

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

Venue Council Chamber - 4th Floor - Civic Centre

Membership

Chair Cllr Phil Page (Lab)
Vice-chair Cllr Rashpal Kaur (Lab)

Labour

Cllr Greg Brackenridge
Cllr Celia Hibbert
Cllr Jaspreet Jaspal
Cllr Asha Mattu
Cllr Anwen Muston
Cllr Rita Potter
Cllr Gillian Wildman

Conservative

Cllr Wendy Dalton
Cllr Andrew Randle
Cllr Jonathan Crofts

Quorum for this meeting is three Councillors.

Information for the Public

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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 | Minutes of previous meeting (Pages 3 - 6)
[To approve the minutes of the previous meeting held on 15 June 2022 as a correct record]. |
| 4 | Matters arising
[To discuss any matters arising from the minutes of the previous meeting]. |
| 5 | Minutes of meeting Monday, 27 June 2022 of Statutory Licensing Sub-Committee (Pages 7 - 12)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 27 June 2022 as a correct record]. |
| 6 | Minutes of meeting Thursday, 30 June 2022 of Statutory Licensing Sub-Committee (Pages 13 - 20)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 30 June 2022 as a correct record]. |
| 7 | Minutes of meeting Thursday, 7 July 2022 of Statutory Licensing Sub-Committee (Pages 21 - 24)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 7 July 2022 as a correct record]. |
| 8 | Minutes of meeting Tuesday, 19 July 2022 of Statutory Licensing Sub-Committee (Pages 25 - 30)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 19 July 2022 as a correct record]. |
| 9 | Minutes of meeting Thursday, 18 August 2022 of Statutory Licensing Sub-Committee (Pages 31 - 36)
[To approve the minutes of the Statutory Licensing Sub-Committee held on 18 August 2022 as a correct record]. |
| 10 | Pavement Licences (Pages 37 - 40)
[To endorse the scheme for the extension of pavement licences]. |

Attendance

Members of the Statutory Licensing Committee

Cllr Phil Page (Chair)
Cllr Rashpal Kaur (Vice-Chair)
Cllr Greg Brackenridge
Cllr Jonathan Crofts
Cllr Wendy Dalton
Cllr Celia Hibbert
Cllr Jaspreet Jaspal
Cllr Anwen Muston
Cllr Rita Potter
Cllr Andrew Randle
Cllr Gillian Wildman

In Attendance

Greg Bickerdike	Licensing Manager
Emma Caddick	Service Manager - Environmental Health
Paul Dosanjh	Service Manager -Trading Standards and Licensing Act
Cllr Steve Evans (v)	Cabinet Member for City Environment and Climate Change
Chris Howell	Commercial Regulation Manager
Shelley Humphries	Democratic Services Officer
Joanne Huntbatch	Markets General Manager
Jas Kaur	Democratic Services Manager
Chris Simmonds (v)	Solicitor

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies were received from Councillor Asha Mattu and Councillor Paul Appleby.

Councillor Jonathan Crofts attended for Councillor Paul Appleby.
- 2 Declarations of interest**
Councillor Greg Brackenridge declared a non-pecuniary interest in agenda item 5.
- 3 Minutes of previous meeting**
Resolved:
That the minutes of the meeting of the Statutory Licensing Committee held on 16 March 2022 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

There were no matters arising.

5 **Minutes of meeting Friday, 1 April 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 1 April 2022 be confirmed as a true record and signed by the Chair.

6 **Minutes of meeting Thursday, 14 April 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 14 April 2022 be confirmed as a true record and signed by the Chair.

7 **Minutes of meeting Thursday, 28 April 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 28 April 2022 be confirmed as a true record and signed by the Chair.

8 **Minutes of meeting Friday, 29 April 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 29 April 2022 be confirmed as a true record and signed by the Chair.

9 **Review of Decision Making and Scheme of Delegation 2021-2022**

Paul Dosanjh, Service Manager -Trading Standards and Licensing Act, presented the Review of Decision Making 2022 – 2023 report, highlighting key points. The report provided a review of the last municipal year and set out proposed decision-making processes and delegations for the coming municipal year. It was noted that there were few changes, save for updated officer job titles.

The Chair, Councillor Phil Page moved the recommendations whilst Vice Chair, Councillor Rashpal Kaur seconded the recommendations. No members voted against.

