



Licensing Sub-Committee

Minutes – 12 December 2013

Attendance

Members of the Sub-Committee

Cllr Bishan Dass (chair)

Cllr Keith Inston

Cllr Patricia Patten

Employees

Sarah Hardwick

Senior Solicitor (for agenda item 13)

Robert Marshall

Solicitor (for agenda items 3 and 8)

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 premises licence in respect of High Street Post Office, Bilston, Wolverhampton
<u>In attendance</u>
<u>For the premises</u>
Mrs Giyan Kaur Power
Miss Navdeep Kaur | |
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Objectors

Peter Boulonois - Planning Authority
WPC Lisa Davies - West Midlands Police
Elaine Moreton - Licensing Authority

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

The Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting and, in so doing, advised that the petition attached at Appendix 6 was not deemed to be a relevant representation.

The Democratic Support Officer circulated proposed conditions from the West Midlands Police and Licensing Authority which had been signed by the applicant.

At this juncture, Miss Kaur outlined the application for the premises licence. She advised that all post office contracts had been changed, that staff were no longer salaried and had to combine them with a convenience store in order to survive. The reason for including the sale of alcohol was in order to compete with the supermarkets in the locality.

Following a period of questioning, Peter Boulonois outlined the objections on behalf of the Planning Authority. He advised that these related to historical building regulations contraventions on behalf of the landlord. It was acknowledged that the applicant was a tenant and had no involvement with any alterations, with the exception of the internal retail/post office area. Mr Boulonois indicated that he had been unable to contact the landlord and could not at this stage confirm whether or not the alterations to the premises were satisfactory.

It was noted that the premises would be able to open on 3 January 2014 as planned, without the provision to sell alcohol, and it was suggested that the hearing could be deferred to enable Peter Boulonois to pursue the Planning Issues.

WPC Lisa Davies and Elaine Moreton advised that they would be content for the premises licence to be granted, subject to the inclusion of the proposed conditions on the operating schedule.

Resolved:

Linda
Banbury

That the hearing be adjourned and reconvened at 9am on 15 January 2014 to enable the parties to consult with a view to ensuring that there are no public safety issues arising from the alterations to the premises.

8. **Licensing Act 2003 – Application for a Premises Licence in respect of Idea, 8 Fold Street, Wolverhampton**

In attendance

For the premises

Mr Ladislav Kusnir

Objectors

Elaine Moreton - Licensing Authority

Sarah Stiles - Environmental Health (Commercial)

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

The Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting. It was noted that there was an omission in the application and that the sale of alcohol would take place as follows:

10am to 8pm – Monday to Saturday

10am to 6pm – Sunday

At this juncture, Ladislav Kusnir outlined the application for the premises licence and, in so doing, advised that customers had requested that he sell alcohol since the business had opened.

The Responsible Authorities outlined their representations at this point. Sarah Stiles advised that Environmental Health were content for premises licence to be granted, subject to the conditions agreed with the applicant. Elaine Moreton advised that her concerns had been raised by the Police and were included in conditions agreed by them with the applicant.

EXCLUSION OF PRESS AND PUBLIC

9. **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

10. Deliberations and decisions

The solicitor advised them of the options open to them on the decision to be made in regard to the application.

11. 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

12. The parties returned to the meeting and the chair advised the parties of the decision of the Sub-Committee as follows, which would be circulated to all parties within five working days:

The Sub-Committee have taken note of all the written concerns raised in respect of the application for a premises licence for Idea, 8 Fold 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 be granted, subject to the following conditions, which have been agreed between the applicant and responsible authorities:

1.
 - 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 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 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 shall be trained to use the CCTV system and at least one member of staff shall be on duty who is trained to download the systems images should any member of a responsible authority make a request.
2. 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. The incident log book shall be produced to a member of a responsible authority upon request.
 3. To ensure compliance with 'Challenge 25', a refusals book shall be kept to detail where any sale of alcohol is refused to persons who present themselves to be under age.
 4. All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation, in particular to underage and proxy sales. This training to be documented and shown to a member of a responsible authority upon request.
 5. A Designated Public Place Order (DPPO) notice, provided by the Licensing Authority, shall be displayed prominently on the premises, visible from the outside of the store, advising that the Police have powers to seize alcohol.
 6. No single sales of cans/bottles of beer, lager or cider with an ABV above 6.5% to be permitted for sale from the premises.
 7. All staff to be trained in 'Challenge 25' and all appropriate ID checks shall be undertaken by all staff to ensure no sale of alcohol is made to underage persons.
 8. Daily checks shall be undertaken to ensure that litter does not accumulate at the front, rear and sides of the premises.

It is considered by the Sub-Committee that the above conditions 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.

13. **Licensing Act 2003 – Temporary Event Notice in respect of
Gorgeous, 34-36 School Street, Wolverhampton**

The barrister acting on behalf of the West Midlands Police advised that the objections to this Temporary Event Notice had been withdrawn; the hearing was therefore cancelled.