

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

30 October 2019

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 5, Ground Floor, Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)

Cllr Keith Inston
Cllr Rita Potter

Quorum for this meeting is two Councillors.

Information for the Public

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Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
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 (Pages 3 - 50)

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub - Committee

30 October 2019

Report title

**Licensing Act 2003 – Application for a
Premises Licence in respect of B & M Retail
Limited, Unit 223A, 44 - 45 Dudley Street,
Mander Centre, City Centre,
Wolverhampton, West Midlands, WV1 3ER**

Wards affected

St Peters

Accountable director

Ross Cook, City Environment

Originating service

Licensing Services

Accountable employee

Debra Craner

Section Leader

Tel

01902 556055

Email

Debra.Craner@wolverhampton.gov.uk

Recommendation for decision:

1. To submit for consideration by the Statutory Licensing Sub-Committee an application for a new premises licence.

1.0 Purpose

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an application for a new premises licence.

2.0 Background

- 2.1 The application was received on 09 September 2019 from B & M Retail Limited for a premises licence in respect of B & M Retail Limited, Unit 223A, 44 - 45 Dudley Street, Mander Centre, City Centre, Wolverhampton, West Midlands, WV1 3ER. A copy of the application is attached at Appendix 1.
- 2.2 The premises are in St Peter's ward and a location plan is attached at Appendix 2.
- 2.3 The application is in respect of sale/supply of alcohol off the premises.
- 2.4 This premises is situated within the Cumulative Impact Zone. A copy of the policy and the area which it covers is attached at Appendix 3.
- 2.5 It is the understanding of the Licensing Authority that the application for this premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with.
- 2.6 All Responsible Authorities have been consulted on this application.
- 2.7 Relevant representations have been received from:
- Licensing Authority
 - Public Health
 - Other Persons
- 2.8 Copies of the representations can be found at Appendices 4 to 9.
- 2.9 The applicant and all those who have submitted representations have been invited to attend the hearing.
- 2.10 The applicant's solicitor has provided a document detailing additional steps and conditions to promote the licensing objectives, this document is attached at appendix 10.

3.0 Policy Implications

- 3.1 On 3 April 2015 the Statement of Licensing Policy was revised to give effect to the Cumulative Impact Policy (CIP) in four new areas of the City. This decision supported the view that the number, type and density of premises selling alcohol for consumption and/or late-night refreshment in areas within Wolverhampton City was causing problems of nuisance and disorder and therefore causing an adverse impact on the licensing objectives of prevention of crime and disorder and prevention of public nuisance.

- 3.2 The effect of this CIP is to create a rebuttable presumption that applications in respect of the sale or supply of alcohol and/or late-night refreshment for new Premises Licences Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates where the premises are situated in the City Centre Cumulative Impact Zone will be refused.
- 3.3 Essentially this means that applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. (This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones).
- 3.4 To rebut the presumption, explained in 3.3 above, the applicant is expected to demonstrate through their operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced and not therefore have an adverse impact in the Licensing Objectives.

4.0 Financial implications

- 4.1 There are no direct financial implications associated with the recommendations in this report. The fee for this application is £635.00 and is non-refundable. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Committee on 20 March 2019. [KP/10102019/G]

5.0 Legal implications

- 5.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its function under the Act with a view to promoting the Licensing Objectives, namely: -
- (a) The prevention of crime and disorder;
 - (b) Public safety;
 - (c) The prevention of public nuisance;
 - (d) The protection of children from harm.
- 5.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the Licensing Objectives when determining a premises licence application.
- 5.3 Regard shall be had to guidance issued by the Secretary of State under Section 182 and Wolverhampton City Council's Licensing Policy statement which includes a cumulative impact policy.
- 5.4 Section 18 of the Licensing Act 2003 provides the Licensing Authority with the power to grant an application, subject to conditions, where appropriate
- 5.5 In order for the Cumulative Impact Policy to be relevant to this application the Sub-Committee:

I. Should be satisfied it applies due to:

- (a) Premises being located within the Cumulative Impact Zone;
 - (b) Licensable activity applied for at the premises is to include sale of alcohol or late-night refreshment and is;
 - (c) The likelihood that the activity will have an impact on the crime and disorder or prevention of public nuisance licensing objectives.
- And where the Cumulative Impact Policy is deemed to apply:

II. Should refuse an application based upon the Cumulative Impact Policy unless sufficient evidence is produced, by the applicant, to rebut the presumption that a licence will not be granted or varied.

5.6 If the Sub-Committee are satisfied sufficient evidence has been produced to show the premises will not add to the Cumulative Impact already being experienced, the application should not be refused based upon Cumulative Impact Policy.
[SH/10102019/A]

6.0 Equalities implications

6.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.