Resolved:

That Members of the Statutory Licensing Committee:

1. Endorsed and approved the proposals in section 2 of this report relating to category 2 decisions.
2. Endorsed and approved the proposals in section 2 of this report relating to category 3 decisions.
3. Agreed to delegate category 3 decision making powers to the Director for City Housing and Environment.
4. Agreed to receive further annual delegation update reports at the beginning of each municipal year.
5. Noted the schedule attached at Appendix 1 to this report which includes further proposed delegations from the Director for City Housing and Environment.

6. Noted the schedule of employee decisions for 2021 - 2022 attached at Appendix 2 to this report in relation to the Licensing Authority as a Responsible Authority.
7. Noted the schedule of decisions for 2021 - 2022 attached at Appendix 3 to this report in relation to Magistrates and Crown Court appeals.

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Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Michelle Smith, Public Health.

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 Roma Wines, 55 Pendeford Avenue, Claregate, Wolverhampton, WV6 9EH

An application for a Review of a Premises Licence in respect of Roma Wines, 55 Pendeford Avenue, Claregate, Wolverhampton, WV6 9EH 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.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

Debra Craner, Section Leader Licensing, provided an outline of the application. 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 Rob Edge, Agent for the Premises Licence Holder, stated the following:

- Mrs Roshy was sorry for her mistakes and the underage sale had taken place when her mother had been seriously ill.
- The breach of conditions referred to on page 18 of the agenda pack had not occurred under the management of Mrs Roshy, as she had not become Premises Licence Holder until 2017.

Further to this, Mr Edge proposed the following:

- That the current Designated Premises Supervisor be removed and replaced.

- That the shop be closed for one day a week, for the next seven weeks, to allow full staff training to be given.
- That no sales should take place until full training had been given to all staff.

Mrs Roshy, Premises Licence Holder, stated the following:

- She was sorry and deeply regretted the incident.
- Future underage sales would not happen, and the Premises would be well run.
- She had been stressed caring for her mother who was unwell and passed away a few months later, and she was also unwell herself, taking anti-biotics at the time.
- This was the first time that she had accidentally made an underage sale in the last five years.
- The person that she had served with alcohol had appeared to her to be over 25 years old which is why she did not request ID.
- She did not ask the person to remove her mask because of Covid health concerns.

The Chair afforded all parties present the opportunity to question Mr Edge and Mrs Roshy in relation to their submission.

Mrs Roshy stated that she had listened to the advice given and a Statutory Tobacco Notice had been displayed as required, the refusals book had been regularly completed and was in use, and Refresher Training had been organised for all employees.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader Licensing, did so as per Appendix 4 of the report. He stated that the actions of the Premises had undermined the Licensing Objectives and therefore he supported Trading Standard's submission for the premises licence to be revoked.

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

The Chair invited the West Midlands Police to make representations. Aimee Taylor did so as per Appendix 5 of the report. She stated that West Midlands Police had no trust in the Premises and supported Trading Standard's submission for the premises licence to be revoked.

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

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

Mr Edge, Agent for the Premises Licence Holder, made a final statement.

David Abel, Senior Solicitor, provided legal guidance to Members and reminded them of their available options.

Councillor Page, Councillor Dalton, Councillor Wildman, 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 10.35 hours.

The Hearing reconvened at 11.18 hours.

Councillor Page, Councillor Dalton, Councillor Wildman, 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:

An application had been made by The City of Wolverhampton Trading Standards Department as a Responsible Authority on 26 April 2022 for a review of the Premises Licence in respect of Roma Wines, 55 Pendeford Avenue, Claregate, Wolverhampton, WV6 9EH, on the grounds that actions at the premises had undermined the Licensing Objectives.

Representations had been received from the Licensing Authority, West Midlands Police and from Public Health as Responsible Authorities and from the Premises Licence Holder, Mrs Rashwinder Singh Roshy, and her Representative Mr Rob Edge.

At the hearing on 27 June 2022 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 had spoken at the hearing.

