

Statutory Licensing Sub-Committee

29 May 2020

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Online Meeting

Membership

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Keith Inston

Conservative

Cllr Jonathan Crofts

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

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 First Class Lounge, 6 School Street, Wolverhampton, WV1 4LR (Pages 3 - 64)

NB. PLEASE NOTE THAT PRESS AND PUBLIC WILL BE EXCLUDED FOR THE DISCUSSION OF APPENDIX 9 UNDER PARAGRAPH 3 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972, AS IT CONTAINS INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON.

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

29 May 2020

Report title	Licensing Act 2003 – Application for a Premises Licence in respect of First Class Lounge, 6 School Street, Wolverhampton, WV1 4LR	
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:

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 An application was received on the 20 February 2020 from Erastus Ndi for a premises licence in respect of First Class Lounge, 6 School Street, Wolverhampton, WV1 4LR. A copy of the application is attached at Appendix 1.

2.2 The premises are in the St Peters Ward and a location plan is attached at Appendix 2.

2.3 The application is in respect of provision of Live Music, Recorded Music, Late Night Refreshment and Supply of Alcohol on the Premises.

2.4 This premises are 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
- Environmental Health
- West Midlands Fire Service
- Public Health

2.8 Copies of the representations can be found at Appendices 4 to 7 respectively.

2.9 West Midlands Police have mediated with the applicant's agent, the mediation document is attached at Appendix 8.

2.10 During mediation with West Midlands Police, the applicant's agent provided supporting policy documentation which is attached at Appendix 9, marked as exempt from publication under Schedule 12A of the Local Government Act 1972 (as amended), Part 1, Paragraph 3.

2.11 The applicant and the agent and all those who have submitted representations have been invited to attend the hearing.

2.12 A Statutory Licensing Sub-Committee hearing was held on 13 May 2020 to determine the application. Due to circumstances surrounding existing premises licences the Statutory Licensing Sub-Committee agreed to adjourn the hearing until 29 May 2020.

3.0 Policy Implications.

3.1 In the 2020 Statement of Licensing Policy, the Cumulative Impact Policy (CIP) was revised and consideration was given to the five Cumulative Impact Zones (CIZ) and problem areas bordering them (Special Consideration Areas). Applications received for premises within these areas will be subject to a matrix approach contained within the Statement of Licensing Policy.

3.2 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.

3.3 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 Cumulative Impact Zone will be refused.

3.4 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).

3.5 To rebut the presumption, explained in 3.4 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 £190.00 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 Statutory Licensing Committee on 22 January 2020. [NC/06012020/K]

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 of the Licensing Act 2003 and City of Wolverhampton's Council 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
 - (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/01052020/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 Statutory Licensing Sub-Committee minutes dated 13 May 2020

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 Representations

11.5 Appendix 5 - Environmental Health Representations

11.6 Appendix 6 - West Midlands Fire Service Representations

11.7 Appendix 7 - Public Health Representations

11.8 Appendix 8 - West Midlands Police Mediation

11.9 Appendix 9 - Policy Documents

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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 Erastus Ndi

(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			
First Class Lounge 6 School Street Wolverhampton WV1 4LR			
Post town		Postcode	
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 13250	

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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Ndi			First names Erastus		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality [REDACTED]					
Current residential address if different from premises address		7 Devey Road Smethwick B66 4ST			
Post town				Postcode	
Daytime contact telephone number			[REDACTED]		
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 checked="" 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)					

(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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
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)

Restaurant / nightclub over two floors. The premises will predominate as a restaurant throughout the week; however, on Friday and Saturday nights the premises will operate as a nightclub.

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)			Will the performance of a play 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 performing plays (please read guidance note 5)		
Wed					
Thur			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 (please read guidance note 6)		
Fri					
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			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<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)		
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)	
Tue				
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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) State any seasonal variations for the performance of live music (please read guidance note 5) 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)		
Mon	10:00				
		04:00			
Tue	10:00				
		04:00			
Wed	10:00				
		04:00			
Thur	10:00				
		04:00			
Fri	10:00				
		04:00			
Sat	10:00				
		04:00			
Sun	10:00				
		04:00			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" 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	10:00										
		04:00									
Tue	10:00										
		04:00									
Wed	10:00					<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)					
		04:00									
Thur	10:00										
		04:00									
Fri	10:00								<u>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</u> (please read guidance note 6)		
		04:00									
Sat	10:00										
		04:00									
Sun	10:00										
		04:00									