6.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

7.0 Climate change and environmental implications

7.1 There are no climate change and environmental Implications in relation to this report.

8.0 Human resources implications

8.1 There are no human resource implications in relation to this report.

9.0 Corporate landlord implications

9.1 There are no corporate landlord implications in relation to this report.

10.0 Schedule of background papers

10.1 None.

11.0 Appendices

11.1 Appendix 1 – Application

11.2 Appendix 2 – Location Plan

11.3 Appendix 3 - Cumulative Impact Zone Policy

11.4 Appendix 4 – Licensing Authority Representation

11.5 Appendix 5 – Public Health Representation

11.6 Appendix 6 – Other Persons Representation

11.7 Appendix 7 – Other Persons Representation

11.8 Appendix 8 – Other Persons Representation

11.9 Appendix 9 – Other Persons Representation

11.10 Appendix 10 – Solicitor Additional Steps

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Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We B & M Retail Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
B&M Store Unit 223A 44-45 Dudley Street The Mander Centre			
Post town	Wolverhampton	Postcode	WV1 3ER
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£596,255	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)



- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name B & M Retail Limited
Address The Vault Dakota Drive Estuary Commerce Park Speke Liverpool L24 8RJ
Registered number (where applicable) 01357507
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Retail shop.
 B & M Retail formed in 1976 now operates a chain of over 500 stores throughout England, Wales and Scotland. The stores offer a wide range of home goods, a mix of food and hardware, which are of quality but at affordable prices.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	
Tue				
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat				
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	07.00	23.00			
Tue	07.00	23.00			
Wed	07.00	23.00			
Thur	07.00	23.00			
Fri	07.00	23.00			
Sat	07.00	23.00			
Sun	07.00	23.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Simon Smith
Date of birth [REDACTED]
Address [REDACTED]
Postcode [REDACTED]
Personal licence number (if known) BTW/PER/1096
Issuing licensing authority (if known) Telford & Wrekin Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	07.00	23.00	
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	23.00	
Fri	07.00	23.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Sat	07.00	23.00	
Sun	07.00	23.00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- CCTV shall be provided in the form of a recordable system covering the trading area and cash tills;
- The CCTV equipment shall be maintained in good working order correctly time and date stamped. Recordings shall be kept in date order, numbered consequentially and kept for a period of 31 days and copies made available to the police or trading standards officers on request.

In order to maintain the security of the CCTV system selected staff will be trained in the use of the equipment to ensure that any request for copy images will be completed on request if trained staff on duty or within 24 hours if not; The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other nominated responsible individual.

b) The prevention of crime and disorder

- Appropriate signage representative of the above shall be displayed in conspicuous positions;
- B & M will maintain liaison with the neighbourhood police officers regarding any issues relating to the premises;
- The area for the display of 'alcohol for sale' shall be no more than 10% of the trading area;
- Plain Clothes security staff shall be employed at the premises as and when deemed necessary by the Licence Holder;
- All staff will be trained in 'Security Awareness' as part of their induction training;
- Staff to be instructed that alcohol may not be sold to any person who is believed to be drunk;
- Notices to be displayed inside the premises stating that it is an offence for any person under 18 years of age to purchase alcohol;
- Notices to be displayed inside the premises stating that a Challenge 25 policy is in force.
- B & M operate a zero tolerance to aggressive and/or violent behaviour towards staff members.

c) Public safety

A fire risk assessment to be conducted and reviewed regularly in accordance with the requirements of the Regulatory Reform (Fire Safety Order) 2005.

d) The prevention of public nuisance

The car park area (if applicable) or area immediately in front of the store shall be inspected on a regular basis and management and staff shall use their best endeavours to prevent B & M customers from loitering in the said areas, persons refusing to move shall be subject of a report to the Police to facilitate safe dispersal.

e) The protection of children from harm

- Staff will be trained on induction (and undergo 3-monthly refresher training (in the form of a short written test)) in respect of the sale of all age restricted goods (including awareness/prevention of proxy sales, signs and symptoms of intoxication, dealing with refusal of sales and any subsequent confrontational behaviour from customers) - such training sessions to be documented and records made available to authorised persons from Responsible Authorities and kept on site for a minimum of 2 years;
- A Challenge 25 scheme will be operated at the premises - the only form of valid identification being passport, photo driving licence, PASS hologram id card or Her Majestys Forces Warrant Card failure to supply such ID will result in no sale or supply of alcohol to that person;
- The cash tills used for the sale of alcohol to have the benefit of an electronic "prompt" for operators in respect of age restricted sales;
- To compile and maintain a refusal book (which shall be checked and signed by the DPS or Duty Manager on a weekly basis) containing records of instances/persons who have been refused the sale of age restricted items on the basis of their perceived age, such records to be made available to authorised persons from Responsible Authorities.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **ONLINE APPLICATION LA TO SEND**
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	5 September 2019
Capacity	Keystone Law Solicitors Authorised Agents on behalf of Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
 Keystone Law Solicitors 48 Chancery Lane			
Post town	London	Postcode	WC2A 1JF
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

