



Licensing Sub-Committee

Minutes – 12 September 2013

Attendance

Members of the Sub-Committee

Cllr Bishan Dass (chair)
Cllr Alan Bolshaw
Cllr Patricia Patten

Staff

Sarah Hardwick	Senior Solicitor
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 on behalf of the Sub-Committee.
- Declarations of interest**
No interests were declared.

DECISION ITEMS

- Licensing Act 2003 – Application for a new premises licence in respect of Super Mahan, 31 Thornley Street, Wolverhampton**
In attendance
For the premises
Mr D Campbell - Solicitor
Mr M S Mahani - Applicant
Mr F Ghasemi - Personal Licence Holder

Objectors

E Moreton - Licensing Authority
WPCs N Holt
& L Davies - West Midlands Police
Ms M Liburd - Public Health
Ms S Stiles - Environmental Health (Commercial)

The chair introduced the parties and outlined the procedure to be followed at the meeting.

The Licensing Manager outlined the report submitted to the meeting and circulated to all parties in advance. The Sub-Committee Members had received the previous day, via email, conditions agreed between the applicant and the West Midlands Police. The proposed conditions had already been emailed by the applicant to the remaining responsible authorities involved.

At this juncture, Mr Campbell outlined the application for a premises licence and, in so doing, confirmed that the proposed hours for the sale of alcohol had been reduced to between the hours of 0830 and 2300. He further advised that condition 10, under the prevention of crime and disorder licensing objective, should be amended to include the phrase “up to and including one litre cans”. He also proposed to delete the second condition under the prevention of public nuisance licensing objective, as there was already a litter bin situated across the road from the premises.

Responding to questions, he advised that there was at present one member of staff who held a personal licence, although it was planned for a further person to obtain such a licence in due course. The decision to seek a licence enabling the sale of alcohol was in response to customer demand. He further advised that there were no plans to sell cheap price alcohol. In response to a request from the Licensing Authority, he agreed that the word “bottles” should be added to condition 10 under the prevention of crime and disorder licensing objective.

At this juncture, the responsible authorities outlined their representations as follows;

Mrs Moreton indicated that she was content to withdraw her representations, if the proposed conditions were added to the licence.

WPC Holt indicated that, although she still had some concerns, the proposed conditions went some way to addressing the issues raised by the West Midlands Police. Responding to questions, she advised that the presence of door staff had been considered, but it was decided that it would be impractical given the size of the premises.

Ms Liburd advised that the concerns of Public Health related to the proximity of the P3 hostel and that the proposed conditions would alleviate some of the potential problems.

Ms Stiles advised that she was content to withdraw the representations of Environmental Health (Commercial), in light of the proposed conditions.

At this juncture all parties were afforded the opportunity to make a final statement. On a point of clarification, Mr Campbell advised that the applicant's brother would be pursuing a personal licence and that this had been delayed as he was recovering from an injury and consequent hospitalisation.

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 parties returned to the meeting and the Solicitor 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 Super Mahan, 31 Thornley 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, should conditions agreed between the parties be added to the licence, 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 as applied for, subject to the following modified and agreed conditions:

1. Sale of alcohol to take place Monday to Sunday – 0830 to 2300 hours

Protection of Children from Harm

1. Signage to be displayed behind the till area stating:
 - a) no sales to persons under 18;
 - b) no sales to any person to deliver to someone under 18;
 - c) it is illegal to buy or attempt to buy alcohol if you are under 18, and
 - d) it is illegal to buy or attempt to buy alcohol to deliver to persons under 18.
2. All staff to be trained in 'Challenge 25' and ID checks to be undertaken by all staff to ensure no sale of alcohol is made to persons under 18. The only acceptable forms of ID would be a passport, photo card driving licence, card bearing Pass logo or Armed Forces identity card.
3. Refusals book to be used and completed, as soon as practicable, as fully as possible.

Prevention of Crime and Disorder

1. A CCTV system, with recording equipment, shall be installed and maintained in working order at the premises during all times when licensable activities are authorised by the licence.
2. CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken, all areas where public have access and the immediate vicinity outside the premises.
3. Images and recordings to be downloaded in a suitable format and provided to any officer of a responsible authority upon request.
4. Images and recordings must be of evidential quality, must indicate the correct date and time and be kept for at least 31 days.
5. At least one designated member of staff to be trained to use the CCTV system and to be available to provide downloads upon request or, in any case, within 24 hours.
6. A refusal/challenges and 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. The log book must be produced to an officer of a responsible authority upon request.
7. A Personal Licence holder must be on site when licensable activities are taking place.
8. All staff to receive training and refresher training every six months on their responsibilities with regard to licensing legislation and, in particular, to under age and proxy sales. This training must be documented and shown to an officer of a responsible authority upon request.
9. A Designated Public Place Order notice, provided by the Licensing Authority, shall be displayed prominently on the premises and be visible from outside the store.
10. No single sales of cans or bottles of beer, lager or cider, up to and including one litre, shall be sold from the premises if they have an (Alcohol By Volume) ABV above 6.5%.
11. Signage to be displayed above the till telling customers that alcohol must not be consumed within the ring road area of Wolverhampton.

Prevention of Public Nuisance

1. Daily checks to be made to ensure that litter does not accumulate at the frontage of the premises.

Following discussion during the meeting, the Sub-Committee strongly recommend the appointment of a second personal licence holder to work at 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.

[NOTE: Councillor Patricia Patten requested that her name be recorded as voting against this decision]

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9. **Review of Private Hire Vehicle Driver's Licence**

The Section Leader (Licensing) outlined the report and, in so doing, advised that Mr Saeed had attended an anger management course on 31 August 2013.

Mr Saeed was in attendance at the meeting, in connection with the review of his Private Hire Vehicle Driver's Licence, and answered questions raised by Members and Officers as appropriate. The Sub-Committee noted that the incident outlined in the report was an isolated domestic incident and had not affected his role as a Private Hire vehicle driver.

Resolved:

That, following careful consideration of all the information contained in the Licensing Officer's report and having listened to the representations made by Mr Saeed at the meeting, no further action be taken in respect of his Private Hire Vehicle Driver's Licence.

Elaine
Moreton