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					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<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)		
Fri					
Sat			<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)		
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
	23:00	04:00			
Tue					
	23:00	04:00			
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
	23:00	04:00			
Thur					
	23:00	04:00			
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)		
	23:00	04:00			
Sat					
	23:00	04:00			
Sun					
	23:00	04:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	10:00				
		04:00			
Tue	10:00				
		04:00			
Wed	10:00				
		04:00			
Thur	10:00				
		04:00			
Fri	10:00				
		04:00			
Sat	10:00				
		04:00			
Sun	10:00				
		04:00			

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 Erastus Ndi	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	
Personal licence number (if known) 20/000010/LAPER	
Issuing licensing authority (if known) Sandwell MBC	

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	10:00		
		04:30	
Tue	10:00		
		04:30	
Wed	10:00		
		04:30	
Thur	10:00		
		04:30	
Fri	10:00		
		04:30	
Sat	10:00		
		04:30	
Sun	10:00		
		04:30	
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)			

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)

1 All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review and shall be made available to a relevant responsible authority when called upon.

b) The prevention of crime and disorder

2 A properly specified and fully operational CCTV recording system shall be installed, operated and maintained. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity. All CCTV recordings shall be securely stored for a minimum of one calendar month. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.

3 The premises licence holder shall implement a written drugs policy. The drugs policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises which shall be delivered to all staff.

4 The premises licence holder shall uphold a zero tolerance policy in relation to illegal drugs.

5 Any person entering the premises who appears to be under the influence of alcohol or drugs shall in the interests of other members of the public using the premises be requested to leave the premises.

6 During the period when the premises operates as a nightclub door supervisors shall be employed at a minimum ratio of 1 door supervisor for every 80 customers (or part thereof). Door supervisors must be on duty from 21:30 and must remain on duty until the premises are closed and all the customers have left.

7 All door supervisors shall enter their full details in the premises daily register at the commencement of work. This shall record their full name, home address, contact telephone number, SIA registration number and the time they commenced and concluded working. If the door supervisor was supplied by an agency details of that agency shall also be recorded including the name of the agency, the registered business address and a contact telephone number.

8 Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.

9 When the searching of persons is to occur the premises shall have door supervisors of both sexes on duty at all times.

10 All door supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'high visibility clothing'.

11 Persons shall not be permitted to leave the premises with alcohol in an opened container.

12 A premises incident book shall be kept at the premises. This book shall be maintained and kept for a rolling period of 12 months. The incident book shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include, but not be limited to, complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises and all refusals to sell alcohol. The incident book shall be readily available for inspection by an authorised person upon reasonable request.

c) Public safety

13 All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.

14 No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

15 During the period when the premises operates as a nightclub drinks shall be served in containers made from toughened glass/polycarbonate and all drinks in glass bottles shall be decanted into polycarbonate vessels prior to supplying it to the customer.

16 The maximum number of persons (excluding staff) allowed at the premises shall not exceed 220.

17 Regular checks and maintenance shall be carried out on all equipment, electrical installations, emergency lighting and fire alarms and equipment to ensure their continued safe operation. A written record of these checks shall be kept and made available to an authorised officer of the licensing authority.

18 The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.

19 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

20 A reputable taxi firm shall be used to enable guests to disperse efficiently and safely.

d) The prevention of public nuisance

21 The orientation of speakers shall be arranged to minimise the risk of noise nuisance to nearby properties.

22 Apart from access and egress the premises' doors and windows shall be kept closed after 23:00 to prevent transmission of noise.

23 Entertainment shall be held internally only; no music or speakers shall be provided to external areas of the premises.

24 Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.

25 The premises licence holder shall implement a written queue management policy. All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours.

26 The premises licence holder shall implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours both residential and business and to make the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour, crime and disorder.

27 After close of business a rubbish patrol shall pick up any flyers or rubbish which has been left in the close vicinity of the premises by customers including any bottles which may have been taken off the premises.

28 Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.

29 Patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled.

e) The protection of children from harm

30 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are the following recognised photographic identification cards: a driving licence, a passport, a military identification card or a Proof of Age card carrying a 'PASS' hologram.

31 All occasions when persons have been refused service shall be recorded in the incident book.

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [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	20th February 2020
Capacity	Duly authorised agent

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)			
Paul Jones			
31 Wedgwood Way Rochford SS4 3AS			
Post town		Postcode	
Telephone number (if any)	07309 057056		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) paul@innpacked.com			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500,