LICENSING ACT 2003
Section 37(3)

Consent of Individual to being specified as Premises
Supervisor

663

Iⁱ Simon Smith

ofⁱⁱ [REDACTED]

Hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application forⁱⁱⁱ

New Premises Licence

by^{iv} **B & M Retail Limited**

Relating to premises licence: 0

for^v Dudley Street, Mander Centre, Wolverhampton, WV1 3NB

and any premises licence to be granted or varied in respect of this application made by^{vi} **B & M Retail Limited**

concerning the supply of alcohol at^{vii} Dudley Street, Mander Centre, Wolverhampton, WV1 3NB

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number: BTW/PER/1096

Personal Licence issuing authority: Telford & Wrekin Council

Date of Birth: [REDACTED]

Place of Birth: [REDACTED]

Signed: [REDACTED]

Name (please print) Simon Smith

Date:03/09/2019

**B & M Retail Ltd
The Vault, Dakota Drive
Estuary Commerce Park
Speke, Liverpool
L24 8RJ**

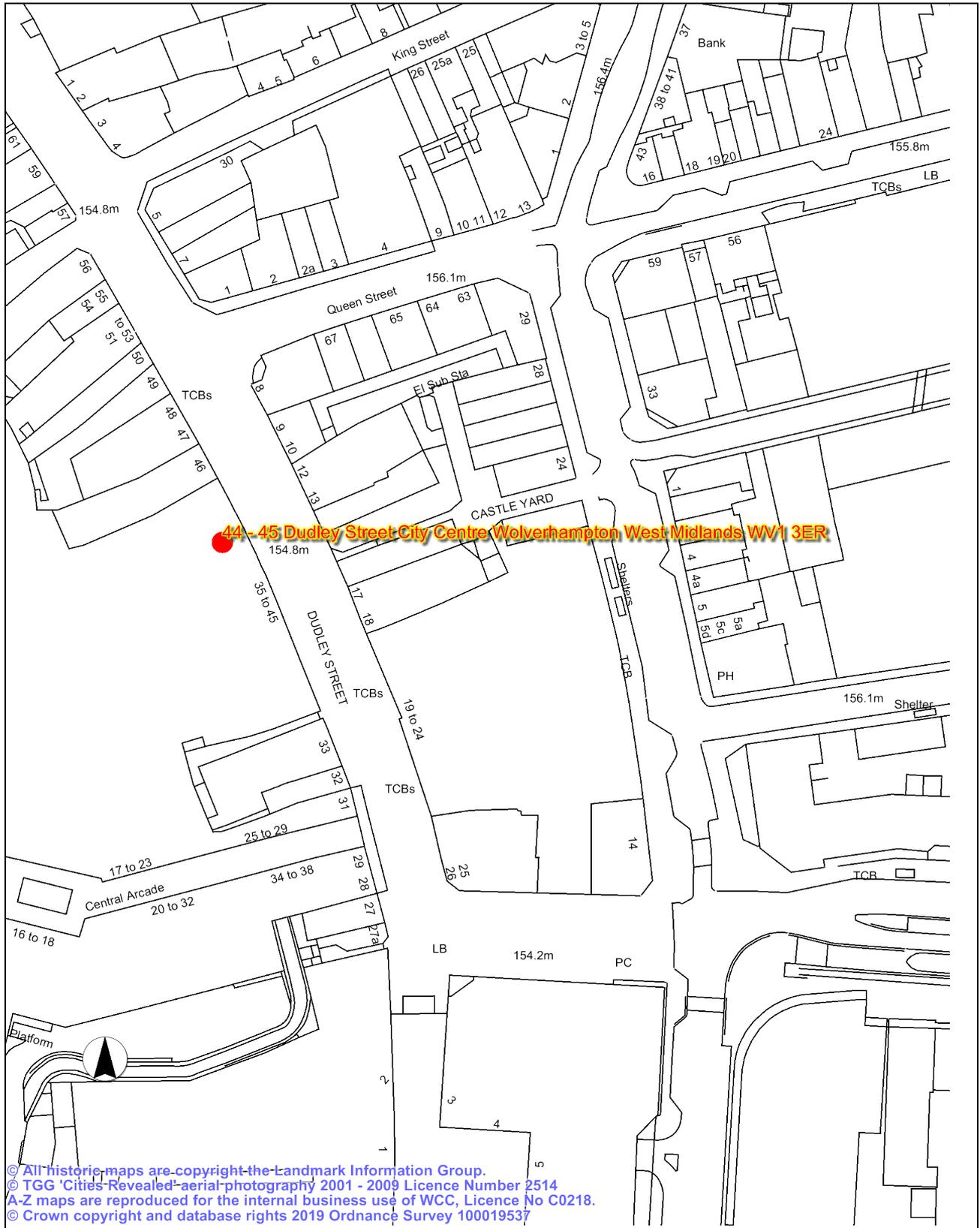
ⁱ Full name of prospective premises supervisor
ⁱⁱ Home address of prospective premises supervisor
ⁱⁱⁱ Type of application (already completed)
^{iv} Name of Premises Licence Holder
^v Name and address of premises to which the application relates
^{vi} Name of Premises Licence Holder
^{vii} Name and address of premises to which the application relates

