

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 30 October 2019

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Keith Inston

Cllr Rita Potter

Premises Licence Applicant:

Richard Williams

Simon Smith

Solicitor for B&M Retail Limited

Designated Premises Supervisor

Responsible Authorities

Elaine Moreton

Jamie Annakin

Michelle Smith-Doughty

Licensing Authority

Public Health

Public Health (observing)

Employees

Mark Willingham

Donna Cope

Elizabeth Gregg

James Griffiths

Solicitor

Democratic Services Officer

Senior Licensing & Compliance Officer

Licensing & Compliance Officer (observing)

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

The Chair stated that all four members of the public that had submitted representations were known to him from his membership of an organisation which they were also members of. He explained however that this would not be an issue as the hearing today was not a political matter.

3 Licensing Act 2003 –Application for a Premises Licence in respect of B & M Retail Limited, Unit 223A, 44 - 45 Dudley Road, Wolverhampton, WV1 3ER

An application for a Premises Licence in respect of B&M Retail Limited, Unit 223A, 44-45 Dudley Street, Wolverhampton, WV1 3ER was considered following representations received from Public Health, Licensing Authority and Other Persons.

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

Elizabeth Gregg, Senior Licensing and Compliance Officer, provided an outline of the application and confirmed that the premises was situated within a Cumulative Impact Zone (CIZ).

Mr Richard Williams, Solicitor, representing B&M Retail Limited (Applicant), confirmed that the summary provided was accurate.

The Chair invited the Applicant to present the application.

Mr Richard Williams, Solicitor, representing the Applicant, did so as per Appendix 1 of the report. He acknowledged the representations received and presented the supporting information and proposed revisions to the application as per Appendix 10 of the report. Mr Williams stated that he was fully confident, due to the measures in place and excellent business operation, that the four Licensing Objectives would not be undermined if the licence was granted.

The Chair afforded all parties present the opportunity to question Mr Williams in relation to his submission.

Mr Williams and Mr Simon Smith, proposed Designated Premises Supervisor (DPS), responded to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton did so as per Appendix 4 of the report. She stated that most of her concerns had been addressed and requested the following conditions be added to the premises licence:

1. CCTV shall be made available to any Responsible Authority on request;
2. A full time SIA approved security guard will be employed at the premises at peak trading hours;
3. Staff will undergo three monthly refresher training in security awareness which will be documented, and records made available to any Responsible Authority on request;
4. An electronic refusal log will be maintained and made available to any Responsible Authority on request;
5. The PSPO (Public Spaces Protection Order) notice provided by the Licencing Authority shall be displayed prominently on the premises visible from outside the store advising that police have powers to seize alcohol;
6. There are to be no single can sales of lagers, beers or ciders and these will only be sold in multipacks of four or more.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. Elaine Moreton provided responses to questions asked.

The Chair invited Public Health to make representations.

Jamie Annakin, Principal Public Health Specialist, did so as per Appendix 5 of the report.

The Chair afforded all parties present the opportunity to question Public Health on its submission. Jamie Annakin provided responses to questions asked.

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

All parties present made a final statement.

All interested parties, with the exception of the Solicitor and the Democratic Services Officer, 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 Solicitor.

Resolved:

The Statutory Licensing Sub-Committee had taken note of all written concerns raised in respect of the application for a premises licence for B&M Retail Limited, Unit 223A, 44-45 Dudley Street, City Centre, Wolverhampton WV1 3ER. They listened to the arguments of those who had spoken at the hearing, both for and against the application.

The Sub-Committee had considered the written and spoken representations from the Applicant, the Licensing Authority as the Responsible Authority and Public Health in relation to the Cumulative Impact Policy and relevant Licensing Objectives. The Licensing Authority and Public Health had confirmed that the application was for a premises in a CIZ.

The Licensing Sub-Committee's decision was to grant the application as applied for, subject to the below amendments as conditions to the licence:

1. Hours for sale of alcohol to be restricted to 08.30 to 20.00;
2. There are to be no single can sales of lagers, beers or ciders and these will only be sold in multipacks of four or more;
3. Sales of alcohol are not to include any super strength lagers, beers or ciders where strength exceeds 6.5% ABV (alcohol by volume). This restriction shall not apply in respect of specialist branded, premium priced products such as craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory or commemorative beer, lager or cider;
4. A full time SIA approved security guard will be employed at the premises at peak trading hours subject to risk assessment;
5. The CCTV shall be made available to any Responsible Authority on request;
6. Staff will undergo three monthly refresher training in security awareness which will be documented, and records made available to any Responsible Authority on request;
7. An electronic refusal log will be maintained and made available to any Responsible Authority on request;
8. The PSPO (Public Spaces Protection Order) notice provided by the Licencing Authority shall be displayed prominently on the premises visible from outside the store advising that police have powers to seize alcohol.

The Sub-Committee were satisfied that the Cumulative Impact Policy applies to these premises and that therefore there was a rebuttable presumption of non-grant.

In considering all of the submissions and all of the circumstances of the application, the legislation and the s218 guidance, the Sub-Committee were satisfied that the Applicant had rebutted the presumption of non-grant through its proposed Operating Schedule and the proposed conditions and those set out above.

It was considered by the Sub-Committee that the aforementioned conditions should be attached in support of the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm Licencing Objectives.

Finally, such conditions as were specified on/or consistent with the Operating Schedule will be attached to the Licence together with any mandatory conditions as require by the Licensing Act

All parties have a right of Appeal to the Magistrates Court within 21 days of receipt of this decision.

A copy of the written decision would be forwarded to all parties.