

Statutory Licensing Sub-Committee

Minutes - 14 May 2019

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Zee Russell

Cllr Rita Potter

Premises Licence Applicant

Orville Hines Premises Licence Applicant

Heath Thomas Solicitor

Responsible Authorities

Sgt Steph Reynolds West Midlands Police

Elaine Moreton Licensing Authority

Debra Craner Environmental Health

Employees

Leonie Woodward Lead Lawyer

Donna Cope Democratic Services Officer

Kirsty Tuffin Democratic Services Officer

Michelle James Licensing Policy Manager

Item No. *Title*

1 Apologies for absence

There were no apologies for absence submitted.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 – Application for a Premises Licence in respect of The Harp, Walsall Street, Wolverhampton, WV1 3LP

An application for a Premises Licence in respect of The Harp Inn, Walsall Street, Eastfield, Wolverhampton, West Midlands, WV1 3LP was considered following representations received from West Midlands Police, Environmental Health and The Licensing Authority.

The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed that they understood the procedure.

Michelle James, Licensing Policy Manager, provided an outline of the application. She reported that since the agenda had been published, supplementary information had been received from West Midlands Police and the Applicant. She advised that Appendix 4a – Police Representation and Appendix 9 – Applicant Information had been made exempt under Paragraph 1 of Schedule 12A of the Local Government Act 1972, as they contained information relating to an individual.

Mr Heath Thomas, Solicitor representing the Applicant, Orville Hines, confirmed the report to be correct.

The Chair invited the Applicant to present their application.

Mr Heath Thomas did so on behalf of his client Orville Hines. He advised the committee that Mr Hines held another Premises Licence in a different Licensing Authority and that there had been no issues at that premises. He stated that Mr Hines had held the Premises Licence for The Harp between 1999 and 2014. But during the period of 2014 to 2018, Mr Hines had not been the Premises Licence Holder or the Designated Premises Supervisor as he had leased the premises to someone else.

Heath Thomas proposed a number of conditions be added to the Premises Licence:

- That the individuals Orville Hines had leased the property to during the period of 2014-2018 would have no part in licensable activities,
- That the premises would install and maintain CCTV up to police standards,
- A minimum of two SIA licensed door staff be on duty at the premises from 22:00 when operating beyond midnight,
- No noise or vibrations would emanate from the premises,
- Doors and windows to remain closed

- Consumption of alcohol outside the front of the premises would not be permitted,
- Signs displayed outside the property that advised customers to park sensibly and leave the premises quietly,
- Any patrons drinking and/or smoking outside be monitored by a member of staff,
- A direct number for the Premises Licence Holder/DPS be given to local residents and businesses,
- A dress code and drug policy would be implemented.

Heath Thomas advised the Sub-Committee that exempt items would be discussed.

The Press and Public were excluded from the meeting at 10:40am.

Heath Thomas continued to outline his client's application with reference to the additional information as per Appendix 9 and West Midlands Police supplementary information as per Appendix 4a.

The Sub-Committee adjourned for a break at 12:45pm.

The Sub-Committee re-adjourned at 1:35pm.

The Chair afforded all parties present the opportunity to question the Applicant in relation to its representation.

Heath Thomas and Orville Hines provided responses to questions asked by Committee Members, West Midlands Police, Licensing Authority and Environmental Health. Heath Thomas made a recommendation that a time limited licence be granted to allow his client to prove himself a fit and proper person.

The Chair invited West Midlands Police to make representations. Sgt Steph Reynolds did so. She advised that West Midlands Police opposed the conditions proposed by the applicant and raised concerns on a time limited licence being granted as suggested by Heath Thomas.

The Chair invited all parties present to question West Midlands Police in relation to its submission. Sgt Steph Reynolds provided responses to questions asked by Committee Members, Heath Thomas and, Licensing Authority.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton, Section Leader Licensing, did so as per Appendix 6.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mrs Moreton provided responses to questions asked by committee members and West Midlands Police.

The Sub-Committee Hearing re-opened to the Press and Public at 3:55pm.