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CITY OF
WOLVERHAMPTON
COUNCIL

B & M Retail Limited, Unit 223A, 44 - 45 Dudley Street,
Mander Centre, City Centre, Wolverhampton, West
Midlands, WV1 3ER

Appendix 2



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Asset Management
 Civic Centre
 St Peters Square
 Wolverhampton
 WV1 1RL

Plan Produced 9.10.2019
 Scale 1:1,250

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CUMULATIVE IMPACT POLICY

It is not proposed to set quotas for particular types of licences. Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensed activity are fully considered. If crime and disorder or general disturbance/nuisance does prove to be linked to the concentration of customers of licensed premises or activities in these or any other particular areas, then it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

It would first be necessary to establish that, because of the number and density of licensed premises in a particular area, there are exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identifiable as being responsible for the problems, action will be taken against them.

Before deciding whether to adopt a Cumulative Impact Policy, the Council must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder.

In the Guidance issued under the Act there are four steps specified to be followed in considering whether to adopt a Cumulative Impact Policy:

- Identification of serious and chronic concern from a responsible Authority or representatives of residents about nuisance or disorder.
- Assessment of causes.
- Where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area.
- Adopting a policy about future licence applications from that area.

The Licensing Committee will keep any Cumulative Impact Policy under review and modify or remove it, as considered appropriate.

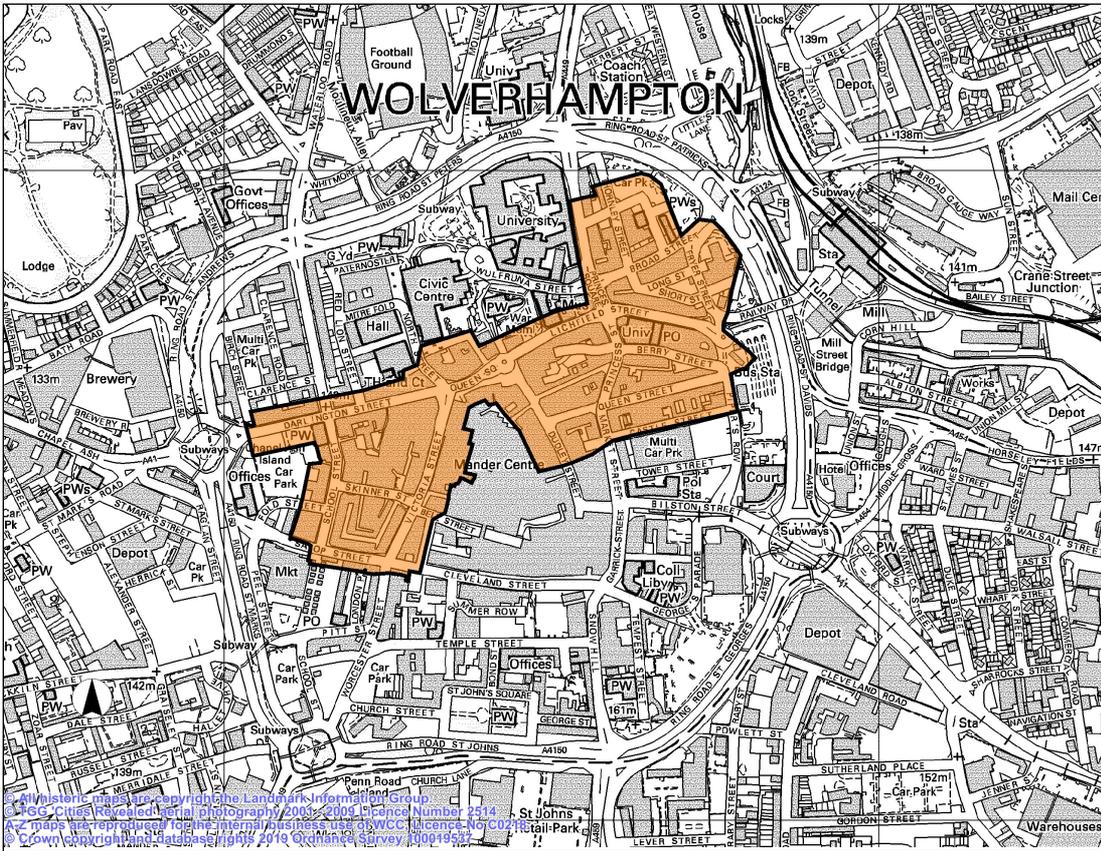
As detailed above the Council recognises that because of the number of and density of licensed premises selling alcohol and/or Late Night Refreshment in particular areas there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. In these cases it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

The Licensing Authority is now of the view that in these areas this is causing cumulative impact and designates these areas as Cumulative Impact Zones. The details of the policy specific to each area are described below.

