



Licensing Sub-Committee

Minutes – 21 November 2013

Attendance

Members of the Sub-Committee

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

Employees

Colin Parr	Licensing Manager (for agenda item 3)
Rob Edge	Section Leader (Licensing) (for agenda item 3)
Sarah Hardwick	Senior Solicitor
Elaine Moreton	Section Leader (Licensing) (for agenda items 8, 9 and 10)
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

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| 1. | Apologies for Absence
There were no apologies for absence. | - |
| 2. | Declarations of interest
There were no declarations of interest. | - |

DECISION ITEMS

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| 3. | Licensing Act 2003 – Application for a variation to a premises licence in respect of the Prince Albert, Railway Street, Wolverhampton
<u>In attendance</u>
<u>For the premises</u>
Ryan McGillicuddy - Richard Ryan Limited | |
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Objectors

WPC Natalie Holt - West Midlands Police

Jayne Freeman-Evans

and Marise Astley - Environmental Health (Commercial)

Elaine 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) outlined the report circulated to all parties in advance of the meeting and, in so doing, advised that late night refreshment was only applicable from 2300 to 0500 hours and that the application should be amended accordingly .

On a point of clarification, the Solicitor advised that the Cumulative Impact Policy only applied to the sale of alcohol and late night refreshment. The onus was on the responsible authorities to demonstrate that the regulated entertainment would have an adverse effect on the promotion of the licensing objectives.

At this juncture, Mr McGillycuddy outlined the application for a variation to the premises licence. He outlined the measures being undertaken to mitigate any potential problems and advised that he had been working closely with the relevant responsible authorities and had spoken with local residents and businesses.

Responding to questions, Mr McGillycuddy advised that:

- the premises intended to install an ID scanning machine which was being promoted via the Pubwatch scheme;
- A CIZ Strategy Plan had been established by the premises and shared with all staff;
- the premises used a digital sound system which prevented entertainers from altering the sound levels;
- the recent Temporary events mirrored the variation application;
- previous issues had arisen mainly in respect of the Britannia Hotel and it had been agreed that prior notice would be given to them of any events, together with telephone numbers of staff on duty;
- CCTV would cover the outside areas;
- it was not anticipated that the premises would hold many private events, but the same conditions would apply as for any other event at the premises;

- a risk assessment would be carried out in respect of the outside areas;
- there were patio heaters both within the marquee and on the patio areas;
- an additional bar was being installed adjacent to the marquee;
- the premises are happy to provide 28 days notice in respect of any events;
- the premises does not currently open on a Monday and was anticipated that the outside events would only take place on Fridays and Saturdays, and
- door supervisors were linked via radio and the floor workers acted as extra pairs of eyes and regularly reported information to the security staff.

At this juncture, WPC Holt outlined the objections on behalf of the West Midlands Police. She indicated that the premises had worked closely with the Police and, other than initial teething problems, there had been no major issues. The premises provided regular weekly updates to the Police and attended the Pubwatch meetings. The Police were content for the variation to be approved, subject to inclusion of the proposed conditions as amended in regard to the condition number 9 on the current licence.

The Environmental Health Officer indicated that her concerns mirrored those of the Police and that the disturbances had occurred during the Summer of 2012. Since then the premises had worked closely with Environmental Health to put in measures to mitigate the noise issues. Environmental were content for the variation to be approved, subject to inclusion of the proposed conditions.

The Licensing Authority echoed the views of the other responsible authorities.

All parties were afforded the opportunity to make a final statement.

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 solicitor advised them of the options open to them on the decision to be made in regard to the variation 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. The parties returned to the meeting and the Solicitor outlined the decision as follows:

The Sub-Committee have taken note of all the written concerns raised in respect of The Prince Albert, Railway Street, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

The Sub-Committee are satisfied that the Cumulative Impact Policy applies to the sale of alcohol and late night refreshment. 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 Sub-Committee also considered the views of all concerned in relation to regulated entertainment and have noted that there is evidence of noise issues which have been experienced by the Britannia Hotel and that proposed conditions would assist with this.

Based upon the above, the Sub-Committee have decided that the variation should be granted, as applied for, subject to the following modified conditions:

Modified conditions attached after Licensing Hearing on 5 January 2012

Condition 9 will apply to the whole of the premises and is amended to read:

All events are to be held at the discretion of the Designated Premises Supervisor (DPS) and/or Premises Licence Holder (PLH) and at least 28 days written notification, consisting of a risk assessment incorporating details of door supervisors DJs/performers and capacity levels, to be given to the licensing department at Wolverhampton Central Police Station. Police advice received upon the outcome of this risk assessment should always be taken into consideration.

