



# Licensing Sub-Committee

## Minutes – 14 August 2013

### Attendance

#### Members of the Sub-Committee

Cllr Alan Bolshaw (chair)  
Cllr Neville Patten  
Cllr Rita Potter

#### Staff

Sarah Hardwick	Senior Solicitor
Colin Parr	Licensing Manager
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 on behalf of the Sub-Committee. Mrs Moulding, local resident, had submitted her apologies due to being on holiday.
- 2. Declarations of interest**  
No interests were declared.

### DECISION ITEMS

- 3. Licensing Act 2003 – Application for a new premises licence in respect of Hail to the Ale, 2 Pendeford Avenue, Wolverhampton**  
In attendance  
For the premises  
Mr G Morton – applicant

### Objectors

WPC L Davies, PCSOs D Matthews & H Denyer – West Midlands Police

Mrs E Moreton – Licensing Authority

Mr & Mrs Dunnett, Mr N Evans, Mr I Martin-Harvey and

Mr & Mrs Stallard – Other Persons (local residents)

The chair introduced the parties and outlined the procedure to be followed at the meeting. It had been agreed prior to the commencement of the hearing that Mr Evans and Mr Martin-Harvey would act as spokespersons for the local residents. 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 Morton outlined the application for a Premises Licence, indicating that the emphasis would be on the sale of real ale; there would be no music, television, games machines or hot food. He clarified that it was intended that last orders would take place at 2159 hours in order for customers to be off the premises by 2230 hours, rather than those detailed in the application.

Responding to questions, he advised that his intended clientele would be middle aged/elderly. The premises was split over two levels and children would be restricted to the lower level; he was willing to agree that children would not be allowed on the premises after 2000 hours. He acknowledged that anyone under the age of 18 would have to be accompanied by an adult. He indicated that the area at the front of the premises to be utilised as a smoking area was covered by CCTV, the monitor for which was located directly behind the bar. There would be between one and three members of staff on duty at any one time, dependent upon the number of customers on the premises. There was no intention to sell spirits, lager or alcopops; soft drinks would be supplied in order to cater for under 18s.

On a point of clarification and in response to a question from a local resident the Licensing Manager advised that, with regard to capacity, the applicant would be required to produce a fire risk assessment and that the enforcing body was the Fire Authority. The Fire Authority was also a Responsible Authority, in accordance with the Licensing Act 2003, but had not in this instance made any representations.

With regard to ensuring that patrons did not drink outside the

premises, WPC Davies advised that the applicant had been provided with appropriate signage to inform patrons of the existing DPPO within the City of Wolverhampton to be displayed both inside and outside the premises. The Solicitor drew attention to the need for clarity around the condition regarding glassware being taken off the premises in view of the inclusion of off sales in the application.

At this juncture, WPC Davies outlined the Police representations. She advised that she had met with Mrs Morton and the applicant had signed up to a number of conditions and the CCTV was already in position. She understood that the applicant had already met with some local residents.

Mrs Moreton indicated that the concerns of the Licensing Authority had been addressed within the Police conditions. The Licensing Manager pointed out that the submission from the Licensing Authority had included a request for signage requesting patrons not to take drinks in open containers outside the premises, but this had not been included in the Police conditions. It was noted that the applicant, Mrs Morton, had agreed to this condition.

Mr Evans outlined the representations made on behalf of some residents of Blackburn Avenue, whose main source of objection related to the licensing hours stated within the application form. However, there were concerns about the potential growth in the business given that the planning application covered seven days per week and the pressure on the smoking area. He referred to existing licensed premises, current litter problems and the potential for anti-social behaviour.

Mr Martin-Harvey outlined representations made on behalf of some residents of Pendeford Avenue, whose concerns mainly related to the licensing hours and parking. He indicated that he would be comfortable with the following hours:

Monday & Tuesday closed

Wednesday – private functions, 1200 to 2200 hours

Thursday, Friday & Saturday, 1200 to 2200 hours

Sunday 1200 to 1500 hours

Bank Holidays – as Sunday

Mr Evans indicated that he would be content with the above hours.

On points of clarification, Mrs Moreton advised that the smoking area was not enclosed and would be marked out on the hard

standing. Mr Morton advised that the rear garden did not form part of the lease for the premises. WPC Davies advised that there had been no instances of anti-social behaviour from any of the off licences in the near vicinity to the premises.

All parties were given the opportunity to make a closing statement and in so doing Mr Morton advised that, whilst the Planning Committee had granted permission for seven days per week, he would be willing to have the premises open during the hours outlined by Mr Martin-Harvey, with the exception of Bank Holidays which he would wish to be from 1200 to 2200 hours.

## **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:-

Colin Parr  
Linda  
Banbury

The Sub-Committee have taken note of all the written concerns raised in respect of Hail to the Ale, 2 Pendeford Avenue, 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 should be granted as applied for, subject to the following:

Supply of alcohol

Wednesday to Saturday	-	1200 to 2200 hours
Sunday	-	1200 to 1700 hours
Bank Holidays	-	1200 to 1700 hours

Hours premises are open to the public

Wednesday to Saturday	-	1200 to 2230 hours
Sunday	-	1200 to 1730 hours
Bank Holidays	-	1200 to 1730 hours

The following conditions will also be attached to the Licence:

1. The conditions agreed between the West Midlands Police and the applicant on 31 July 2013, but amended as follows:
  - a) A CCTV system with recording equipment shall be installed and maintained at the premises.
    - CCTV shall cover entry and exit points of the premises and all areas to 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 and date and be kept for at least 31 days.
    - All staff to be trained in the use of 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.
  - b) No glassware (except off sales) or open drinks containers to be taken out of the premises at any time, including patrons using the smoking area.

- c) Off sales not to be consumed within 20 yards of the front and side of the premises, to include where the designated smoking area is situated.
- d) Signage informing patrons of the existing DPPO within the City of Wolverhampton should be overtly displayed both inside and outside the premises.
- e) Signage advising customers that alcohol should not be taken outside the premises in open containers should be overtly displayed inside the premises.
- f) 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.
- g) To ensure compliance with 'Challenge 25', the incident log book must also be used as a refusal book where the sale of alcohol is refused to persons who present themselves as underage.

The following conditions will also be added to the licence:

- 2. No beverage classed as an 'alcopop' or any spirit to be sold at the premises.
- 3. No unaccompanied children to be allowed on the premises at any time.
- 4. All accompanied children to have left the premises by 2000 hours any day.

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