

Statutory Licensing Committee

20 January 2021

Time 10.00 am **Public Meeting?** YES **Type of meeting** Licensing

Venue Online Meeting

Membership

Chair Cllr Alan Bolshaw (Lab)
Vice-chair Cllr Obaida Ahmed (Lab)

Labour

Cllr Greg Brackenridge
Cllr Keith Inston
Cllr Milkinderpal Jaspal
Cllr Asha Mattu
Cllr Anwen Muston
Cllr Phil Page
Cllr Rita Potter
Cllr Zee Russell

Conservative

Cllr Jonathan Crofts

Quorum for this meeting is three Councillors.

Information for the Public

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

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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

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Statutory Licensing Committee

Minutes - 9 September 2020

Attendance

Members of the Statutory Licensing Committee

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Greg Brackenridge
Cllr Keith Inston
Cllr Anwen Muston
Cllr Zee Russell
Cllr Milkinderpal Jaspal
Cllr Jonathan Crofts

Employees

Donna Cope	Democratic Services Officer
Chris Howell	Commercial Regulation Manager
Greg Bickerdike	Section Leader Licensing
Sarah Hardwick	Senior Solicitor
Jaswinder Kaur	Democratic Services Manager

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies were received from Councillor Obaida Ahmed.
- 2 Declarations of interest**
There were no declarations of interest.
- 3 Minutes of previous meeting**
Resolved:
That the minutes of the meeting of the Statutory Licensing Committee held on 8 July 2020 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

There were no matters arising.

5 **Minutes - 29 June 2020 - Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 29 June 2020 be confirmed as a true record and signed by the Chair.

6 **Minutes - 28 July 2020 - Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 28 July 2020 be confirmed as a true record and signed by the Chair.

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 29 September 2020

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw
Cllr Jonathan Crofts
Cllr Keith Inston

Premises Licence Holder

Angelo Salvo

Premises Licence Holder

Review Applicant

Dianne Slack

Trading Standards

Responsible Authorities

Elaine Moreton
Greg Bickerdike
Amy Baker

Licensing Authority (observing)
Licensing Authority
Public Health

Officers

Elizabeth Gregg
Richard Phillips
Donna Cope

Senior Licensing & Compliance Officer
Solicitor
Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Salvo's Convenience, 575 Parkfield Road, Wolverhampton, WV4 6EL

An application for a Review of a Premises Licence in respect of Salvo's Convenience, 575 Parkfield Road, Wolverhampton, WV4 6EL, had been received from Trading Standards.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

Elizabeth Gregg, Senior Licensing and Compliance Officer, provided an outline of the application and reported that after the agenda had been published, an application to transfer the premises licence had been received.

Dianne Slack, Tobacco Control Officer for Trading Standards (applicant), confirmed that the summary was accurate.

The Chair invited Trading Standards to present their application. Dianne Slack, Tobacco Control Officer, did so as per Appendix 3 of the report.

The Chair afforded all parties present the opportunity to question the applicant in relation to her submission. Dianne Slack, Tobacco Control Officer, provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations.

Mr Angelo Salvo, Premises Licence Holder, stated the following:

1. The tobacco gantry had been broken for a period of two years and he had been waiting for it to be fixed;
2. He had attempted to cover the cigarettes with black bin liners;
3. The erectile dysfunction tablets were for family use and were not for sale;
4. He had sold the business in August and no longer owned the business; and
5. He had sold some illicit tobacco, but they were mostly for personal use.

The Chair afforded all parties present the opportunity to question Mr Salvo in relation to his submission. In response to questions asked, Mr Salvo stated the following:

1. The erectile dysfunction tablets were his fathers, which had been left in the shop by error and were categorically not for sale;
2. He had not been able to afford to get the tobacco gantry fixed and had been waiting on a company to repair it;
3. He did not have a prescription for the erectile dysfunction tablets and did not know why they had been found in his father's van;
4. Staff training was provided every six months;
5. As he had sold the business, he hoped that any action would be taken against him and not the premises.

The Chair invited the Licensing Authority to make representations. Greg Bickerdike, Section Leader Licensing, did so as per Appendix 5 of the report.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Greg Bickerdike, Section Leader Licensing, provided responses to questions asked.

The Chair invited Public Health to make representations. Amy Baker, Health Improvement Officer, did so as per Appendix 4 of the report.

The Chair invited all parties present to question Public Health in relation to its submission. No questions were asked.

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

Greg Bickerdike, Licensing Authority, Mr Angelo Salvo, Premises Licence Holder and Dianne Slack, Trading Standards, all made a final statement.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.30 hours.

The Hearing reconvened at 11.58 hours.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Solicitor.

Resolved:

At the Hearing to review the Premises Licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made by persons who spoke at the hearing.

They heard from the Applicant that:

1. On 25 February 2020, Trading Standards Officers organised a covert test purchase of illicit tobacco from the premises. A packet of 20 Richmond cigarettes were sold to the purchaser for £4. These cigarettes were believed to be counterfeit;
2. On 5 March 2020, Trading Standards Officers, a tobacco detection dog and West Midlands Police attended the premises. During this visit they discovered:
 - i. The cigarette gantry was open exposing tobacco products for sale, contrary to the Tobacco Advertising and Promotion (Display) (England) Regulations 2010;
 - ii. Illegal tobacco products were found on the premises including suspected counterfeit Richmond cigarettes, Duty Free marked LIFA menthol cigarettes, hand rolling tobacco which bore foreign warning labels and cheap white Richman cigarettes which were foreign brands brought into the UK for sale on the black market without the correct duty having been paid;
 - iii. Sildamax Sildenafil Citrate 100mg tablets which are pharmacy-controlled drugs used to treat erectile dysfunction were discovered behind the counter. The sale of such tablets by the premises was a breach of the Human Medicines Regulations 2012;
 - iv. A van outside the shop belonging to the premise's manager was found to have a further 1160 packets of 'Duty Free Only' cigarettes and 329 Sildamax Sildenafil Citrate 100mg tablets were also present;
 - v. The Premises Licence Holder and Manager were both advised during the inspection that it was a criminal offence to possess, supply or sell counterfeit products or illicit tobacco;
3. On 20 February 2015 the premises had previously been warned following a seizure of illicit tobacco products from the premises;
4. To knowingly keep or allow to be kept on the premises, goods such as cigarettes and hand rolling tobacco which had been imported without payment of the appropriate duty or otherwise illegally imported was a criminal offence under the Licensing Act 2003;
5. That the above demonstrated that the premises had engaged in activities which breach the prevention of crime and disorder Licensing Objective. The s182 guidance sets out that such activity should be considered particularly seriously, and that suspension or revocation should be seriously considered even in the first instance; and
6. They requested revocation of the licence today.