The Licensing Sub-Committee heard from Dianne Slack for Trading Standards, the Applicant for review, that:

1. Following 3 underage test purchases of alcohol in 2007, 2008 and 2010, conditions had been imposed upon Roma Wines following a Hearing on 27 June 2011.
2. On 21 October 2020 information had been received alleging that alcohol and tobacco were being sold from Roma Wines to children under 18. An underage test purchase had been made on 21 October 2020 using a 15 year old volunteer for the City of Wolverhampton Council from Roma Wines. The Volunteer had purchased a bottle of WKD alcohol which was a criminal offence. There had been no attempt to ask her age, to ask for identification or to lower her face mask. The seller of the alcohol, believed to be the shop owner was then spoken to by the Police and Trading Standards. The volunteer had been refused at five other shops that evening.
3. On 16 December 2020, during a challenge 25 survey, a young looking adult attempted to purchase alcohol from Roma Wines to establish if the sale on 21 October 2020 was a mistake. On that occasion the volunteer was asked for ID but only when prompted by another staff member. A written warning letter was then issued to Roma Wines on 12 May 2021.

4. On 4 October 2021 another complaint was referred to Trading Standards alleging underage sales from Roma Wines.
5. On 2 November 2021 four cans of Budweiser beer were sold to a 16 year old authorised volunteer on behalf of Wolverhampton Council. No attempt had been made to ask her age, ask for identification or lower her face mask. The 16 year old had been refused age restricted products at four other shops that night.
6. It was a mandatory condition that the shop operated an age verification policy and Roma Wines should have been operating a Challenge 25 and NO ID NO SALES policy.
7. The sale had been made by the owner and DPS for Roma Wines, Mrs Rashwinder Singh Roshy. Officers from Trading Standards and from West Midlands Police went into the shop after the sale to discuss what had happened. Whilst there, they noted that there was no Statutory Tobacco Notice on display as required and although there was a refusals book, its last entry had been made on 1 March 2021. A Traders Notice was left at the Premises.
8. Trading Standards believed that the Licensing Objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm had been undermined by the way in which the Premises had operated and therefore the Premises Licence should be revoked.

The Licensing Sub-Committee heard from Amitabh Sigh for the Licensing Authority that they supported the Application for Review and believed that the actions at the Premises had undermined the Licensing Objectives and therefore that the Premises Licence should be revoked.

The Licensing Sub-Committee heard from Aimee Taylor for West Midlands Police that they supported the Application for Review and believed that the actions at the Premises had undermined the Licensing Objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm and therefore that the Premises Licence should be revoked.

The Licensing Sub-Committee had not heard from Public Health at Wolverhampton Council as they had not attended. Therefore, limited weight had been given to their written representation that they supported the Application for Review and believed that the actions at the Premises had undermined the Licensing Objectives and therefore that the Premises Licence should be revoked.

The Licensing Sub-Committee heard from the Premises Licence Holder and from her representative Mr Rob Edge, that the person she had served with alcohol had appeared to her to be over 25 years old which is why she had not requested ID. She had not asked the person to remove her mask due to Covid concerns. She had been stressed caring for her mother who had been unwell and passed away a few months later, and she had also been unwell herself, taking anti-biotics at the time. This had been the first time that she had accidentally made an underage sale in the last five years. She had listened to the advice given and a Statutory Tobacco Notice had been displayed as required, the refusals book had been regularly completed and was in use, and Refresher Training had been organised for all employees.

The Premises Licence Holder had apologised and explained that future underage sales would not happen and that the Premises would be well run in future.

Mr Edge had proposed that:

- The current DPS be removed and replaced.
- The shop be closed for one day a week for the next seven weeks to allow full staff training to be given.
- No sales should take place until full training had been given to all staff.

The options open to the Sub-Committee were as follows:-

- Modify the conditions
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for up to 3 months
- Revoke the licence

The Sub-Committee had 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 premises licence of Roma Wines should be revoked in accordance with s52 LA 2003.

This action was considered an appropriate and proportionate action for the promotion of the four licensing objectives. The measures proposed by the Premises Licence Holder were deemed insufficient to promote the licensing objectives in light of repeated underage sales at the Premises.

It was deemed inappropriate to modify conditions and suspend the licence as the repeated instances of underage sales demonstrated that the Premises Licence Holder appeared not able to comply with conditions of licence and the Sub-Committee did not believe that suspension for a limited period would assist in mending the behaviour already witnessed. The Sub-Committee noted that the underage sales occurred over a prolonged period of time and that the Responsible Authorities attending had recommended the revocation of the Premises Licence.