- and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National

Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

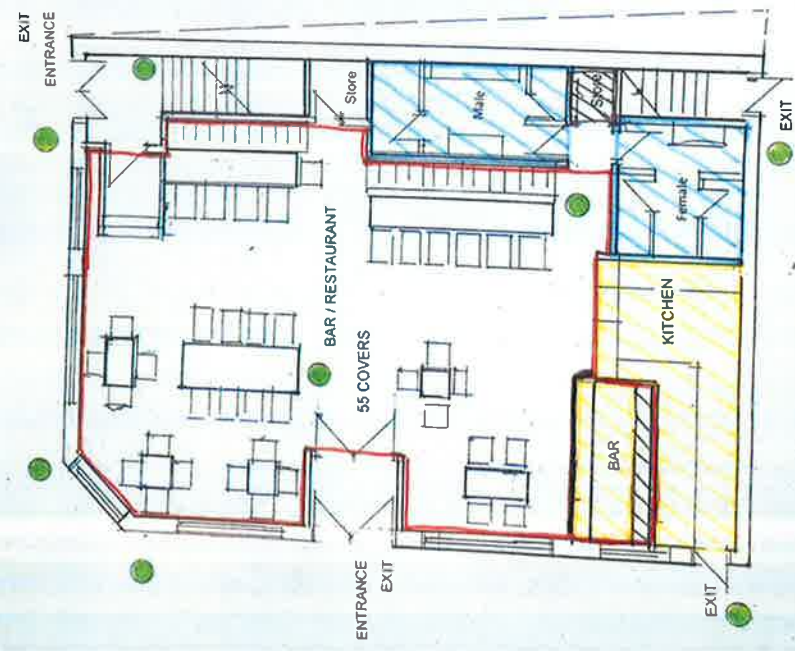
COMPLETION OF ANY WORK, THE USER IS TO CHECK AND FOR ALL CONSTRUCTION DETAILS, INCLUDING SITE LEVELS AND ALL WORKING TO BE MADE IN CONSTRUCTION. ANY DISCREPANCIES, CONSTRUCTION NOTES AND / OR PRODUCT SPECIFICATIONS SHOULD BE REPORTED IMMEDIATELY.

PLAN LEGEND

Li Casabianca

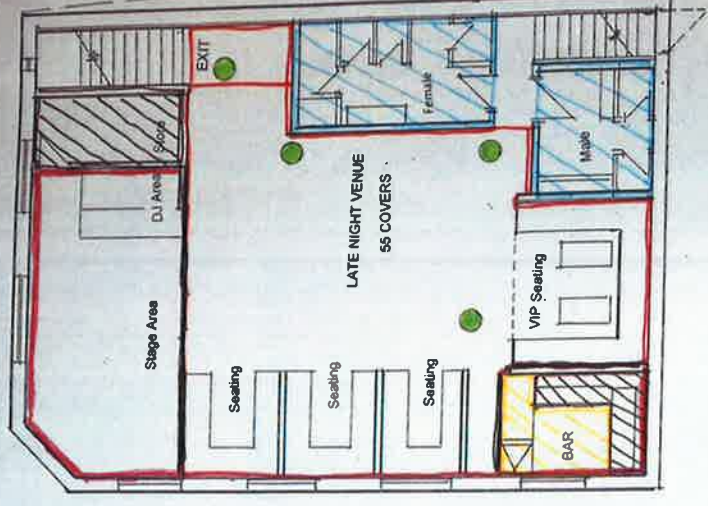
[Pattern]	alcohol storage (brown)
[Pattern]	alcohol display (brown)
[Pattern]	Toilets area (blue)
[Pattern]	staff area (yellow)
[Pattern]	CCTV - 31 Day Recording (green)

SCHOOL STREET



GROUND FLOOR LAYOUT

SCHOOL STREET



FIRST FLOOR LAYOUT

DESIGN HOUSE
 580 Moseley Road, Moseley, Birmingham B12 9AA
 Alan Garnett TEL: 07913 358 580
 9 School Street, Wolverhampton ZWW1 4LR

PROPOSED GROUND FLOOR & FIRST FLOOR LAYOUTS
 STATUS: PLANNING
 DATE: 05/02/20 PLAN SERIES No: 001 REVISION:
 This Drawing is Copyright of Design House and must not be used in connection with any other Project without Design House written Consent.
 REFERENCE: AG / DH SCALE: 1:100

Consent of individual to being specified as premises supervisor

I, Erastus Ndi

of

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a premises licence

made by Erastus Ndi

relating to a premises licence for

First Class Lounge 6 School Street Wolverhampton WV1 4LR

and any premises licence to be granted or varied in respect of this application made by

Erastus Ndi

concerning the supply of alcohol at

First Class Lounge 6 School Street Wolverhampton WV1 4LR

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 20/000010/LAPER

Personal licence issuing authority Sandwell MBC

Signed [redacted]