They heard from Mr Salvo for the Premises that:

1. The tobacco gantry had been broken for a period of two years and he had been waiting for it to be fixed but he had not got the money to get it fixed;
2. He had attempted to cover the cigarettes with black bin liners;
3. The erectile dysfunction tablets were his fathers, which had been left in the shop by error and were categorically not for sale;
4. He had sold the business in August and no longer owned the business; and
5. He accepted he had sold some illicit tobacco but said they were mostly for personal use and that of his family who all smoke.

They heard from Mr Bickerdike, Licensing Authority as responsible authority that:

1. The Licensing Authority supported the application by Trading Standards;
2. The Committee should take account of the s182 guidance in relation to the issues highlighted by this review; and
3. The Licensing Authority recommended revocation of the licence.

They heard from Public Health that:

1. They supported the application of Trading Standards; and
2. The sale of illicit tobacco had severe public health implications.

The Sub-Committee may take such steps as it considered appropriate for the promotion of the Licensing Objectives.

Paragraphs 11.27 and 11.28 of the revised Guidance under s182 of the Licensing Act 2003 provides premises that had been used for the criminal activity of the sale or storage of smuggled tobacco should be treated particularly seriously, and where reviews arise and it was determined that the prevention of crime and disorder Licensing Objective was being undermined through the premises being used to further crime, it was expected that revocation of the premises licence should be seriously considered, even in the first instance.

The Sub-Committee were satisfied that Mr Salvo had failed to uphold the Licensing Objective of the prevention of crime and disorder.

Based upon the evidence presented and having regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy, the Sub-Committee had on the balance of probabilities, found that in order to promote the prevention of crime and disorder Licensing Objective, the Premises Licence of Salvo's Convenience should be revoked in accordance with Section 52 of the Licensing Act 2003.

This action was considered an appropriate and proportionate action for the promotion of the crime and disorder Licensing Objective.

Written notice of the determination would be given to the holder of the licence, the applicant, and any other person who made relevant representations.

An appeal could be made against the decision by the applicant, the holder of the Premises Licence or any other person who made a relevant representation to the application, within 21 days from the day on which notice of the decision was given.

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CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 4 November 2020

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw
Cllr Jonathan Crofts
Cllr Keith Inston

Premises Licence Holder

Johnny Jones
Duncan Craig

Premises Licence Holder
Barrister

Review Applicant

Elaine Moreton
Richard Phillips

Licensing Authority
Senior Solicitor

Responsible Authorities

Aimee Taylor
Sgt Steph Reynolds
Michelle Smith

West Midlands Police
West Midlands Police
Public Health

Officers

Debra Craner
Sarah Hardwick
Donna Cope
Greg Bickerdike
Amitabh Singh
Kirsty Tuffin

Section Leader Licensing
Senior Solicitor
Democratic Services Officer
Licensing Lead (observing)
Licensing Section Leader (observing)
Democratic Services Officer (host)

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Blossoms, 7 North Street, Wolverhampton, WV1 1RE

An application for a Review of a Premises Licence in respect of Blossoms, 7 North Street, Wolverhampton, WV1 1RE, had been received from the Licensing Authority.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

Debra Craner, Section Leader Licensing, provided an outline of the application. Richard Phillips, Senior Solicitor representing the Licensing Authority (Applicant), confirmed that the summary was accurate.

The Chair invited the Licensing Authority to present their application. Richard Phillips, Senior Solicitor representing the Licensing Authority, did so as per Appendix 3 of the report. He advised that the CCTV footage referred to within the application had been circulated to all parties prior to the Hearing and Members of the Sub-Committee confirmed they had viewed the CCTV footage.

Mr Phillips stated that there had been a flagrant disregard by the Premises Licence Holder (PLH) to uphold the Licensing Objectives, comply with the conditions of the licence and ensure that the premises were COVID-secure. He said that Council Officers had sought to assist the PLH to ensure that the premises were operating safely but this advice had not been followed and therefore, revocation of the premises licence was requested by the Licensing Authority.

The Chair afforded all parties present the opportunity to question the Mr Phillips in relation to his submission. Mr Phillips and Elaine Moreton, Licensing Authority, provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations.

Duncan Craig, Barrister representing the Premises Licence Holder, stated the following:

1. Times were challenging and mistakes had been made.
2. The premises had taken considerable steps towards compliance and had listened to the advice given to them.
3. Young people were hard to manage.

4. A Risk Assessment had been produced and revised to address concerns raised by Environmental Health.
5. The dangerous structure had been built by someone other than the PLH. When the Building Control Officer, Stuart Hitchcox, inspected the structure in August 2020 he commented that it did not appear unsafe but should be boarded up. This had been done but, in any event, the review application should not focus on this.
6. Measures taken to adhere with Covid requirements included making anti-bacterial hand gel, a designated toilet usher and PPE available, updating the fire risk assessment and emergency plan, reducing capacity, servicing air conditioning, creating pod bubbles, a booking system, a one way system and QR system and ensuring regular cleaning.
7. Capacity had never been exceeded.
8. They had not been able to successfully prevent patrons dancing.
9. There had been social distancing at the premises with tables set out which is clearly shown in the video footage.
10. It was more difficult to manage vertical drinking, groups of more than six people and dancing.
11. Loud music had been an issue at the beginning of the Bank Holiday weekend, but action had been taken to ensure the music level was lower on the Sunday.
12. The video footage submitted prior to the Hearing showed that tables were available at the premises and the external area had been boarded up. The footage further showed that Environmental Health had stated over the Bank Holiday weekend that if the premises failed to comply with requirements, a closure notice would be served but this was not actually served until the end of the weekend.
13. Regarding the alleged breach of Conditions, a female SIA door supervisor had been present on the premises throughout the Bank Holiday weekend and had simply failed to sign in which was a requirement under conditions. There had been staff on site who had received personal licence training but had not obtained a Personal Licence.
14. Demand for the Bank Holiday weekend had been overwhelming and queues developed outside the premises of people who had not pre-booked or who had not arrived with their pre-booked party. The premises should not be penalised because of the amount of people that turned up.
15. The premises did not have a history of non-compliance and this had occurred over one weekend only.
16. Revocation of the Premises Licence was not a proportionate response to the alleged breaches.
17. The Licensing Sub-Committee could consider the removal of Johnny Jones (PLH) as DPS but to not to take his business as a result of issues which occurred over one weekend.

The Sub-Committee adjourned at 12:50 hours for lunch.

The Hearing reconvened at 13:25 hours.

The Chair invited all parties present to question Mr Craig in relation to his submission. Mr Craig and Johnny Jones (PLH) provided the following responses to questions asked:

- The CCTV requested by officers had not been specified and had been recorded over.
- All staff had been briefed on the procedures but there had been a restructure and staff had been overwhelmed on the night.
- Following the Bank Holiday weekend, the PLH accepted that he could not operate safely.
- There had been staff on site who had received personal licence training but had not obtained a Personal Licence.
- The PLH had been on the premises most of the time.
- The documents requested by officers had not been on site as the premises was closed.
- The event on 21 August 2020 had been a private party.
- The door staff did their best but there had been failings with the booking system.
- The premises had listened to advice given and had taken steps to make the premises compliant. They made mistakes but had not ignored their responsibilities.

