. Her concerns had been addressed by the other Responsible Authorities. There had been no problems raised during the period when the business had been operating under Temporary Event Notices.

Mr Clarke advised that the applicant had agreed to sign up to conditions requested by Environmental Health (Commercial).

Sergeant McElroy-Baker advised that the applicant had agreed also to sign up to conditions requested by the Police.

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

The Chair advised that the application had been granted subject to conditions as outlined below, the decision to be conveyed in writing within the following five working days:-

Rob Edge
Linda
Banbury

The Sub-Committee have taken note of all the written concerns raised in respect of Bargain Grill, 21 Broad 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 have decided that the application for a Premises Licence be granted subject to the following conditions, proposed by the West Midlands Police and Environmental Health (Commercial):

1. A CCTV system to be installed and maintained at the premises, which is to be of evidential quality and indicates the correct date and time.
2. Sufficient cameras to be located at entry and exit points and where food is sold and money is taken.
3. 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.
4. 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.

5. There shall be appropriate signage relating to the operation of CCTV within the premises. Customers shall be informed that images will be forwarded to the Police should any incidents of crime/disorder occur.
6. An incident log book 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.
7. Packaging from any food taken away from the premises shall be labelled, where appropriate, as food coming from Bargain Grill.
8. Daily checks to be undertaken to ensure litter does not accumulate at the frontage or rear of the premises.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder and prevention of public nuisance licensing objectives.

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.