Print name Erastus Ndi

Date 18-02-2020

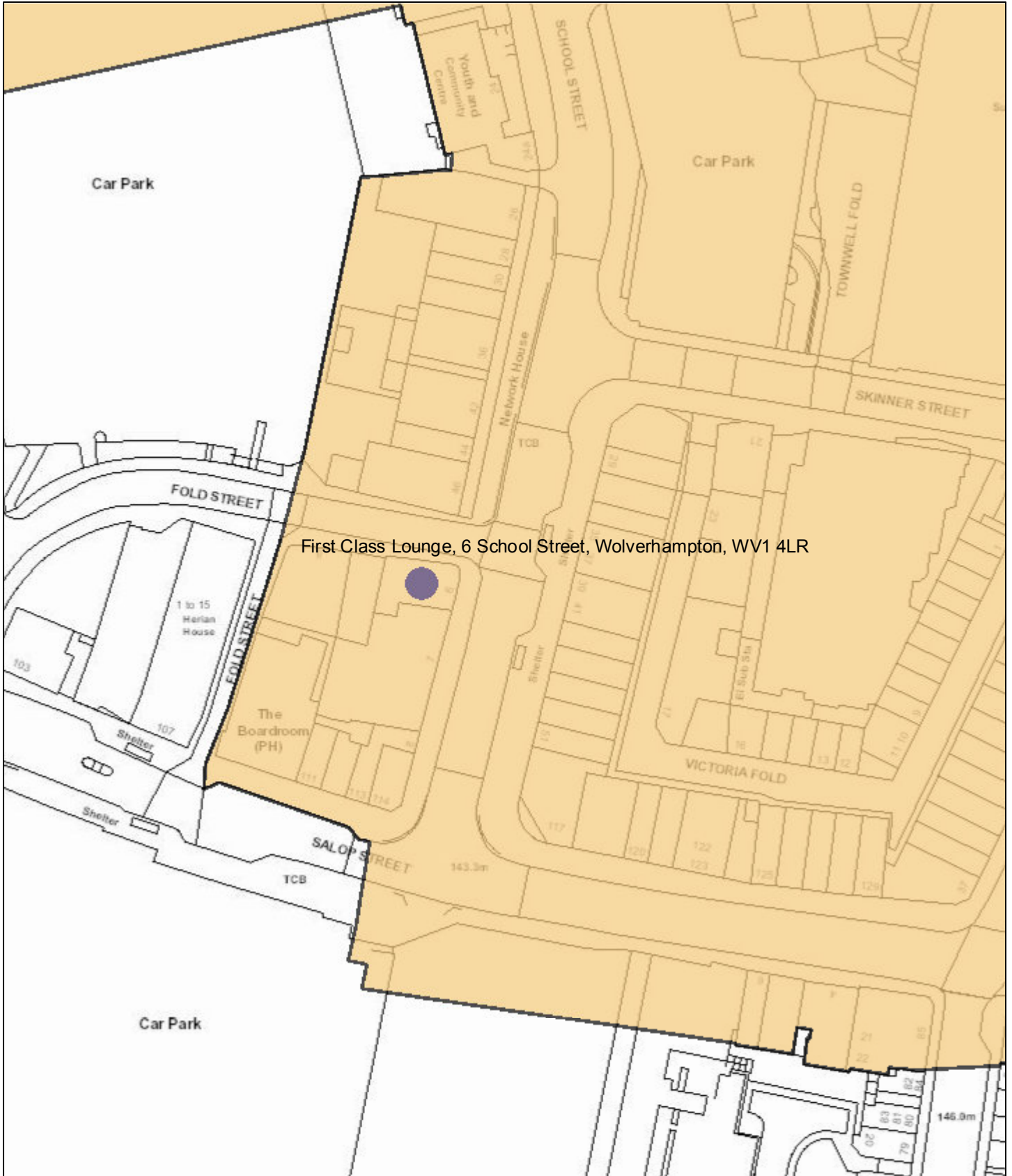
Date of birth [redacted]

Place of birth [redacted]


Nationality [redacted]

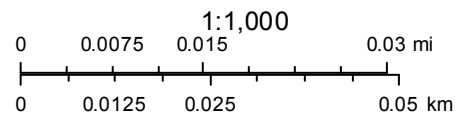
Mobile no. [redacted]

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27/04/2020 12:06:31

 Cumulative Impact Zone



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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.