The Sub-Committee adjourned at 15.10 hours for a comfort break.

The Hearing reconvened at 15:20 hours.

The Chair invited West Midlands Police to make representations. Aimee Taylor did so as per Appendix 5 of the report

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Miss Taylor responded to questions asked.

The Chair invited Public Health to make representations. Michelle Smith, Principal Public Health Specialist, did so as per Appendix 4 of the report.

The Chair invited all parties present to question Public Health in relation to its submission. No questions were asked.

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

Public Health, West Midlands Police, Barrister representing the PLH and the Senior Solicitor representing the Applicant all made a final statement.

In accordance with Regulation 26(2) of The Licensing Act 2003 (Hearings) Regulations 2005 the authority must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held and Regulation 28 provides that notification of that decision must be forthwith.

The Chair advised that in consideration of the Regulations outlined, this meeting of the Sub-Committee would close, a decision would be made within the next 5 working days and all parties would be notified forthwith following the making of the decision.

Resolved:

At the hearing to review the Premises Licence held on 4 November 2020, the Statutory Licensing Sub-Committee had carefully considered all representations,

listened to those who had spoken at the hearing and considered all the evidence presented.

The Licensing Sub-Committee heard from Richard Philips, Solicitor for the applicant, that:

1. The City of Wolverhampton Council's Environmental Health department had received information that on 21 August 2020 an event had taken place at Blossoms. Video footage of this event had been provided and demonstrated a severe lack of compliance with the Covid guidelines for licensed premises.
2. There was an outdoor space on the first floor shown being used within this footage. On 25 August 2020 a Building Control Officer, Stuart Hitchcox, sent the premises licence holder (PLH)/designated premises supervisor (DPS), Johnny Jones a letter stating the area was potentially dangerous. This was not directly connected to licensing but indicated that the premises were not safe for patrons.
3. On 25 August 2020 the Service Lead – COVID Business Compliance for the Council (Covid Officer) met with the PLH/DPS to address Covid related concerns including capacity, dance floor areas, management of social distancing and test and trace. A positive attempt had been made to complete the necessary documentation that was legally required, and the Covid Officer continued to provide extensive advice over coming days to enable the PLH to achieve compliance.
4. On the 28 and 29 August 2020, the premises were visited by the Covid Officer, a Senior Licensing & Compliance Officer, and Officers from West Midlands Police. On 28 August 2020 at 22:35 hours serious concerns with social distancing, dancing (which was not permitted pursuant to The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020), and vertical drinking on both the ground and first floors were identified together with a lack of social distancing in the queue outside the premises and loud music inside forcing people to shout.
5. The PLH was not on site whilst the visits were conducted. Therefore, Covid concerns were raised with the Manager, who confirmed she was not aware of the requirements concerning such matters, had not been briefed by the PLH/DPS, nor had sight of the COVID premises risk assessment. The Covid Officer briefed the Manager and two SIA Door Supervisors, and they all agreed to manage and implement safe measures.
6. On 29 August 2020 at 00:15 hours the officers re-attended unannounced, and upon entry to the premises noted that the DJ set on the first floor had been turned off. The manager and an SIA member advised that they had proactively made the decision to turn off the music as they were unable to manage social distancing, dancing, vertical drinking and singing.
7. West Midlands Police had raised concerns that safety measures were not being implemented over continuous days, namely the evenings of the 29 and 30 August 2020. Police Sergeant Marc Bullas and Police Constable Paul Bishop of West Midlands Police have provided witness statements regarding the visits to the premises.
8. On 2 September 2020 the Covid Officer sent a warning letter to the PLH in relation to visits to the premises.
9. On 3 September at approximately 14:35 hours the Covid Officer, the Senior Licensing & Compliance Officer and Licensing & Regulatory Officer, West

Midlands Police, met with the PLH at the premises in order to obtain CCTV footage from the Bank Holiday weekend and conduct a premises licence compliance inspection. CCTV footage was viewed during this meeting however was not available for officers to take from the premises. Council officers confirmed that it was clear what video footage was being requested. The request for CCTV footage from the premises was still outstanding. A condition of licence requires the premises to install and maintain a comprehensive CCTV system and they must be able to produce/download/burn CCTV images upon request by a Police Officer or an authorised officer of the Licensing Authority.

10. The Covid Officer viewed CCTV footage from the early hours of the 30 and 31 August 2020, and observed a lack of social distancing, vertical drinking, overcrowding to the upper floor area, dancing, and high volumes of people to the bar areas. The CCTV footage demonstrated a complete lack of management to prevent the spread of COVID 19 by others.
11. During this visit, breaches of premises licence conditions were identified, and a trader's notice left with the PLH for the breaches to be addressed. The breaches included:
 - Female SIA door supervisor not signed in on Friday 28/08/2020 even though one female was required.
 - The PLH was currently the only person with a personal licence when conditions require at least one Personal Licence Holder would be on the premises when it was open for licensable activity.
 - Incident log had not been provided when conditions provide a paginated incident log shall be kept at the premises for at least 12 months and made available on request to any Responsible Authority.
 - Staff training record had not been shown when conditions provide documented records of training completed should be kept for each member of staff and be made available for inspection upon request of any Responsible Authority.
12. On 3 September 2020 the PLH was sent a notification of the direction to close the premises with immediate effect from 4 September 2020 at 18:00 hours. This direction is reviewed at least every seven days and was made in accordance with The Health Protection (Coronavirus restrictions) (England)(No3) Regulations 2020. The Council felt compelled to serve a closure direction upon the premises and could only do so because the actions of the premises caused a serious and imminent threat to public health, the direction was necessary to prevent, protect against, control or provide a public health response to the actions of the premises and the closure had to be proportionate.
13. On 10 September 2020 the PLH was sent a further notification of directions confirming the first direction to close the premises would be replaced, and a further direction would come into effect from the 11 September 2020 at 18:00 hours and have effect until the 9 October 2020 at 18:00 hours. The premises had now voluntarily closed.
14. Multiple breaches of Covid regulations are a relevant consideration when determining whether public safety had been upheld.
15. There had been a flagrant disregard by the PLH to uphold the licensing objectives, comply with the conditions of the licence and ensure that the premises were COVID-secure. Visitors to the premises were exposed needlessly to unnecessary risk during a health pandemic. The Council's

- officers had sought to assist the PLH to remedy defects and ensure that the premises were operating safely. This advice had not been followed.
16. The premises had produced a risk assessment but failed to continually assess the risk. Staff training was poor, as was the availability of records on the evenings of the visits and there had been multiple breaches of licence conditions.
 17. There was no confidence in the premises to do what they must do to fulfil the Licensing Objectives of the prevention of crime and disorder and public safety. The Section 182 Guidance (Licensing Act 2003) was clear that the review procedure and its outcome could be used as a deterrent to promote compliance more widely across the city.
 18. In the circumstances revocation of the premises licence was requested.