The Chair invited Environmental Health to make representations. Debra Craner, Section Leader for Environmental Health, did so as per Appendix 5.

The Chair invited all parties present to question Environmental Health in relation to its submission. Debra Craner provided responses to questions asked by committee members, West Midlands Police and Licensing Authority.

The Chair invited all parties present to make their final address.

All parties present made a closing statement.

Sgt Steph Reynolds withdrew from the meeting at 4:35pm.

All interested parties, with the exception of the Solicitor and the Democratic Services Officers, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out by the Senior Solicitor. The Solicitor advised Heath Thomas that the full written decision would be sent out within 5 working days.

Resolved:

The Sub-Committee had regard to both the written and oral evidence that had been presented and attached appropriate weight.

Having considered the views of all concerned, the Sub-Committee decided that the application for a premises licence should be granted, subject to the following conditions, for a period of 12 months:

1. The provision of licensable activities (recorded music, late night refreshment and sale of alcohol) will take place:
 - Sunday to Thursday: 11:00 to 23:00
 - Friday and Saturday: 11:00 to 24:00
2. The premises will be closed to members of the public 30 minutes thereafter.

It is considered by the Licensing Sub-Committee that the following conditions should be attached in support of the prevention of public nuisance, crime and disorder and public safety licensing objectives:

1. All staff to receive training and refresher training every 6 months on their responsibilities under the Licensing Act 2003. The training is to be documented and made available to an Authorised Officer of a Responsible Authority upon request.

2. The following persons shall take no part in the management or operation of the premises or the provision of any licensable activity and will at no time be present on the premises:
 - Garnett McClean
 - Isaac Green
 - Afiya Dalila
 - Asata Dalila
3. A comprehensive CCTV system shall be installed and maintained at the premises, as per the minimum requirements of the West Midlands Police Licensing Team. All entry and exit points will be covered, enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days, with date and time stamping. Viewing of the recordings shall be made available immediately upon the request of West Midlands Police or any Authorised Officer throughout the entire retention (31 day) period.
4. A minimum of one staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police Officer or Authorised Council Officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
5. An incident log shall be kept at the premises at all times and made available on request to an Authorised Officer of the City Council or West Midlands Police. It must be completed within 24 hours of the incident and will record the following:
 - a. All crimes reported to the venue
 - b. All ejections of patrons
 - c. All complaints received concerning crime and disorder
 - d. All incident of disorder
 - e. All seizures of drugs or offensive weapons (date, time, types and quantities, names)
 - f. Any faults in the CCTV system, including date and time they were rectified
 - g. Any refusal of the sale of alcohol
 - h. Any visit by a Relevant Authority or Emergency Service
6. The capacity of the premises shall be restricted to 110 persons at all times or such other figure as contained within the premises fire risk assessment.
7. On Fridays and Saturdays, a minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 22:00 until close. Door supervisors will be engaged on other occasions subject to individual risk assessment.
8. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises, which gives rise to nuisance.

9. All windows and external doors shall be kept closed any time when regulated entertainment takes place, except for the immediate access and egress of persons.
10. There shall be no sales of alcohol for consumption off the premises.
11. Notice shall be prominently displayed at all entrances to the premises reminding customers of the need to park sensibly and to respect the needs of local residents.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. The PHL shall ensure that any patrons drinking and / or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance.
15. A direct telephone number for the Premises Licence Holder and for the DPS at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
16. During the hours of operation of the premises, the Licence Holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises.
17. Challenge 25 proof of age shall be operated at the premises where the only acceptable forms of identification will be recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. Prior to opening for trade, the Premises Licence Holder will have in place policies for the following:
 - Dispersal policy
 - Drugs policy
 - Dress code
19. A smoking area protected from the elements will be fitted at the back of the premises and customers wishing to smoke or vape will be encouraged to use it.

This was in accordance with sections 18 and 26 of the Licensing Act 2003.

The full decision notice outlining the reasons for the decision of the Sub-Committee and listing conditions have now been served upon all parties.

All parties have a right of appeal to the Magistrates' Court within 21 days of receipt of the said notice.