

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 8 December 2021

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Keith Inston

Cllr Anwen Muston

Premises Licence Applicant

Patrick Burke

Vimalan Kumaralingam

Agent

Applicant

Responsible Authorities

Chris Howell

Licensing Authority

Employees

Debra Craner

Donna Cope

Sarah Hardwick

Jas Kaur

Section Leader Licensing

Democratic Services Officer

Senior Solicitor

Democratic Services Manager (Host)

Observers:

Cllr Rashpal Kaur

Item No. *Title*

1 Apologies for absence

Apologies were received from Aimee Taylor, West Midlands Police.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a New Premises Licence in respect of Childs Avenue Convenience Store, 108-110 Childs Avenue, Wolverhampton, WV14 9XB

An application for a Premises Licence in respect of Childs Avenue Convenience Store, 108-110 Childs Avenue, Wolverhampton, WV14 9XB was considered following representations received from the Licensing Authority, West Midlands Police and Other Persons.

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. Mr Patrick Burke, Agent representing the Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Burke, Agent representing the Applicant, did so as per Appendix 1 of the report. He stated that his client successfully ran stores in other locations across the country and that there was no evidence linking the issues in the area to the premises.

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

In response to questions asked by Chris Howell, Licensing Authority, Mr Burke and his client agreed to accept an additional condition restricting the sale of single cans.

The Chair invited the Licensing Authority to make representations. Chris Howell, Licensing Authority, had no further objections as the Applicant had agreed to the proposed condition.

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

No final statements were made.

Councillor Page, Councillor Muston, 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 10.24 hours.

The Hearing reconvened at 10.43 hours.

Councillor Page, Councillor Muston, 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 Childs Avenue Convenience Store, 108-110 Childs Avenue, Wolverhampton WV14 9XB. They listened to the arguments of those who had spoken at the hearing, both for and against the application.

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

The Sub-Committee heard from the applicant and his legal representative, Patrick Burke, that:

1. The application was in respect of the supply of alcohol for consumption off the premises.
2. The applicant had successfully run stores in other locations across the country.
3. Representations had been made by local residents about anti-social behaviour and the sale of drugs in the area. There was no evidence linking issues in the area to the premises, the subject of the application, and the premises did not currently sell alcohol and so were not linked to any alcohol related Anti-Social Behaviour.
4. The Thwaites case from 2008 stated that a light touch bureaucracy should be applied to applications and decisions should be made on evidence and not be speculative. Letters received from local residents were speculative in nature.
5. The applicant was content to accept conditions proposed by the Licensing Authority as Responsible Authority and West Midlands Police which were detailed at Appendix 6 of the report to the Sub-Committee.

The Sub-Committee considered written representations from the Licensing Authority as Responsible Authority and heard that:

1. They had made relevant representations in furtherance of the Prevention of Crime and Disorder and Protection of Children from Harm licensing Objectives.
2. There was insufficient information within the operating schedule to show how the applicant would address the Licensing Objectives.
3. However, terms had been agreed between the Applicant and the Licensing Authority as detailed in the report at Appendix 6, pages 41 and 42.

4. It was proposed that an additional condition be added to the licence, if granted, relating to no sale of single cans. A condition restricting no sale of single cans was agreed by the applicant.

The Sub-Committee considered written representations from West Midlands Police who were not in attendance. The evidence stated that:

1. They had made relevant representations in furtherance of the Crime and Disorder licensing objective.
2. However, terms agreed between the Applicant and the Licensing Authority as detailed in the report at Appendix 6, pages 41 and 42 address the concerns of West Midland Police and they believe the premises could operate in furtherance of the Crime and Disorder Licensing objective if these terms were added to any premises licence granted.

The Sub-Committee considered written representations from Other Persons (local residents) who were not in attendance. The evidence stated that:

1. They had made relevant representations in furtherance of the four Licensing Objectives.
2. They objected to having an additional Off Licence in the area where they lived as they already experience nuisance, and this could bring additional noise, rubbish and anti-social behaviour.
3. There had been drug dealing in the parade of shops where the premises are situated, and this could make residents and their families feel vulnerable when leaving their homes.

The Sub-Committee were satisfied that there was no evidence link between the premises for which the application was made and any nuisance or anti- social behaviour in the area that it was situated.

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

The Sub-Committee were satisfied that with agreed modification, the application, if granted, would not undermine the Licensing Objectives.

The Sub-Committee considered the evidence presented and had 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 Licensing Objectives 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 2003.

It is considered by the Sub-Committee that the following conditions should be attached in support of the Licensing Objectives:

1. Sealed containers: Any supply of alcohol for consumption off the premises must be within a sealed container.

2. Super strength: Sales of alcohol are not to include any super strength lagers, beers or ciders where strength exceeds 6.5% ABV (alcohol by volume).
3. Training: All staff to receive training before their first shift when the premises is open to the public and refresher training every six months on their responsibilities with regard to licensing legislation, underage and proxy sales. Training will also cover Challenge 25, conflict management, recognising signs of drunkenness, how to refuse service, the premises' duty of care, safe evacuation of the premises, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, the conditions in force under this licence. This training must be documented and produced to an officer of a responsible authority upon request.
4. Designated single items: A minimum of 4 units of beer, alcopops or cider to be sold as a multi-pack only. No sale of single cans.

Finally, such 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.

The decision in writing would be sent to all parties forthwith.

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