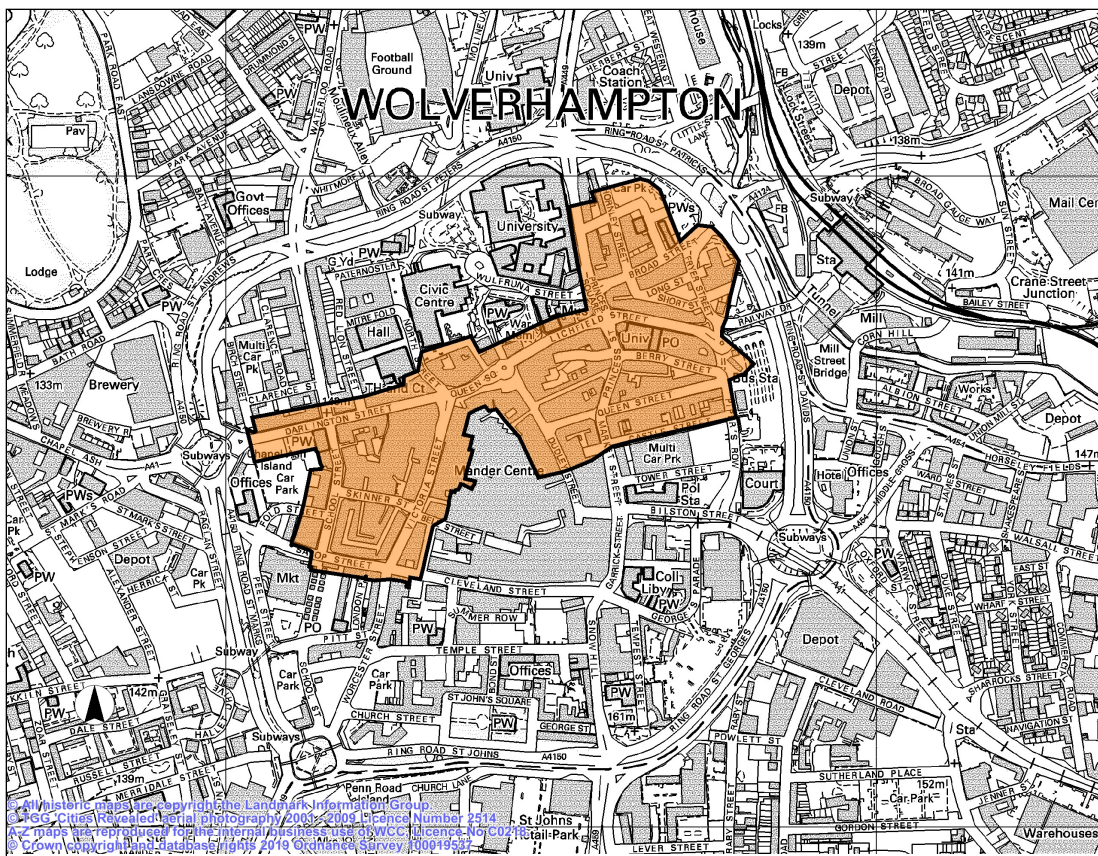
As detailed above the Council recognises that because of the number of and density of licensed premises selling alcohol and/or Late Night Refreshment in particular areas there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result 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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From: Elaine Moreton
Sent: 18 March 2020 18:00
To: Timothy Omodeni2
Cc: Licensing; Debra Craner
Subject: FW: New Premises Application - First Class Lounge, 6 School Street, Wolverhampton, WV1 4LR - PRE1409

Sensitivity: PROTECT

Dear Tim,

I write on behalf of the Licensing Authority as a Responsible Authority to submit formal representations to the above application under the four licensing objectives.

The application is located within the 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.

There is insufficient information within the operating schedule to show how they will address all four licensing objectives.

The Licensing Authority notes the premises has been operating under the use of Temporary Events Notices, applications have continuously been returned as void by licensing services this raises concerns for the Licensing Authority as to the applicants understanding of the legislation surrounding the supply of alcohol, provision regulated entertainment and late night refreshment .

I will be looking to mediate with the applicant in order to address these concerns by way of amendments to the operating schedule prior to a Statutory Licensing Sub-Committee hearing.

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

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[REDACTED]

From: Sarah Gee
Sent: 10 March 2020 12:13
To: [REDACTED] Licensing;
Subject: FW: New Premises Application - First Class Lounge, 6 School Street, Wolverhampton, WV1 4LR - PRE1409
Attachments: Application.pdf; Amended Plans.pdf; RTWD.pdf

Sensitivity: PROTECT

I write on behalf of the Environmental Health as a Responsible Authority to submit formal representations to the above application under the prevention of public nuisance objective.

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.

There is insufficient detail within the operating schedule to show how they will address the prevention of public nuisance, especially given that planning permission has been granted for the provision of 116 dwellings at Network House, School Street. Additionally, as this Department deals with many fly posting problems I would like to look at this issue too.

I will liaise with the applicant to obtain more detail.

Regards
Sarah

Sarah Gee
Senior Officer - City Centre
Tel. Office: 01902554407
Tel. Mobile: 07584175381

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

[REDACTED]

[REDACTED]

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[Redacted]

From: Neil Aston-Baugh <Neil.Aston-Baugh@wmfs.net>
Sent: 21 February 2020 14:48
To: Licensing <Licensing@wolverhampton.gov.uk>
Cc: [Redacted]
Subject: Fire Authority representation to a premises licence application

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

LICENSING ACT 2003

NAME OF PREMISES: The Best Lounge

ADDRESS: 6, School Street Wolverhampton WV1 4LR

I refer to the application for a premises licence made in respect of the above premises.