The Sub-Committee heard from the Premises Licence Holder, represented by Duncan Craig (Counsel) that:

1. These were challenging times and mistakes had been made.
2. Young people were harder to manage but the premises had taken considerable steps towards compliance.
3. The dangerous structure had been built by someone other than the PLH. When the Building Control Officer, Stuart Hitchcox, inspected the structure in August 2020 he commented that it did not appear unsafe but should be boarded up. This had been done but, in any event, the review application should not focus on this.
4. A Risk Assessment had been produced which was also revised to address concerns raised by Environmental Health.
5. Measures taken to adhere with Covid requirements included: making anti-bacterial hand gel, a designated toilet usher and PPE available; updating the fire risk assessment and emergency plan; reducing capacity; servicing air conditioning; creating pod bubbles; a booking system; a one way system and QR system and ensuring regular cleaning.
6. They had not successfully prevented patrons dancing.
7. There had been social distancing at the premises with tables set out which was clearly shown in the video footage.
8. It was more difficult to manage vertical drinking, groups of more than six people and dancing.
9. Loud music had been an issue at the beginning of the Bank Holiday weekend but evidence showed that the music level was lower on the Sunday.
10. Reference was made to video footage which showed tables were available at the premises and the external area was boarded up. The footage further showed that Environmental Health had stated over the Bank Holiday weekend that if the premises failed to comply with requirements, a closure notice would be served but this was not actually served until the end of the weekend.
11. With regard to alleged breach of Conditions, a female SIA door supervisor had been present on the premises throughout the Bank Holiday weekend who had simply failed to sign in which is a requirement under conditions. There were staff on site who had received personal licence training but had not obtained a Personal Licence.
12. Queues developed outside the premises of people who had not pre-booked or who had not arrived with their pre-booked party.

13. A staff training record and Incident Report form had been provided with the review papers.
14. The premises had listened to advice. They have made mistakes but had not ignored responsibilities. They had not ignored what needed to do. They had taken steps to make the premises compliant.
15. Revocation of the Premises Licence was not a proportionate response to the alleged breaches. The Licensing Sub-Committee could remove the PLH as DPS but were asked not to take his business as a result of issues which occurred over one weekend.

The Sub-Committee heard from West Midlands Police (as Responsible Authority) that:

1. They supported the Licensing Authority's request for a review of the premises in relation to the prevention of crime and disorder and public safety.
2. They had significant concerns regarding these premises particularly in relation to their failure to comply with Covid Regulations and breach of licence conditions witnessed by police officers who attended the premises.
3. Revocation of the premises licence was recommended.

The Sub-Committee heard from Michelle Smith, Public Health (as Responsible Authority), that

1. Public Health supported the Licensing Authority request for a review of the premises in relation to the prevention of crime and disorder and public safety.
2. As a Responsible Authority, they expect any business licensed to sell alcohol to act responsibly at all times and promote the key objectives of the Licensing Act 2003.
3. Due to the numerous reported failings to comply with the licensing conditions, and promote the Licensing Objectives, in addition to the public health risks associated with the non-compliance with The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020), offers no reassurance to Public Health that the business was operating in adherence with the Licensing Act.

The Licensing Sub-Committee accepted that the dangerous structure was not directly a licensing matter and therefore limited weight had been given to this in decision making.

The Licensing Sub-Committee were satisfied, on the balance of probabilities, that there was evidence that there had been several significant breaches of licence conditions and a serious failure to comply with requirements of the Covid Regulations. These actions did not promote the Licensing Objectives.

Therefore, based upon the evidence presented and having regard to the application, the relevant representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy, the Sub-Committee decided to revoke the licence in accordance with Section 52 of the Licensing Act 2003.

This was considered an appropriate and proportionate action for the promotion of the prevention of crime and disorder; and public safety Licensing Objectives.

Written notice of the determination would be given to the holder of the licence, the applicant, and any other person who made relevant representations.

An appeal could be made to the Magistrates' Court against the decision, by the applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

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CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 11 November 2020

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Keith Inston

Cllr Jonathan Crofts

Premises Licence Applicant

Clive Thomason

Responsible Authorities

Elaine Moreton

Michelle Smith

Andrew Parker

Sgt Steph Reynolds

Aimee Taylor

Licensing Authority

Public Health

West Midlands Police

West Midlands Police

West Midlands Police

Employees

Debra Craner

Sarah Hardwick

Donna Cope

Chris Howell

Licensing Section Leader

Senior Solicitor

Democratic Services Officer

Commercial Regulation Manager

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

Councillor Alan Bolshaw, Chair of the Licensing Sub-Committee, stated that prior to the Hearing he had received an email from the Applicant, Mr Clive Thomason. He stated that after reading the email, he sent it to Chris Howell, Commercial Regulation Manager, to deal with and confirmed that the contents of the email had not prejudiced his decision in any way.

Councillors Inston and Crofts made the same declaration as they had received the same email from the Applicant.

3 Licensing Act 2003 - Application for a Premises Licence in respect of Purity Club, 3 Pitt Street, Wolverhampton, WV3 0NF

An application for a Premises Licence in respect of Purity Club, 3 Pitt Street, Wolverhampton, WV3 0NF was considered following representations received from the Licensing Authority, Public Health and West Midlands Police.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

Debra Craner, Section Leader Licensing, provided an outline of the application and reported that since the agenda had been published, Elaine Moreton, Licensing Authority, had submitted some proposed amendments to the Applicant's Operating Schedule. She further stated that these proposed amendments had been circulated to all parties in advance of the Hearing.

The Chair invited the Applicant to present his application.

Mr Clive Thomason did so as per Appendix 1 of the report. He stated that he had successfully ran a Lesbian, Gay, Bisexual and Transgender (LGBT) club in Dudley for 13 years and was moving to the Wolverhampton area for convenience. He advised that if parties were not comfortable with certain activities or equipment at the premises they would be removed.

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

Mr Thomason responded to questions asked and stated that:

- He would be happy to install CCTV where required;
- He agreed to accept the amended Operating Schedule proposed by the Licensing Authority;

- No sexual activity would take place on the premises and licensing regulations would be adhered to;
- Any activity that may require sex establishment licensing would cease, and equipment would be removed.

The Chair invited the Licensing Authority to make representations. Elaine Moreton, Section Leader Licensing, did so as per Appendix 5 of the report.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. Mrs Moreton responded to questions asked and stated that she was happy for her proposals to be amended or added to.

The Sub-Committee adjourned at 12.20 hours for lunch.

The Hearing reconvened at 12.40 hours.

