



Licensing Sub-Committee

Minutes – 2 August 2013

Attendance

Members of the Sub-Committee

Cllr Mark Evans (chair)
Cllr Keith Inston
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

- 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 327 Dudley Road, Wolverhampton**
In attendance
For the premises
V P Gandhi – Director, Online Assistance Limited
Mr Kamal – member of the Company
Mr Singh - Manager

Objectors

Sergeant T McElroy-Baker
and PC S Hemming – West Midlands Police
E Moreton – Licensing Authority
Cllr Harbans Singh Bagri – on behalf of Cllr Rowley
W Humphries – Trading Standards
M Liburd – Public Health
A Muston – Other Person (local resident)

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.

At this juncture, Mr Gandhi outlined the application for a Premises Licence, indicating that the majority of objections had related to the timings for sale of alcohol and he had already given an undertaking to only sell alcohol between the hours of 0900 and 2300.

The objectors then outlined their objections as follows:

Sergeant McElroy-Baker drew attention to the fact that the premises was situated in an area subject to a DPPO due to anti-social drink related incidents and the application did not provide any detail as to how the licensing objectives would be promoted. The applicant had, however, agreed to the conditions proposed by the Police.

Mrs Moreton indicated that the applicant had been extremely co-operative in regard to the proposals made by the Responsible Authorities and she was content with the revised hours for the sale of alcohol.

Mr Humphries indicated that the concerns of Trading Standards reflected those raised by the Licensing Authority. Mr Gandhi tabled a copy of a list of proposed conditions, for the Sub-Committee, produced in response to the representations made by Trading Standards.

Ms Liburd indicated that she was content with the application as amended in response to the Responsible Authorities' objections.

Cllr Bagri advised that he was representing the local community and that the major concerns related to the existing problems in

Phoenix Park. He was, however, pleased that the hours had been reduced. He made reference to the high number of off licences already in the local vicinity.

Ms Muston welcomed the actions taken by the applicant, but still had concerns given that the premises was directly opposite to Phoenix Park and she expressed concern that the Police would be unable to maintain the current enforcement activities.

Responding to questions, Mr Gandhi advised that the sale of alcohol was not solely a financial consideration and that the provision was in response to research in respect of customer need. The applicant had only recently taken over the premises and the rubbish removed related to former occupants. The car wash belonged to someone else and the Subway outlet had its own manager and staff. Every step would be taken to ensure that alcohol would not be sold to those likely to be involved in anti-social behaviour.

It was acknowledged that the Police had limited powers in regard to the DPPO and could only take action if anti-social or criminal behaviour was involved. Mrs Moreton advised that the Sub-Committee could impose a condition on the licence preventing the sale of single cans of alcohol.

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 327 Dudley Road, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

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

1. Sale of alcohol to take place between 0900 and 2300 hours
2. Conditions proposed by the West Midlands Police and agreed by the applicant:

I. CCTV

- A CCTV system with recording equipment shall be installed and maintained at the premises.
- CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to where public have access, and the immediate vicinity outside the premises.
- Images/recordings to 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 must be of evidential quality, indicate the correct time date and be kept for at least 31 days.
- All staff to be trained to use the CCTV system and at least one member of staff to be on

duty who is trained to download the system's images, should any member of a Responsible Authority make a request.

- II. No single sales of cans of beer, lager or cider to be permitted at the premises.
 - III. An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate the incident must be reported to the West Midlands Police. An incident log book to be produced to a member of a Responsible Authority upon request.
 - IV. To ensure compliance with 'Challenge 25', a refusals log book to be maintained to record where any sale of alcohol is refused to persons who present themselves to be underage.
 - V. All staff to receive training and refresher training every six months on their responsibilities with regard to licensing legislation, in particular to under age and proxy sales; this training to be documented and shown to a member of a responsible authority upon request.
 - VI. A Designated Public Place order (DPPO) notice, provided by the Licensing Authority, shall be displayed prominently on the premises and visible from the outside of the store, advising that the Police have powers to seize alcohol.
3. Conditions proposed by the applicant, in responses to proposals from Trading Standards
- Prominent displays of 'Challenge 25' posters at entrance, at display and on till
 - Staff training in age verification, using 'Challenge 25' procedure, refusals register, sale of alcohol and abiding by the relevant legislation (Licensing Act 2003)
 - Till prompt (staff facing) to ensure 'Challenge 25' procedure is followed
 - Only accepting verification of age documentation containing photographs (e.g passport, photo card driving licence, PASS card, validate card or citizens card)
 - Refusals register – note down any refusals alongside detailed description of purchaser, approximate age, reasons for refusal, if any ID produced and name of staff refusing sale

[NOT PROTECTIVELY MARKED]

- Working with Police and external agencies to monitor sales and to prevent sales of alcohol to underage children
- Restricting sale of alcohol to between 0900 and 2300 hours
- Staff to be trained in the sale of alcohol to the public. The licence holders will undertake training.
- Records to be kept of training and refresher training of staff to be maintained and kept at the premises for inspection as required
- To provide litter bins outside premises to enable customers to dispose of their litter
- Signage to be displayed requesting customers to dispose of litter appropriately
- Closed circuit television both inside and outside the premises to deter anti-social behaviour, nuisance and crime (see Police condition 1)
- Signage to be displayed requesting customers to be mindful of neighbouring premises and to keep noise to a minimum when leaving the premises
- Sale of alcohol to be ancillary function of the premises
- Owners are aware that Phoenix Park is subject to an Alcohol Exclusion Zone and of strides made to exclude drug addicts and drunks and would refuse sales to those it considers fit into that category

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm 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.