A fire safety visit has been undertaken and there are some safety issues that negatively affect the Licensing Objective of Public Safety.

- The Fire Alarm is Faulty
- insufficient emergency lighting in some areas
- The rear fire exit was blocked and impassable at the time of the inspection
- The plastic wall panels on the 1st floor are a fire hazard
- The proposed safe numbers of 220 patrons appears to be inadequately calculated which may lead to overcrowding

Due to the above, **The Fire Authority hereby makes representation to the application.**

The Fire Authority will maintain its representation until the above matters are rectified and the safe occupancy numbers are clarified.

Should you require any further information or clarification, please do not hesitate to contact me.

Regards

Neil Aston-Baugh

Fire Safety Officer -LEEPS Team

Tipton Fire Station
Alexandra Road
Tipton
West Midlands
DY4 7NZ

Tel: 07973 810 042 or,

0121 380 7500

Email : neil.aston-baugh@wmfs.net

Team Email: LEEPsTeams.Enquiries@wmfs.net

Fire Safety Admin Email firesafety.admin@wmfs.net



WEST MIDLANDS FIRE SERVICE

Making the West Midlands Safer, Stronger and Healthier

OUR PLAN

[Redacted]

From: Amy Baker <Amy.Baker@wolverhampton.gov.uk>
Sent: 19 March 2020 14:06
To: Licensing <Licensing@wolverhampton.gov.uk>
Cc: Michelle Marie-Smith <Michelle.Marie-Smith@wolverhampton.gov.uk>
Subject: RE: New Premises Application - First Class Lounge, 6 School Street, Wolverhampton, WV1 4LR - PRE1409

Sensitivity: PROTECT

Please find attached Public Health representation with regards to this premises application

Amy Baker
Health Improvement Officer
Tel. Office: 01902556219

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

[Redacted]

Public Health representation to the licence application, submitted to the City of Wolverhampton Council, by First Class Lounge, 6 School Street, Wolverhampton, WV1 4LR

- 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 First Class Lounge, 6 School Street, Wolverhampton WV1 4LR, 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 and public safety. 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.*

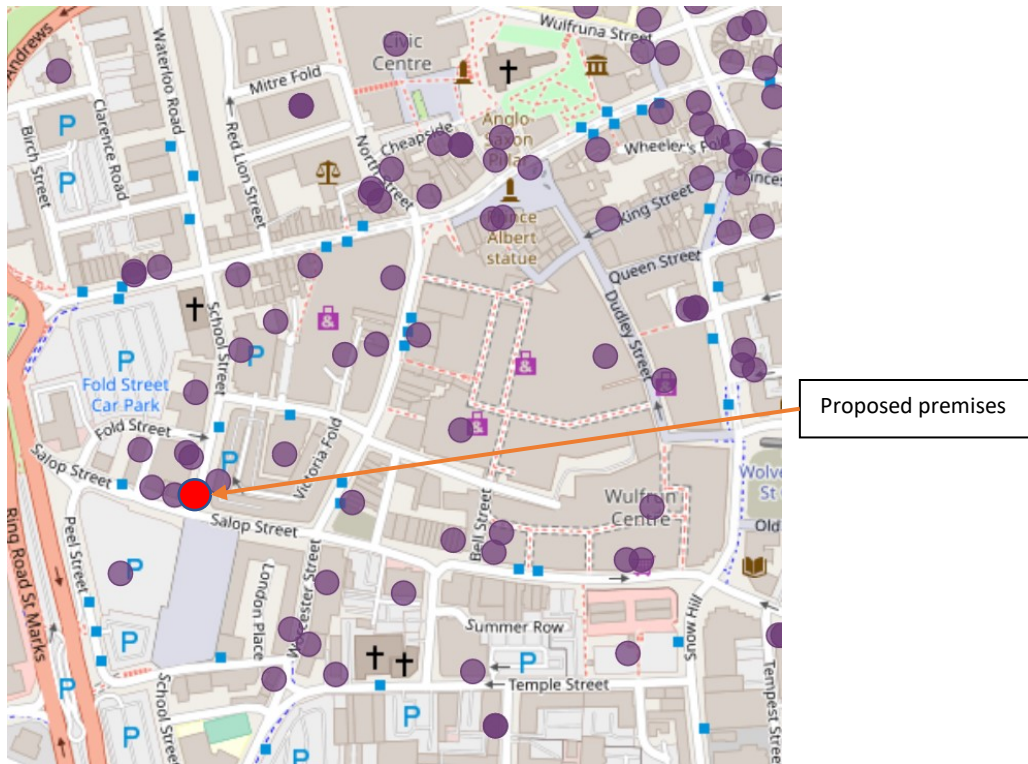
13.11 To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition 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 Licensing 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 Licensing, 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 1 provides a view of current outlets within close proximity of the license application