The effect of the Cumulative Impact Policy is to create a **rebuttable** presumption that applications in respect the licensable activities detailed below for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity) where the premises are situated in one of the Cumulative Impact Zones will be refused.

To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones.

The Cumulative Impact Policy will not be used to revoke an existing licence or certificate and will not be applicable to the review of existing licences.



CITY OF
WOLVERHAMPTON
COUNCIL

Wolverhampton City Council
Asset Management
Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

Plan Produced
18.9.2019
Scale 1:7,789

IMAGENS - Powered by

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Elaine Moreton <Elaine.Moreton@wolverhampton.gov.uk>
Sent: 07 October 2019 13:59
To: Timothy Omodeni2 <Timothy.Omodeni2@wolverhampton.gov.uk>
Cc: Licensing <Licensing@wolverhampton.gov.uk>; Debra Craner <Debra.Craner@wolverhampton.gov.uk>
Subject: FW: New PREM, B&M Retail Limited, Dudley Street, Mander Centre, WV1 3NB - PRE1393

Sensitivity: PROTECT

Dear Tim,

I write on behalf of the Licensing Authority as a Responsible Authority to make formal representations to the above application for a new premises licence as the premises falls within Wolverhampton City Centre C.I.Z.

There is a rebuttable presumption that applications within a C.I.Z will be refused unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives; Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Public Safety.

The application has requested the sale/supply of alcohol off the premises between 07:00 to 23:00 hours, Monday to Sunday, this raises concern for the Licensing Authority as the premises is situated within an area where a Public Space Protection Order is in place.

Generalised conditions have been suggested by the applicant's solicitor which do not address the concerns regarding the alcohol-related anti-social behaviour within the area and therefore further clarity is required within the operating schedule to rebut the presumption of none grant.

Regards
Elaine Moreton
Section Leader
Tel. Office: 01902 552772

[E-mail: Elaine.Moreton@wolverhampton.gov.uk](mailto:Elaine.Moreton@wolverhampton.gov.uk)
City of Wolverhampton Council

From: Licensing <Licensing@wolverhampton.gov.uk>
Sent: 09 September 2019 14:32

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Parpinder Singh
Sent: 07 October 2019 14:18
To: Licensing <Licensing@wolverhampton.gov.uk>
Cc: Amy Baker <Amy.Baker@wolverhampton.gov.uk>; Elaine Moreton <Elaine.Moreton@wolverhampton.gov.uk>
Subject: RE: New PREM, B&M Retail Limited, Dudley Street, Mander Centre, WV1 3NB - PRE1393

Sensitivity: PROTECT

Dear Timothy

Please see attached representation from Public Health. Thankyou

Kind Regards

Parpinder Singh
Principal Public Health Specialist
Tel. Office: 01902 555475

[E-mail: Parpinder.Singh@wolverhampton.gov.uk](mailto:Parpinder.Singh@wolverhampton.gov.uk)
City of Wolverhampton Council

[REDACTED]

Public Health representation to the licence application, submitted to the City of Wolverhampton Council, by B&M stores, Unit 223a Mander Centre, 44-45 Dudley Street, WV1 3ER

- 1.0 Public Health is one of the Responsible Authorities as stipulated in the Licensing Act 2003. Section 182 guidance at paragraph 9.22 states ‘health bodies are encouraged to make representations in respect of any of the four licensing objectives’.
- 1.1 Public Health object against the licence application made by B&M stores, Unit 223a Mander Centre, 44-45 Dudley Street, WV1 3ER, on the basis it falls within a Cumulative Impact Zone and undermines the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. In the opinion of Public Health, the applicant has not provided evidence which rebuts the presumption of refusal.

2.0 Cumulative Impact Zone

- 2.1 The premises in question falls under a Cumulative Impact Zone (CIZ). Wolverhampton’s Statement of Licensing Policy section 13 outlines the process for designating an CIZ. This process being:
- Identification of serious and chronic concern from a Responsible Authority or representatives of residents about nuisance or disorder
 - Assessment of causes
 - Where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area
 - Adopting a policy about future licence applications from that area

This process demonstrates the robustness of designating an CIZ. Paragraphs 13.10 and 13.11 of this policy states:

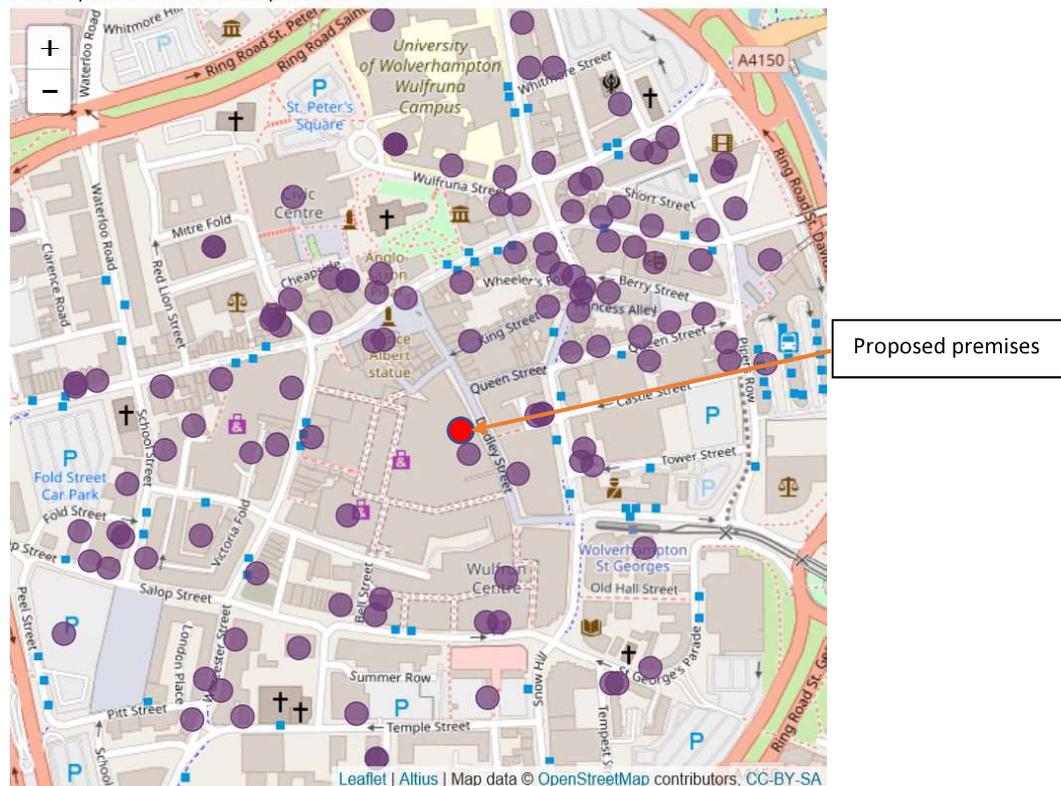
*13.10 The effect of the Cumulative Impact Policy is to create a **rebuttable** presumption that applications in respect the licensable activities detailed below for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity) where the premises are situated in one of the Cumulative Impact Zones will be refused.*

13.11 To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones.

2.2 The City Centre CIZ was agreed by the Statutory Licencing Committee in 2009. This policy has been periodically revised, with the latest review taking place in 2018. The Statutory Licencing Committee agreed the CIZ policy remains an important part of reducing alcohol related harm and issues identified in the CIZ during inception are still of concern and relevant.

2.3 Public Health, in conjunction with Licencing, has recently launched an interactive tool¹ which plots various data onto a spatial map. When considering an application that falls within a CIZ it is useful to view the density of outlets currently in operation within the CIZ boundary. Figure 2 provides a view of current outlets within the City Centre CIZ.

Darker points indicate multiple locations.



3.0 Considering the application falls within the CIZ, and the applicant does not in the view of Public Health rebut the presumption of refusal, it is the view of Public Health that granting another licence within the area will exacerbate the concerning issues already identified.

¹ <https://www.wolverhampton.gov.uk/licences/gambling-and-gaming/gambling-premises-licence>

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From: noreplyweb@wolverhampton.gov.uk on behalf of City Of Wolverhampton Council
<noreplyweb@wolverhampton.gov.uk>
Sent: 30 September 2019 10:15
To: Licensing
Subject: Public Notice Objection received

Your details

Name

Customer name
Ms Helen Lewis

Address

Customer address

Premises details

Name/Address of premises
B&M Retail Limited - Store in the Mander Centre

Objection details

Reason for objection

Prevention of crime and disorder, Prevention of public nuisance, Protection of children from harm, Public safety

Further details

I object to this proposal on the grounds that it breaches all four of the objectives set out in licensing guidance.

I ask that the Council undertakes a full Cumulative Impact Assessment before agreeing this licence as I feel sure that this will show the many negative outcomes that will follow from agreeing a licence that allows a city centre store (mostly known for household goods and some foodstuffs) to sell alcohol 7 days a week, starting at the ridiculous time of 7am.

It is hard to imagine what justification is being used by the store for the need to sell alcohol for 16 hours a day in an area already saturated with pubs.

The city centre has more than enough drinking establishments but these are at least monitored by bar staff and door staff and people can be turned away when they have had enough and get difficult. B&M store will not be able to do this - they will sell people alcohol who will then take it into the city centre and surrounds to drink it. This means the problematic behaviour is not contained and the area becomes even more unsafe for everyone, children but also women and older people and even young men who studies show are most likely to be victims of alcohol

related violence.