Conditions agreed between the West Midlands Police and the Premises Licence Holder

The following conditions will only apply to the outside part of the venue, to be called 'The Arena':

- 1) All events in the Arena are to be held at the discretion of the DPS and/or PLH and at least 28 days written notification, consisting of a risk assessment incorporating details of door supervisors, DJs/performers and capacity levels, to be given to the licensing department at Wolverhampton Central Police Station. Police advice received upon the outcome of this risk assessment should always be taken into consideration.
- 2) Plastic or polycarbonate glasses only to be used for the consumption of beverages whilst in any of the outside areas. No glasses or glass bottles/containers to be permitted under any circumstances in this area, either by staff or customers.
- 3) The premises will be equipped with an ID Scanner which will be utilised as part of the entry requirements for patrons. All patrons to be scanned on first visit. Any patrons refusing to have ID scanned will not be permitted into the venue. Any information stored within the ID Scanner must be made available to any member of a Responsible Authority upon request, or least within 12 hours of request.
- 4) Door supervisors deployed in the Arena area must wear high visibility attire consisting of at least a fluorescent tabard/jacket so that they are easily identified as security staff. Overt wearing of SIA certificates only is not sufficient.
- 5) The capacity level of the Arena area must not exceed the number detailed within the risk assessment for each specific event. Door supervisors deployed in this section

must operate clickers to ensure that this level is not exceeded.

- 6) All patrons entering the Arena area will be subject of a search by door supervisors. Any person refusing to be searched will not be permitted in the Arena area.
- 7) The outside area must be covered by CCTV with the following stipulation:
 - CCTV should cover entry and exit points of the Arena area and all areas where alcohol/money is served/taken and all areas to where public have access and the immediate vicinity outside the premise.
 - 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, must indicate the correct time and 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 systems images should any member of a Responsible Authority make a request.

Conditions agreed between Environmental Health (Commercial) and the Premises Licence Holder

The following conditions will only apply to the outside part of the venue, to be called 'The Arena':

- 1) Noise/vibration will not emanate from the premises to cause at nuisance at the closest sensitive property.
- 2) Compliance with the noise plan submitted on 21 November 2013 will be set as conditions of your operating schedule.
- 3) All doors and windows in the Prince Albert building must remain closed when regulated entertainment takes place, except to allow for access and egress.
- 4) No licensable activity will take place outdoors on a Monday to Thursday except on all Bank Holidays (including bank Holiday Mondays), Valentine's Day, Easter Monday, Halloween, Bonfire night, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day.
- 5) All recorded and Live music will be reduced after 0100 hours. Sound limiter equipment must be used on **all** sound producing equipment used at all events to ensure noise

- 6) and vibration from the licensable activities does not cause a nuisance at the closest sensitivity properties.
- 7) All recorded and live music in the outside area will terminate at 0200 hours with the exception of any background entertainment and a maximum of two outdoor events in the arena area per calendar month.
- 8) Regular patrols, by a responsible person, will be undertaken of the surrounding area of the external area of the premises to ensure that the entertainment at the premises or noise from patrons outside the premises is at a level not to cause a nuisance to residents living in the vicinity of the premises. Patrols will be undertaken at least twice each day/night regulated entertainment takes place.
- 9) Should the DPS or Premises licence holder be notified of any justified noise complaints action must be taken immediately to reduce the level of music and or vibration to the satisfaction of the investigating Officer.
- 10) The surface of the lower arena area will be resurfaced prior to are being used, so as to provide a sound, safe, even surface for patrons

Further to the above specific conditions the following recommendations are made:

The same sound producing system is used to provide all regulated entertainment.

Speakers in the arena area are directed towards the Prince Albert building to reduce noise and vibration levels emanating from events.

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 twenty one days of receipt of the decision.

EXCLUSION OF PRESS AND PUBLIC

8. 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

9. Application for a Private Hire Vehicle Driver's Licence

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report.

Mr Khan was in attendance at the meeting, accompanied by Mr Caley of ABC Countdown Cars, and they answered questions raised by employees and Councillors as appropriate. Mr Caley advised that he was happy to re-employ Mr Khan.

Resolved:

That a private Hire Vehicle Driver's Licence be granted to Mr S Khan for a period of twelve months, subject to a satisfactory medical report and his passing the driving ability and knowledge tests.

10. Application for a Private Hire Vehicle Driver's Licence

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report.

Mr Ameenani was in attendance at the meeting and answered questions raised by employees and Councillors as appropriate. The Licensing Officer advised that City Cars had stamped his application, confirming that they would employ him should his application be successful.

Resolved:

That a private Hire Vehicle Driver's Licence be granted to

Mr N Ameen for a period of twelve months, subject to a satisfactory medical report and his passing the driving ability and knowledge tests.

11. **Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence**

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report.

Mr Jakhu was in attendance at the meeting and answered questions raised by employees and Councillors as appropriate. The Sub-Committee listened carefully to the representations made by Mr Jakhu at the meeting, together with the report of the Licensing Officer and it was

Resolved:

That, on this occasion, no further action be taken.