



Licensing Sub-Committee

Minutes – 15 January 2014

Attendance

Members of the Sub-Committee

Cllr Alan Bolshaw (chair)

Cllr Keith Inston

Cllr Neville Patten

Employees

Rob Edge

Section Leader (Licensing)

Sarah Hardwick

Senior Solicitor

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. The hearing had been deferred from 12 December 2013 to enable the building control issues to be clarified.

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. An inspection had been carried out prior to the last hearing when it had been ascertained that work was being undertaken without the knowledge of Building Control. A meeting had subsequently been held with the applicant's agent and a building regulations application was awaited.

Responding to questions, Mr Boulonois advised that some work had been carried out and there were aspects that required further work. It was acknowledged that the post office and retail unit had been operating since 3 January 2014, albeit without the facility to sell alcohol. The Solicitor advised that the Licensing Sub-Committee could only consider the sale of alcohol and that the Planning Authority had alternative powers to take action in regard to building control issues.

At this juncture, WPC Davies outlined the representations made on behalf of the West Midlands Police. She advised that the applicant had agreed and signed up to a number of conditions on 24 October 2013 and that the Police would withdraw their objections if the Sub-Committee were minded to add them to the licence.

Elaine Moreton had made representations on behalf of the Licensing Authority, two of which were included in the conditions proposed by the Police. However, she wished to add the word 'bottles' to the proposed condition in regard to single sales. The additional condition related to the timing of sale and she had proposed that the sale of alcohol take place Monday to Saturday – 1000 to 1900 hours. The applicant had signed up to the conditions on 4 December 2013. She advised that she would withdraw the objections if the Sub-Committee were minded to add the proposed conditions to the licence.

It was noted that the petition attached at appendix 6 was not deemed to be a relevant representation, as it did not cite any licensing objectives.

The applicant and responsible authorities were afforded the opportunity to make closing statements.

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 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 read out the

the decision of the Sub-Committee as follows:

The Sub-Committee have taken note of all the written concerns raised in respect of the High Street Post Office, Bilston. They have listened to the arguments of those who spoke 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, as applied for but subject to the following conditions agreed between the West Midlands Police and the applicant on 24 October 2013:

1. 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 where public have access and the immediate vicinity outside the premises.
 - Images and 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 date and time 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.
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 must be produced to a member of a responsible authority upon request.
3. To ensure compliance with 'Challenge 25', a refusals book shall be maintained in respect of refusal of any sale of alcohol to persons who present themselves to be underage.
4. At all times when the premises are open for licensable activities, there must be at least one personal licence holder on duty.
5. All staff to receive training and refresher training every six months on their responsibilities with regard to licensing

legislation, in particular to underage and proxy sales. This training shall be documented and shown to a member of a responsible authority upon request.

6. A Designated Public Place Order (DPPO) notice, provided by the Licensing Authority, shall be displayed prominently within the premises, visible from outside the store advising that the Police have powers to seize alcohol.
7. There shall be no sale of single cans or bottles of beer, lager or cider with an ABV above 6.5% permitted from the premises. *(This condition has been amended in accordance with conditions agreed between the Licensing Authority and the applicant)*
8. All staff shall be trained in respect of 'Challenge 25' and all appropriate ID checks shall be undertaken by all staff to ensure no sale of alcohol is made to underage persons.

The granting of the premises licence application is also subject to the following conditions agreed between the Licensing Authority and the applicant on 4 December 2013.

1. Sale of alcohol to take place Monday to Saturday – 1000 to 1900 hours.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder licensing objective.

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 this decision.