Children (accompanied and unaccompanied) will be using the store before and after school and at weekends and will be exposed to the sale of alcohol and seeing shelves of alcohol available in the setting of a B&M store at all hours of the day sends a harmful message to them about the acceptability of drinking around the clock and will act effectively as advertising alcohol to children. Adults will have access to alcohol they can take home or drink outside the premises (hard to police the controlled drinking zone as things stand) and this makes the town centre an even less safe place for children.

Studies have shown that drunkenness is more likely if people have access to cheap alcohol which they can drink off the premises at all hours of the day and night, seven days a week. Drunkenness is associated with increased crime, disorder and public nuisance (including peeing in public places, indecent exposure, violent and abusive behaviour, including hate crimes and domestic violence). This puts children, adults, shop workers and those passing through the city centre at more risk.

Studies have also shown that, for those who may use alcohol problematically, having access to cheap alcohol that can be consumed off the premises means they are likely to drink more often, more quickly and more in quantity. As well as the increased risk of crime and disorder, this is bad for the individuals concerned and their families and children who will be subject to harm potentially.

I have asked the Councillor for St Peter's to take forward my objections as someone who works in the city and uses the city centre at all hours of the day and night and wants to feel safe. It is often the case that drunken people make me feel unsafe as a woman in town and I fear agreeing this application will worsen a situation and it isn't needed.

Thanks



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From: noreplyweb@wolverhampton.gov.uk on behalf of City Of Wolverhampton Council
<noreplyweb@wolverhampton.gov.uk>
Sent: 30 September 2019 08:09
To: Licensing
Subject: Public Notice Objection received

Your details

Name

Customer name

Mrs Carol Gregory

Address

Customer address

[Redacted address]

Premises details

Name/Address of premises

B&M Stores Dudley Street Wolverhampton

Objection details

Reason for objection

Prevention of crime and disorder, Prevention of public nuisance, Protection of children from harm, Public safety

Further details

I object to this store selling alcohol in the pedestrianised city centre as I believe it will increase the risk of disorder and nuisance in what should be a safe area for children and families to enjoy. B&M do not sell alcohol in most of their other stores.



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From: noreplyweb@wolverhampton.gov.uk on behalf of City Of Wolverhampton Council
<noreplyweb@wolverhampton.gov.uk>
Sent: 30 September 2019 15:07
To: Licensing
Subject: Public Notice Objection received

Your details

Name

Customer name
Mr Don Gwinnett

Address

Customer address

[REDACTED]

Premises details

Name/Address of premises
B&M Store, Dudley Street, WV1 3NB

Objection details

Reason for objection

Prevention of crime and disorder, Prevention of public nuisance, Protection of children from harm, Public safety

Further details

I object to the licensing of these premises because the city have managed to restrict alcohol sales unless they are consumed on the premises, thus providing a measure of control and regulation. This license would allow people to buy alcohol to drink off the premises. This would risk nuisance in the surrounding streets by those indulge in anti social behaviour when intoxicated. Many young people, who might be refused from premises who sell to on-site consumers, would take advantage of this relaxation, which might result in rowdyism and worse.



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From: noreplyweb@wolverhampton.gov.uk on behalf of City Of Wolverhampton Council
<noreplyweb@wolverhampton.gov.uk>
Sent: 30 September 2019 10:09
To: Licensing
Subject: Public Notice Objection received

Your details

Name

Customer name
Ms Michelle Binfield

Address

Customer address

[REDACTED]

Premises details

Name/Address of premises
B&M Retail Limited, Dudley Street, Mander Centre, WV1 3NB

Ward: St.Peters Ward

Objection details

Reason for objection

Prevention of crime and disorder, Prevention of public nuisance, Protection of children from harm, Public safety

Further details

I object to this proposal on the grounds that it will breach all four of the objectives set out in the Licensing Policy and guidance. There can surely be no argument in favour of the sale of alcohol for consumption off the premises over such a lengthy period of time from Monday to Sunday 07:00 hrs to 23:00 hrs and it is hard to imagine what justification is being used by the store.

Children (accompanied and unaccompanied) will be using the store before and after school and at weekends and will be exposed to the sale of alcohol and seeing shelves of alcohol available in the setting of a B&M store at all hours of the day sends a harmful message to them about the acceptability of drinking around the clock and will act effectively as advertising alcohol to children. Adults will have access to alcohol they can take home or drink outside the premises (hard to police the controlled drinking zone as things stand) and this makes the town centre an even less safe place for children.

Studies have shown that drunkenness is more likely if people have access to cheap alcohol which they can drink off the premises at all hours of the day and night, seven days a week. Drunkenness is associated with increased crime, disorder and public nuisance (including peeing in public places, indecent exposure, violent and abusive behaviour, including hate crimes and domestic violence). This puts children, adults, shop workers and those passing through the city centre at more risk.