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 the decision.

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)
Cllr Rashpal Kaur
Cllr Wendy Dalton

Applicant for Review

Nicola Biddle	Trading Standards
Dianne Slack	Trading Standards

Premises Licence Holder

Mr Amandip Singh Ajimal

Responsible Authorities

Amitabh Singh	Licensing Authority
Aimee Taylor	West Midlands Police
Alison Oldfield	West Midlands Police
Michelle Smith	Public Health

Employees

Debra Craner	Section Leader Licensing
David Abel	Senior Solicitor
Donna Cope	Democratic Service 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 Threshers Wine Shop, 1E Clark Road, Wolverhampton, WV3 9NW

An application for a Review of a Premises Licence in respect of Threshers Wine Shop, 1E Clark Road, Wolverhampton, WV3 9NW 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.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

Debra Craner, Section Leader Licensing, provided an outline of the application. Nicola Biddle, Senior Officer for Trading Standards (Applicant), confirmed that the summary was accurate.

The Chair invited Trading Standards to present their application. Nicola Biddle, Senior Officer for Trading Standards, did so as per Appendix 3 of the report. She stated that in order to promote the Licensing Objectives, the following eight conditions should be added to the premises licence and in order for the proposed conditions to be implemented, the licence should be suspended for a short period of time:

1. All persons selling alcohol must be properly trained before they were allowed to sell any alcohol to the public. Records of training must be kept by the Designated Premises Supervisor or Premises Licence Holder. Persons selling alcohol must be authorised in writing by the Designated Premises Supervisor following successful completion of training. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority.
2. Refresher training must be carried out at regular intervals and records maintained. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority.

3. A 'Challenge 25' policy and 'No ID NO Sale' policy, which was supported with signage at all entrances and in the serving areas, must be implemented.
4. Only documents which included a photograph of the purchaser should be used to prove that persons age, e.g. passport, new style driving licence, 'PASS' approved age card e.g. Validate, Card or Citizens card.
5. A 'Refusals Log' must be maintained, which documents the date and time a refusal of sale was made, the reason for the refusal and the member of staff refusing the sale. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Log on a regular basis and sign it to show it had been done. The Log must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority.
6. A till prompt or a notice must be secured to the till at eye level to remind staff that they must ask for ID if a customer looks under 25.
7. CCTV must be installed, and recordings kept at the Licensed Premises for a period of 30 days, whilst maintaining adequate picture quality to identify shoppers. Recordings must be made available on request to an Officer of a Responsible Authority.
8. Beer, cider and mixed drinks (such as cocktails and alcopops) are to be stocked and sold in multipacks of a minimum of four units or 1 litre. Multipacks must not be split.

David Abel, Senior Solicitor, advised the Sub-Committee that the proposed conditions from Trading Standards should be circulated to all parties and the hearing adjourned to allow sufficient time for them to be considered.

The Sub-Committee adjourned at 10.20 hours.

The Hearing reconvened at 10.45 hours.

Nicola Biddle, Senior Officer, explained that the Premises Licence Holder had agreed to seven out of the eight proposed conditions but that he had concerns over the condition prohibiting the sale of single bottles/ cans.

David Abel, Senior Solicitor, advised the Sub-Committee to continue with the hearing and follow the set procedure.

The Chair afforded all parties present the opportunity to question the Applicant in relation to her submission. No questions were asked.

The Chair invited the Premises Licence Holder to make representations.

Mr Amandip Singh Ajimal stated the following:

- There was no restriction upon his licence preventing single unit sales of alcohol.
- He had taken on and trained extra staff and had suspended the person who had made the underage sale. He was ashamed by the mistake made by his staff as it reflected badly on his standing in the community.
- He had not received the letter from Trading standards and was dealing with the fact that his mother sadly only had a few months to live at that time.
- He had four refusals books at the premises all of which were up to date.

- The premises licence was actually in a storeroom at the back of the shop but a Summary of the licence was on display at the Premises.
- He was happy with the conditions proposed except for the restriction on selling single units of alcohol which he felt would hurt his business financially and be unfair to other customers. He also felt that such a restriction would encourage residents from a nearby hostel to have to buy four packs of alcohol and therefore drink more.
- He felt that a suspension of the licence was unnecessary as most of the conditions already existed.