The Chair invited West Midlands Police (WMP) to make representations. Mr Andrew Parker, Barrister representing West Midlands Police, did so as per Appendix 3 of the report. He stated that the application, in its current form, was not fit for purpose and requested that the Sub-Committee either reject the application or adjourn the Hearing to a later date allowing the Applicant time to improve his application. He further stated that despite the Applicant agreeing to the proposals from the Licensing Authority, WMP still had concerns about the intended use of the premises.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Mr Parker and Sgt Steph Reynolds responded to questions asked. Sgt Reynolds stated that WMP had not had enough time to consider the proposed amendments from the Licensing Authority and suggested that an adjournment to a future date would be enable them to so.

Mr Parker confirmed that WMP requested that the Hearing be adjourned.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Senior Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to consider the request.

The Sub-Committee adjourned at 13.30 hours.

The Hearing reconvened at 13.48 hours.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

Sarah Hardwick, Senior Solicitor, stated that in accordance with Regulations 11 and 12 of The Licensing Act 2003 (Hearing) regulations 2005 the Sub-Committee were permitted to adjourn a hearing to a specified date. Having considered the request made by WMP and the position of all parties the Sub-Committee had agreed to adjourn this Hearing until 2pm on Wednesday 18 November 2020. She further stated that in order to stop the proceedings at an appropriate time, the Sub-Committee wanted to hear the submissions from all parties before adjourning.

All parties agreed to this.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its earlier submission. No further questions were asked.

The Chair invited Public Health to make representations. Michelle Smith, Principal Public Health Specialist, did so as per Appendix 4 of the report.

The Chair afforded all parties present the opportunity to question Public Health in relation to her submission. Michelle Smith responded to questions asked.

The Sub-Committee adjourned at 14.05 hours.

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 18 November 2020

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Keith Inston

Cllr Jonathan Crofts

Premises Licence Applicant

Clive Thomason

Responsible Authorities

Elaine Moreton

Michelle Smith

Andrew Parker

Sgt Steph Reynolds

Aimee Taylor

Licensing Authority

Public Health

West Midlands Police

West Midlands Police

West Midlands Police

Employees

Debra Craner

Sarah Hardwick

Donna Cope

Chris Howell

Licensing Section Leader

Senior Solicitor

Democratic Services Officer

Commercial Regulation Manager

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

Councillor Alan Bolshaw, Chair of the Statutory Licensing Sub-Committee, stated that shortly after the Hearing was adjourned on 11 November 2020, he received an email from the Applicant, Mr Clive Thomason. The Chair stated that he did not read the email and sent it to officers for them to deal with. He confirmed that receipt of the email had not prejudiced his decision in any way.

3 Licensing Act 2003 - Application for a Premises Licence in respect of Purity Club, 3 Pitt Street, Wolverhampton, WV3 0NF

An application for a Premises Licence in respect of Purity Club, 3 Pitt Street, Wolverhampton, WV3 0NF was considered following representations received from the Licensing Authority, Public Health and West Midlands Police.

The Chair stated that on 11 November 2020 all parties had agreed to adjourn the Sub-Committee Hearing to a specified date that being Wednesday 18 November 2020, to allow West Midlands Police more time to consider the amended Operating Schedule that had been proposed by the Licensing Authority.

The Chair stated the names of all those present at the Hearing and invited Debra Craner, Section Leader Licensing, to report any updates since the Hearing had been adjourned.

The Section Leader Licensing stated that since the last Hearing, West Midlands Police (WMP) had submitted a further amended Operating Schedule and that this had been circulated to all parties.

The Chair invited the Applicant to comment on the new proposals from West Midlands Police.

Mr Clive Thomason, Applicant, confirmed that he had seen the proposed amendments from West Midlands Police and was happy to accept them.

The Chair afforded all parties present the opportunity to question Mr Thomason. Mr Thomason responded to questions asked.

The Chair invited the Licensing Authority to make representations regarding the new proposals. Elaine Moreton, Section Leader Licensing, did so. She stated that the Operating Schedule submitted by West Midlands Police was very good and that it was an enhanced version of what she had previously submitted. She confirmed that she had no objections to the amended proposal but highlighted two potential mistakes within the document.

Mr Andrew Parker and Sgt Steph Reynolds acknowledged the two mistakes and agreed to rectify them.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. No questions were asked.

The Chair invited West Midlands Police to make representations regarding their proposed Operating Schedule. Mr Andrew Parker, Barrister representing West Midlands Police, did so. He confirmed that WMP were now satisfied as the Applicant had agreed to their proposed amendments and had confirmed that he had no intention to use the premises as a sexual entertainment venue.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Mr Parker responded to questions asked.

The Chair invited Public Health to make representations regarding the new proposals. Michelle Smith, Principal Public Health Specialist, did so. She requested that a condition regarding membership be added to the schedule to ensure that admittance to the premises could not be immediate upon obtaining membership.

The Chair afforded all parties present the opportunity to question Public Health in relation to her submission. Michelle Smith responded to questions asked and all parties agreed on a suitable condition that would be added to the Operating Schedule.

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

West Midlands Police, the Licensing Authority and the Applicant all made a final statement.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Senior Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 14.45 hours.

The Hearing reconvened at 15.28 hours.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

The Statutory Licensing Sub-Committee had taken note of all written concerns raised in respect of the application for a premises licence for Purity Club, 3 Pitt Street, Wolverhampton WV3 ONF. They had listened to the arguments of those who had spoken at the hearing, both for and against the application.

The Sub-Committee heard from the Applicant that:

1. He had run a Lesbian, Gay, Bisexual and Transgender (LGBT) club in Dudley for 13 years at which there had been no issues requiring police assistance;
2. The premises in Wolverhampton would offer a safe haven for this community with a person requiring membership to access facilities;
3. The premises would operate as a Café bar in the day and as a cocktail bar in the evening;
4. Many members and staff attending the club were from the LGBTQ+ community who felt safe in the environment offered by the premises who took the safety of those attending into account;
5. Elaine Moreton (Licensing Authority) and West Midlands Police had proposed conditions which could be attached to a licence, should it be granted, and which amend the Operating Schedule. These conditions were agreed by the Applicant.
6. The public bar and function room were now to be used as a games room which the fitness group would use.