Figure 1



- 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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Anita Chonk

From: Stephanie Reynolds <s.a.reynolds@west-midlands.pnn.police.uk>
Sent: 12 March 2020 07:35
To: Licensing
Subject: FW: [External]: Re: First Class Lounge
Attachments: Operating schedule amendment.docx; Drugs policy.docx; Queue management policy.docx; Dispersal policy.docx

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

In relation to the Premises Licence application for First Class Lounge, mediation has been completed and therefore any representations previously submitted will be withdrawn by police with the condition that the below are amended. This has been agreed by the applicant and their licensing consultant.

Regards,

Steph Reynolds
 PS 6222
 Licensing
 Partnerships Team
 WV NPU
 External Tel 01902 649 085
 Internal Tel 871 3196

From: Paul [mailto:paul@innpacked.com]
Sent: 11 March 2020 20:08
To: Stephanie Reynolds
Cc: licensing@wolverhampton.gov.uk
Subject: [External]: Re: First Class Lounge

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Dear PS Reynolds

Further to my earlier email I can confirm that the applicant for the First Class Lounge premises licence is happy to accept the changes you suggest in your email below. Please find attached the instruction to the Licensing Authority to amend the operating schedule in accordance with Police proposals. Please also find attached the relevant policies requested. We have already supplied a search policy to PC Churm but this appears to have been superseded by the amended condition 9.

I can also confirm that the applicant has agreed to reduce the hours originally sought to the following:

Live music, recorded music, supply of alcohol
 Sunday to Thursday - 10:00 to 00:00*
 Friday & Saturday - 10:00 to 04:00

Late night refreshment
Sunday to Thursday - 23:00 to 00:00*
Friday & Saturday - 23:00 to 04:00

* The midnight terminal hour is in line with the 1963 Act in which restaurant premises were permitted a Supper Hours Certificate extending the provision of licensable activity to 00:00.

I hope this meets with Police and LA approval and enables both bodies to be able to support the application.

Kind regards

Paul Jones
Licensing Consultant

Innpacked

07309 057056

From: Stephanie Reynolds <s.a.reynolds@west-midlands.pnn.police.uk>

Sent: Wednesday, March 11, 2020 1:42 PM

To: Paul

Subject: First Class Lounge

Paul,

An update regarding our telephone conversation.....

My initial concerns are in relation to the times requested for Sunday to Thursday. I have no concerns regarding the Fri/Sat night times as this is when the City Centre is at its busiest.

Can this be explained as to why the applicant wishes these times during the week please.

2 A properly specified and fully operational CCTV recording system shall be installed, operated and maintained. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity. All CCTV recordings shall be securely stored for a minimum of one calendar month. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.

3 The premises licence holder shall implement a written drugs policy. The drugs policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises which shall be delivered to all staff.

4 The premises licence holder shall uphold a zero tolerance policy in relation to illegal drugs.

5 Any person entering the premises who appears to be under the influence of alcohol or drugs shall in the interests of other members of the public using the premises be requested to leave (refused entry, or if already inside the venue are requested to leave) the premises.

6 During the period when the premises operates as a nightclub door supervisors shall be employed at a minimum ratio of 1 door supervisor for every 80 ~~75~~ customers (or part thereof). Door supervisors must be on duty from 21:30 ~~21.00hrs~~ and must remain on duty until the premises are closed and all the customers have left.

7 All door supervisors shall enter their full details in the premises daily register at the commencement of work. This shall record their full name, home address, contact telephone number, SIA registration number and the time they commenced and concluded working. If the door supervisor was supplied by an agency

details of that agency shall also be recorded including the name of the agency, the registered business address and a contact telephone number.

8 Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.

9 When the searching of persons is to occur the premises shall have door supervisors of both sexes on duty at all times. **This will need replacing with the below**

10 All door supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business **remove this underlined text** shall wear 'high visibility clothing'.

11 Persons shall not be permitted to leave the premises with **any alcohol in an opened container.** **Remove the underlined text**

12 A **paginated** premises incident book shall be kept at the premises. This book shall be maintained and kept for a rolling period of 12 months. The incident book shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include, but not be limited to, complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises and all refusals to sell alcohol. The incident book shall be readily available for inspection by an authorised person upon reasonable request

29 Patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled. **This needs to be changed to will be permanently monitored by staff or door staff.**

30 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are the following recognised photographic identification cards: a driving licence, a passport, a military identification card or a Proof of Age card carrying a 'PASS' hologram.