Studies have also shown that, for those who may use alcohol problematically, having access to cheap alcohol that can be consumed off the premises means they are likely to drink more often, more quickly and more in quantity. As well as the increased risk of crime and disorder, this is bad for the individuals concerned and their families and children who will be subject to harm potentially.

The city centre has more than enough drinking establishments but these are at least monitored by bar staff and door staff and people can be turned away when they have had enough and get difficult. B&M store will not be able to do this - they will sell people alcohol who will then take it into the city centre and surrounds to drink it. This means the problematic behaviour is not contained.

I have asked the Councillor for St Peter's to take forward my objections as someone who works in the city and uses the city centre at all hours of the day and night and wants to feel safe. It is often the case that drunken people make me feel unsafe as a woman in town and I fear agreeing this application will worsen a situation and it isn't needed.

Thanks



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B&M, UNIT 223A, 44-45 DUDLEY STREET, THE MANDER CENTRE, WOLVERHAMPTON**ADDITIONAL STEPS/CONDITIONS TO PROMOTE THE LICENSING OBJECTIVES**INTRODUCTION

B&M has 518 stores in England & Wales and 501 stores are licensed for the sale of alcohol (the remainder are generally not licensed due to a planning restriction or covenant on the site).

B&Ms range of alcohol is limited in scope, in this case 16 bays out of 519 at the Dudley Street store.

Alcoholic drinks are primarily wines, beers and ciders but with a very limited range of spirits.

Crucially, alcohol at B&M is sold at ambient temperature and there are no refrigerated display cabinets. As such, beers, wines and ciders are not sold to be drunk immediately, but complimentary to a purchase of food and other goods.

Price point for alcoholic drinks (established by surveys in England and Scotland) indicate that whilst B&M is a discount retailer, it does not discount alcohol. Alcohol is generally priced at a level above leading supermarkets. Alcohol is not a loss-leader at B&M.

B&M works with the police and licensing authorities nationally to promote the licensing objectives. It will happily de-list an item or a range of alcohol if requested to do so, where the sale of alcohol risks undermining the licensing objectives.

B&M stores generally open 08.30 to 20.00 Monday to Saturday and 10.30 to 16.30 on Sundays, with extended opening hours in the run up to Christmas. To avoid having to apply for TENS for Christmas, extended hours for licensing are applied for at all stores. Similarly, whilst Sunday trading legislation currently restricts opening hours on Sundays, to avoid having to vary licences if the permitted Sunday trading hours are changed, extended trading on Sunday is applied for. B&M confirms that it complies with all Sunday trading restrictions and will not open or sell alcohol outside of those permitted hours.

B&Ms age verification and till prompt system for preventing underage sales are thorough and considered to be the best in class in the retail industry.

OBJECTIONS TO APPLICATION

B&M acknowledges that its new store in Wolverhampton sits within the City Centre Cumulative Impact Area (CIA). B&M notes that the current Policy creates a rebuttable presumption that an application for a new off-licence will be refused within the CIA.

B&M is aware of objections to this application from Public Health, the Licensing Authority and four residents. No objection has been made by the Police.

Objections relate to concerns about:

- The hours applied for to sell alcohol (07.00 to 23.00, 7 days a week)
- B&M being attractive to street drinkers
- Increased risk of disorder and nuisance
- Children buying alcohol
- Anti-social behaviour and drunkenness in the streets
- Cheap alcohol
- Saturation of licensed premises within the CIA

COMMENTS ON OBJECTIONS

B&M notes the objections that have been made to its licensing application.

B&M is prepared to modify its application to take account of (some of) the very valid concerns raised. It is prepared to modify its licensing hours and to add additional conditions to its licence application, in order to ensure that granting the licence would not undermine the licensing objectives. However, it would point out that its alcohol is sold to be consumed at home. It is not cooled for immediate consumption. It is prepared to restrict high ABV products which are attractive to street drinkers. In light of these revisions, it does not believe that granting the licence would add to cumulative impact in the CIA. If it were the case that B&M stores undermine the licensing objectives, its stores would be subject to review in many of the towns and cities where it trades (including within a number of cumulative impact zones, such as Blackpool). This is not the case.

B&M also notes the objection made by Public Health, although the spatial map referred to provides a link to “gambling premises licences” in the footnote, so it has not been possible to verify if this data is correct. If the data shown in the map shows all alcohol licensed premises, this includes both on and off licensed premises. A more accurate comparison would be a map showing all off licensed premises within the CIA to establish whether there is any level of saturation. Public Health is requested to provide a map showing details of off-licences only within the CIA.

PROPOSED REVISIONS TO LICENCE APPLICATION

- Hours for sale of alcohol to be restricted to 08.30 to 20.00.
- There are to be no single can sales of lagers, beers or ciders.
- 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.
- A full time security guard will be employed at the premises (and on duty during peak trading hours).

CONCLUSION

In light of these revisions B&M would ask the objectors to accept that the opening of its store will not undermine the licensing objectives in the CIA and that the Premises Licence application should be granted.