The Sub-Committee heard from the Licensing Authority as Responsible Authority that:

1. Representations were made in furtherance of the four licensing objectives.
2. The premises, the subject of the application, fell within a Special Consideration Area (SCA) under Wolverhampton City Council Statement of Licensing Policy as they were located within close proximity to the City Centre Cumulative Impact Zone.
3. The Statement of Licensing Policy provides that consideration would be given to the type of premises the application referred to and the Matrix Approach outlined suggested operating times for specific venue types.
4. The Applicant had requested licensable activity outside the approved hours of opening confirmed within the premises planning permission.
5. The application lacked clarity throughout. The venue was described as a “members only”, a “bar” and a “social club”.
6. West Midlands Police had linked the premises with Adult Entertainment however within the application at Section 16, Adult Entertainment had not been completed. This raised concerns for the Licensing Authority as to the intended use of the premises.
7. The proposed Operating Schedule lacked enforceable conditions and therefore was insufficient to uphold the Licensing Objectives.
8. However, proposed conditions which would amend the Operating Schedule submitted with the application, had been provided. These were detailed in an attachment to an email from the Licensing Authority as responsible Authority dated 10 November 2020 and at Appendix 7 of the revised agenda. The Applicant agreed to accept the proposed conditions at the hearing before the Licensing Sub-Committee on 11 November 2020.
9. Should the application be granted with the proposed conditions attached, the Licensing Authority would be satisfied that, although the premises were in a Special Consideration Area, they could operate without adding to the problems faced in these areas.
10. The West Midlands Police had now proposed conditions which expand and enhance those proposed by the Licensing Authority, who would be happy for the police conditions to be added to the licence in place of those proposed by the Licensing Authority, subject to slight amendments, as outlined.

The Sub-Committee heard from West Midlands Police and their representative, Mr Andrew Parker that:

1. Representations had been made in furtherance of the Prevention of Crime and Disorder and Public Safety Licensing Objectives. At the hearing on 11 November reference was also made to Public Nuisance linked to the location of the venue.
2. The Operating Schedule within this application was not fit for purpose.
3. The floor plan provided with the application differed from the floor plan in the original planning application that was granted in 2019. There were concerns relating to safety for persons within rooms at the premises, which had not been addressed in the application. West Midlands Police and their representative therefore questioned the Applicant during the Sub-Committee hearing on 11 November in order to ascertain the intended use and whether this had changed. The Applicant had failed to document the intended use of the function rooms and what activity would take place in them and therefore the police were concerned to understand the suitability of the current application. At Hearing the Applicant confirmed that the function room to the right had once been divided into cubicles with shower facilities which members would use if they wanted privacy however, he made it clear there would be no further activity of a sexual nature taking place on the premises.
4. At the Hearing on 18 November 2020 conditions were proposed (attached to the email from WMP dated 18/11/20) which, if added to the Operating Schedule, would promote the Prevention of Crime and Disorder and Public Safety Licensing Objectives.
5. The Applicant had confirmed that he agreed to these proposed terms.

The Sub-Committee heard from Public Health as Responsible Authority that:

1. The proposed application undermined the Prevention of Crime and Disorder Licensing Objective.
2. The application had omissions in relation to alcohol especially given the proximity to the City Centre Cumulative Impact Zone.
3. Commissioned drug and alcohol services were nearby.
4. There was no reference in the application to a refusals log or CCTV recording being available for 30 days and for viewing upon request.
5. Conditions proposed by West Midlands Police and the Licensing Authority were welcomed but Public Health would also wish to see a condition dealing with a time limit so that admittance to the premises could not be immediate upon obtaining membership.

The Sub-Committee heard that the West Midlands Fire Service had not made a relevant representation however, they had proposed terms dealing with fire safety and the Applicant had agreed a voluntary undertaking with the fire service with regard to this. Details of the undertaking were at Appendix 6 on page 39 of the agenda pack.

Special Consideration Areas (SCA) surround and border existing Cumulative Impact Zone's in the City.

Premises within the SCA would be subject to the presumption of refusal, but operators would be expected to pay special attention when drawing up their

Operating Schedules and to make positive proposals to ensure that their operation would not add to the problems faced in these areas.

The Sub-Committee were satisfied that the premises were within a SCA. However, they were further satisfied that the Applicant had made positive proposals to ensure that their operation would not add to the problems faced in these areas.

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

The Licensing Sub-Committee were taking no moralistic view or pre-determining any future application that may be made for a sex establishment but would always be concerned with the safety of employees or visitors to such a venue and therefore, invited/encouraged continued discussion to deal with the proper form of regulation.

Having considered the views of all concerned, the Sub-Committee decided that the application for a premises licence should be granted, as applied for, subject to the terms and conditions detailed below in accordance with section 18 of the Licensing Act 2018.

That the hours should be granted, as applied for, subject to the following amendments and that the conditions, listed below, should replace the steps proposed by the Premises Licence Holder to promote the four Licensing Objectives within the application.

Opening Timings:

From: Friday 10:00 to 03:30

To: Friday 10:00 to 01:00

From: Saturday 10:00 to 03:30 hours

To: Saturday 10:00 to 01:00 hours

Live Music (Indoors):

From: Friday 20:00 to 01:00 Hours

To: Friday 20:00 to 00:30 Hours

From: Saturday 20:00 to 01:00 hours

To: 20:00 to 00:30 hours

Recorded Music (Indoors):

From: Thursday 12:00 to 01:00 Hours

To: Thursday 12:00 to 00:30 hours

From: Friday 12:00 to 03:00

To: Friday 12:00 to 00:30 Hours

From: Saturday 12:00 to 03:00

To: Saturday 12:00 to 00:30

Late Night refreshments (Indoors):

From: Friday 23:00 to 02:30 Hours

To: Friday 23:00 to 00:30 Hours

From: Saturday 11:00 to 02:30 hours

To: Saturday 23:00 to 00:30 hours

Supply of alcohol for consumption on the premises

From: Friday 11:00 to 02:30 Hours

To: Friday 11:00 to 00:30 Hours

From: Saturday 11:00 to 02:30 hours

To: Saturday 11:00 to 00:30 hours

Non-standard timings

To be removed throughout the application.

Prevention of Crime and Disorder

- There shall be no entertainment of an adult or sexual nature other than in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982 or any authorization granted thereunder.
- A digital CCTV system with recording equipment is installed and maintained at the premises.
- CCTV will cover all licensable areas including entry and exit points of the premise, all function rooms, staff areas and the rear car park including smoking area.
- The system will be installed and maintained in working order at the premises during all times when licensable activities are authorised by the licence. The system's recorded images and video will be of court-evidential quality, indicate the correct date and time and be kept for at least 31 days unedited. Signs will display that CCTV is in operation.
- Images/recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request.
- All managerial staff to be trained to use the CCTV system and at least one member of staff will be on duty who is trained to download systems images should any member of a Responsible Authority make a request.
- An electronic or written incidents log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises. The incidents log will be produced to an officer of a responsible authority upon request. Where a crime is believed to have been committed, the incident will be reported to the West Midlands Police. The incidents log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
- An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service of alcohol. The refusals log will include the basis of a refusal; the person making the decision to refuse; the date and time of refusal. The refusals log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
- When Wolverhampton Wanderers football matches are at home the management of the premises will liaise with West Midlands Police in regard to any additional measures required to be implemented by the premises.
- A daily register must be completed for all persons entering and exiting the premise. The register will be made available to West Midlands Police upon request.
- A list of all members' details will be documented and made available to West Midlands Police upon request. This will include name, date of birth and address.
- Alcohol must only be purchased on site. Customers will not be permitted to bring their own alcohol to consume on the premise.