Challenge 25 signage will be displayed in prominent areas such as, but not limited to the entrance and bar

31 All occasions when persons have been refused service shall be recorded in the incident book.

Point 9

All persons entering as part of the nightclub WILL be searched as a condition of entry.

A zero tolerance policy to all drugs, with signs placed at key locations informing patrons of this. These key locations would be all entrance areas, toilets, bar area and anywhere else the venue feels appropriate.

A clearly visible notice will be placed at each entrance to the premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons.

Searching will be a condition of entry, and all persons wanting to enter, or re-enter will be subject of the full search policy on every occasion. This is to include all staff, performers, DJ's and any other entertainment and entourage.

Knife wands will be used as part of the search and will be maintained in good working order and if it/they break WMP are to be informed and action taken to repair at the earliest opportunity.

Search procedure will be as follows:

- **All pockets to be emptied/bags searched**
- **A metal detecting wand will then be used to scan from head to toe**
- **Full body pat down from head to toe**
- **If the Knife wand is activated, another full body pat down to be conducted.**
 - **There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or a single designated role-holder at business, shall have access. All controlled drugs (or items suspected to be) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to West Midlands Police for appropriate disposal.**

It would also be prudent for me to have a copy of all of the policies that are mentioned in the application asap.

Regards,

Steph Reynolds

PS 6222
Licensing
Partnerships Team
WV NPU
External Tel 01902 649 085
Internal Tel 871 3196

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First Class Lounge premises licence application
Operating schedule amendment in accordance with Police proposals
11/03/20

The following conditions contained in our original application are to be amended to the following effect (the red entries constitute the desired changes):

2 A properly specified and fully operational CCTV recording system shall be installed, operated and maintained. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity. All CCTV recordings shall be securely stored for a minimum of one calendar month. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.

3 The premises licence holder shall implement a written drugs policy. The drugs policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises which shall be delivered to all staff.

4 The premises licence holder shall uphold a zero tolerance policy in relation to illegal drugs.

5 Any person entering the premises who appears to be under the influence of alcohol or drugs shall in the interests of other members of the public using the premises be **refused entry, or if already inside the venue are requested to leave** the premises.

6 During the period when the premises operates as a nightclub door supervisors shall be employed at a minimum ratio of 1 door supervisor for every **75** customers (or part thereof). Door supervisors must be on duty from **21.00hrs** and must remain on duty until the premises are closed and all the customers have left.

7 All door supervisors shall enter their full details in the premises daily register at the commencement of work. This shall record their full name, home address, contact telephone number, SIA registration number and the time they commenced and concluded working. If the door supervisor was supplied by an agency details of that agency shall also be recorded including the name of the agency, the registered business address and a contact telephone number.

8 Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.

9 When the searching of persons is to occur the premises shall have door supervisors of both sexes on duty at all times. **This condition is to be deleted and replaced by:**

All persons entering as part of the nightclub WILL be searched as a condition of entry. A zero tolerance policy to all drugs, with signs placed at key locations informing patrons of this. These key locations would be all entrance areas, toilets, bar area and anywhere else the venue feels appropriate.

A clearly visible notice will be placed at each entrance to the premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons.

Searching will be a condition of entry, and all persons wanting to enter, or re-enter will be subject of the full search policy on every occasion. This is to include all staff, performers, DJ's and any other entertainment and entourage.

Knife wands will be used as part of the search and will be maintained in good working order and if it/they break WMP are to be informed and action taken to repair at the earliest opportunity.

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- A metal detecting wand will then be used to scan from head to toe
- Full body pat down from head to toe
- If the Knife wand is activated, another full body pat down to be conducted.

There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or a single designated role-holder at business, shall have access. All controlled drugs (or items suspected to be) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to West Midlands Police for appropriate disposal.

10 All door supervisors shall wear 'high visibility clothing'.

11 Persons shall not be permitted to leave the premises with **any** alcohol.

12 A **paginated** premises incident book shall be kept at the premises. This book shall be maintained and kept for a rolling period of 12 months. The incident book shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include, but not be limited to, complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises and all refusals to sell alcohol. The incident book shall be readily available for inspection by an authorised person upon reasonable request

29 Patrons smoking outside the premises shall be **permanently** monitored by **staff or door staff** to ensure the potential for noise nuisance is controlled.

30 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are the following recognised photographic identification cards: a driving licence, a passport, a military identification card or a Proof of Age card carrying a 'PASS' hologram.

Challenge 25 signage will be displayed in prominent areas such as, but not limited to, the entrance and bar

31 All occasions when persons have been refused service shall be recorded in the incident book.

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