- No drinks or containers are permitted to leave the premises.
- The toilet facilities will be regularly checked and recorded outlining the member of staffs' name, date, time and signature.

Public Safety

- At least one member of staff who is first aid trained to be on sight at all times when the premise is operating.
- Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised.
- Toilet and outside security checks conducted hourly and recorded on daily control sheet(s) to assist with the detection of any substance or personal abuse.
- A weekly meeting with staff regarding risk assessments, safety procedures and security measures will be recorded and available to any member of a Responsible Authority upon request.
- Any person frequenting the premises shall be a registered member prior to entering.
- Immediate entry membership is not permitted. The usual waiting period for membership approval is 24 hours.
- A fire alarm system will be installed and commissioned to the standards required by West Midlands Fire Service.
- Emergency lighting will be installed and maintained to the satisfaction of West Midlands Fire Service.

Prevention of Public Nuisance

- Signage shall be displayed at exit points throughout the premises requesting patrons respect residents.
- All external doors and windows shall be kept closed except for entry and egress.

Protection of children from harm

- All staff will receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. Training to be documented and shown to members of a Responsible Authority upon request.
- Persons under the age of 18 shall not be permitted entry to the premises.
- The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
- The premises shall display prominent signage indicating that the Challenge 25 scheme is in operation.

Finally, any further conditions as are specified on/or consistent with the Operating Schedule would be attached to the licence, together with any mandatory conditions required by the Act.

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

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

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CITY OF WOLVERHAMPTON COUNCIL	Statutory Licensing Committee 20 January 2021
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Report title	Review of Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2021-2022	
Wards affected	All	
Accountable director	Ross Cook, Director of City Environment	
Originating service	Licensing Services	
Accountable employee	Chris Howell	Commercial Regulation Manager
	Tel	01902 554554
	Email	Chris.Howell@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for decision:

The Statutory Licensing Committee is recommended to:

1. Note the non-discretionary fees and charges set by statute in relation to the Licensing Act 2003 set out in **Appendix 1**.
2. Approve the fees and charges set out in **Appendix 2** in relation to the Gambling Act 2005 with effect from 1 April 2021 over which the Council has fee setting powers.
3. Note other statutory fees set by the Secretary of State in relation to the Gambling Act 2005 over which the Council has no local control.

Recommendations for noting.

The Statutory Licensing Committee is asked to note:

1. The introduction of payment plans to spread out the Licence renewal fee payments.

1.0 Purpose

- 1.1 To submit for consideration proposed fees and charges for 2021-2022 in relation to certain licences and activities regulated by the Statutory Licensing Committee.

2.0 Background

- 2.1 The Council is empowered under Statute to levy fees for the issue of licences and permits under the control of City of Wolverhampton Council.
- 2.2 The Council policy is to review its fees on an annual basis and to amend the cost of service provision to attain a cost-neutral service provision. This is typically adjusted on a three-year rolling basis. The budget is assessed and adjusted to ensure the fees and charges are revised to reflect, for example, inflationary increases or to address legislation changes and to include all other costs of providing the service. There are a number of licences where the fees and charges are set by statute.
- 2.3 Under the Licensing Act 2003, fees and other charges are set by statute and cannot be amended. There is a capped maximum fee set by statute under the Gambling Act 2005 for premises licences.

3.0 Proposals for 2021-2022

3.1 Licensing Act

- 3.2 Fees and charges for premises, clubs, personal licences, temporary event notices and other fees in relation to the Licensing Act 2003 are set by statute when enacted in November 2005. These fees are shown at **Appendix 1** to this report. These fees remain unchanged since last years' report.
- 3.3 Councillors should note that applications made under Sections 17, 34, 71 and 84 of the Licensing Act 2003 which relate to the provision of Regulated Entertainment within Educational Institutions i.e. School or College or premises that are or form part of a Church Hall, Chapel Hall or similar building or Village Hall, Parish Hall or Community Hall or other similar building are exempt from payment of fees.

3.4 Gambling Act

- 3.5 Gambling Act Premises licence fees are set at the capped maximum limit. This has been implemented by this authority having calculated the cost of provision of the service. These fees are shown at **Appendix 2** to this report. These fees remain unchanged since last years' report.
- 3.6 Under the Gambling Act 2005, fees for permits, small society registrations etc are non-discretionary fees set by statute.

4.0 Financial implications

- 4.1 The fees and charges for the Licensing Act 2003 premises and ancillary permits and notices are set in Statute and therefore cannot be amended.
- 4.2 Fees under the Gambling Act 2005 are set at the capped limit for premises. The proposed fees for 2021-2022 are unchanged from 2020-2021. The fees for incidental permits and notices are set in statute. [SB/05012021/W]

5.0 Covid implications

- 5.1 The premises and businesses that hold these types of licences have been adversely affected by Covid-19 including lockdowns and restrictive business practices. However, the cost to the council for provision of the licence have not reduced. It is however recognised that many businesses will experience financial difficulties during the pandemic and recovery period. It is therefore proposed to allow the cost of licence renewals to be spread over a short term.
- 5.2 The payment terms agreed, must include full settlement by the end of the applicable financial year and shall be agreed by the Service Manager or Section Leader.

6.0 Legal implications

- 6.1 The legal implications are considered within the main body of the report. [SH/06012021/B]

7.0 Equalities implications

- 7.1 There are no equalities implications arising from this report.

8.0 Climate change and environmental implications

- 8.1 There are no climate change and environmental implications arising from this report.

9.0 Schedule of background papers

- 9.1 These fee tables are a direct copy of the fees and charges agreed for 2020/2021.
- 9.2 Licensing Committee – 16 January 2013 - Review of Fees and Charges for Licensing Act and Gambling Act for 2013/14.

Licensing Committee – 26 February 2014 - Review of Fees and Charges for Licensing Act and Gambling Act for 2014/15.

Licensing Committee – 21 January 2015 - Review of Fees and Charges for Licensing Act and Gambling Act for 2015/16.

Licensing Committee – 20 January 2016 - Review of Fees and Charges for Licensing Act and Gambling Act for 2016/17.

Licensing Committee – 8 February 2017 – Review of Fees and Charges for Licensing Act and Gambling Act for 2017/18.

Licensing Committee – 24 January 2018 - Review of Fees and Charges for Licensing Act and Gambling Act for 2018/19.

Statutory Licensing Committee – 20 March 2019 - Review of Fees and Charges for Licensing Act and Gambling Act for 2019/2020.

Statutory Licensing Committee – 22 January 2020 - Review of Fees and Charges for Licensing Act and Gambling Act for 2020/2021.

Premises banding based on rateable value	Fees£ (initial application)	Annual fees £ (renewal)
A	100	70
B	190	180
C	315	295
D	450	320
E	635	350

ADDITIONAL FEES BASED UPON OCCUPANCY FIGURES

Occupancy Figures	£
5,000 to 9,999	500
10,000 to 14,999	1,000
15,000 to 19,999	2,000
20,000 to 29,999	4,000
30,000 to 39,999	8,000
40,000 to 49,999	12,000
50,000 to 59,999	16,000
60,000 to 69,999	20,000

APPLICATION OR NOTICE

	£
section 25 (theft, loss, etc. of premises licence or summary)	10.50
section 29 (application for a provisional statement where premises being built, etc.)	315
section 33 (notification of change of name or address)	10.50
section 37 (application to vary licence to specify individual as premises supervisor)	23
section 42 (application for transfer of premises licence)	23
section 47 (interim authority notice following death etc. of licence holder)	23
section 79 (theft, loss etc. of certificate or summary)	10.50
section 82 (notification of change of name or alteration of rules of club)	10.50
section 83(1) or (2) (change of relevant registered address of club)	10.50
section 100 (temporary event notice)	21
section 110 (theft, loss etc. of temporary event notice)	10.50
section 117 (application for a grant or renewal of personal licence)	37
section 126 (theft, loss etc. of personal licence)	10.50
section 127 (duty to notify change of name or address)	10.50
section 178 (right of freeholder etc. to be notified of licensing matters)	21

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THE GAMBLING ACT 2005 – PROPOSED FEES FROM 1 APRIL 2021 UNTIL 31 MARCH 2022

Category of Premises License	Application Fee in Respect of Conversion of Provisional Statement Maximum £	Application Fee in Respect of New Premises Licences Maximum £	Annual Fee YEAR 2 Maximum £	Fee for Application to Vary Licence Maximum £	Fee for Application to Transfer a Licence Maximum £	Fee for Application for Reinstatement of a Licence Maximum £	Fee for Application for Provisional Statement Maximum £	Fee for Notification of a change of Circumstance (Statutory Fee) £	Fee for Application for Copy of Licence (Statutory Fee) £	Fee for giving notification of a Temporary Use Notice (Maximum)	Fee for requesting a copy of a Temporary Use Notice (Maximum)
New Small Casino Premises	3,000	8,000	5,000	4,000	1,800	1,800	8,000	50	25	500	25
Converted Casino Premises	N/A	N/A	3,000	2,000	1,350	1,350	N/A	50	25	500	25
Bingo Premises	1,200	3,500	1,000	1,750	1,200	1,200	3,500	50	25	500	25
Adult Gaming Centre Premises	1,200	2,000	1,000	1,000	1,200	1,200	2,000	50	25	500	25
Betting Premises (Track)	950	2,500	1,000	1,250	950	950	2,500	50	25	500	25
Family Entertainment Centre	950	2,000	750	1,000	950	950	2,000	50	25	500	25
Betting Premises (Other)	1,200	3,000	600	1,500	1,200	1,200	3,000	50	25	500	25

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CITY OF WOLVERHAMPTON COUNCIL	Statutory Licensing Committee 20 January 2021
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Report title	Government Review of the Gambling Act 2005	
Wards affected	All	
Accountable director	Ross Cook, Director of City Environment	
Originating service	Licensing Services	
Accountable employee	Paul Dosanjh	Service Lead: Trading Standards and Licensing Act
	Tel	01902 556056
	Email	Paul.Dosanjh@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation for decision:

The Statutory Licensing Committee is recommended to:

1. Delegated authority for the Service Lead: Trading Standards and Licensing Act, in consultation with the Chair of the Statutory Licensing Committee, to respond on behalf of the Council to the Government review of the Gambling Act 2005.

Recommendation for noting:

The Statutory Licensing Committee is asked to note:

1. The Council submission to the review will take account of views sought from the Committee, responsible authorities, the Director of Public Health and the Children and Young Persons Service.

1.0 Purpose

- 1.1 To enable this committee to authorise the Service Lead: Trading Standards and Licensing Act, in consultation with the Chair of the Statutory Licensing Committee, to respond to the Government review into the operation of the Gambling Act 2005. The deadline for responses is 31 March 2021.

2.0 Background

- 2.1 The Council is empowered under the 2005 Act to carry out the following activities in relation to land based gambling:

- Issuing Premises Licences where gambling activities are to take place
- Issuing Provisional Statements to potential licences in relation to the likelihood of unconstructed premises to obtain a licence
- Regulating members' clubs and miner's welfare institutes via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to commercial clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (as delivered by the Licensing Act 2003) for the use of two or fewer gaming machines
- Issuing Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission regarding details of licences issued
- Maintaining registers of the permits and licences that are issued under these functions

Examples of land-based gambling establishments are bingo halls, bookmakers, amusement arcades and public houses with gaming machines. Licensing authorities are not involved in licensing remote gambling which falls to the Gambling Commission.

- 2.2 In exercising its functions the Council must have regard to the licensing objectives as set out in the Act namely:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 2.3 Licensing Officers administer the provisions of the Act through the scrutinising of applications and the carrying out of visits.
- 2.4 The Department for Digital, Culture, Media and Sport is instituting this review as the Act is now 15 years old and may not have kept up to date with the changes in digital

technology and other changes in society. Whilst gambling is a harmless leisure pursuit for most people the review seeks to ensure that the regulatory framework “prevents exploitation of vulnerable people and protects individuals, families and communities from the potentially life ruining effects of gambling”

3.0 Scope of the review

- 3.1 It is the Government’s intention that review has a wide scope. There are 45 specific questions relating to: online protections for players and products; advertising, sponsorship and branding; Gambling Commission’s powers and resources; age limits and verification and land-based gambling. The review can be viewed at: <https://www.gov.uk/government/publications/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence>
- 3.2 We will seek views from members of this Committee and from the responsible authorities.
- 3.3 Additionally, and in line with the Council Statement of Gambling Policy (Jan 2019), views will also be sought from the Director of Public Health and the Children and Young Persons Service. This is so that the response adequately covers any concerns about the harm from gambling to the health and wellbeing of residents and specifically of young people.

4.0 Financial Implications

- 4.1 There are no financial implications from the work to collect views and formulate the Council’s response. [SB/11012021/Z]

5.0 Legal implications

- 5.1 Whilst the Council is a statutory enforcement body under the 2005 Act there are no legal implications arising from the work to be undertaken for the Council’s submission to this review. [DA/12012021/A]

6.0 Covid implications

- 6.1 There are no Covid implications from the activities in relation to gathering of views to formulate the Council’s response to the review.

7.0 Equalities implications

- 7.1 There are no equalities implications arising from this report.

8.0 Climate change and environmental implications

- 8.1 There are no climate change and environmental implications arising from this report.

9.0 Schedule of background papers

9.1 There are no background papers.