The Chair afforded all parties present the opportunity to question Mr Amandip Singh Ajimal in relation to his submission. Mr Amandip Singh Ajimal responded to questions asked.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader Licensing, did so as per Appendix 4 of the report. He stated that he supported the proposed conditions and agreed with a temporary licence suspension.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. The Section Leader responded to questions asked.

The Chair invited the West Midlands Police to make representations. Alison Oldfield did so as per Appendix 5 of the report. She stated that West Midlands Police supported the proposed conditions and Trading Standard's submission for the premises licence to be suspended.

The Chair invited all parties present to question the West Midlands Police in relation to its submission. Alison Oldfield responded to questions asked.

The Chair invited Public Health to make representations. Michelle Smith did so as per Appendix 6 of the report. She stated that Public Health fully supported Trading Standard's submission and the proposed conditions.

The Chair invited all parties present to question Public Health in relation to its submission. Michelle Smith responded to questions asked.

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

Alison Oldfield and Nicola Biddle made a final statement.

David Abel, Senior Solicitor, provided legal guidance to Members and reminded them of the available options.

Councillor Page, Councillor Dalton, Councillor Kaur, 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 11.23 hours.

The Hearing reconvened at 12.23 hours.

Councillor Page, Councillor Dalton, Councillor Kaur, 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:

An application had been made by The City of Wolverhampton Trading Standards Department as a Responsible Authority on 26 April 2022 for a review of the Premises Licence in respect of Threshers Wine Shop (also known as Premier Convenience Store and as Tettenhall Supermarket), 1E Clark Road, Tettenhall, Wolverhampton WV3 9NW, on the grounds that actions at the premises undermined the Licensing Objectives.

Representations had been received from the Licensing Authority, West Midlands Police and Public Health as Responsible Authorities. The Committee had also heard from the Premises Licence Holder Mr Amandip Singh Ajimal.

At the hearing on 30 June 2022 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 had spoken at the hearing. They considered all the evidence presented and found the following facts:

The Licensing Sub-Committee heard from Nicola Biddle for Trading Standards, the applicant for review, that:

- On 15 December 2020 during a Challenge 25 survey, a young looking 22 year old adult attempted to purchase alcohol from Threshers Wine Shop to establish if I.D. was being checked when customers were buying age restricted products such as alcohol. On this occasion the volunteer was not asked his age, to lower the mask he was wearing, or to show any I.D. He was able to buy a single can of high strength alcohol, namely Dragon Stout.
- On 24 January 2020 information was received alleging that single cans of alcohol were being sold from Threshers Wine Shop.
- On 1 February 2021 Trading Standards wrote to the Premises Licence Holder and the Designated Premises Supervisor at Threshers Wine Shop advising of the outcome of the Challenge 25 survey and how to comply with the law regarding the sale of age restricted products.
- On 2 November 2021 a single can of Stella lager was sold to a 16 year old volunteer on behalf of Wolverhampton Council. No attempt was made to ask her age, to ask for I.D. or to ask the volunteer to lower her face mask. It is a Mandatory Condition of the Licence that the business operates an age verification policy. This volunteer was refused age-restricted products at 4 other shops that evening.
- The sale was made by a sales assistant at the Premises, and Officers from Trading Standards and West Midlands Police went into the shop and discussed what had happened with the Sales Assistant. Whilst there they noted that there was no Premises Licence there for inspection contrary to

legal requirements and there was also no refusals book available to inspect in breach of the Licence Conditions.

- Trading Standards believed that the Licensing Objectives of the Prevention of Crime and Disorder and The Protection of Children from Harm have been undermined by the way in which the Premises operated and therefore the Premises Licence should have the licence conditions modified and the licence suspended for a short time in order to implement the proposed conditions.
- Trading Standards suggested that further conditions be added to the Licence and the Committee adjourned whilst these were discussed with the Premises Licence Holder

The Licensing Sub-Committee heard from Amitabh Sigh for the Licensing Authority that they supported the Application for Review and believed that the actions at the Premises undermined the Licensing Objectives and therefore that the Premises Licence should be modified and suspended. The Licensing Authority supported the conditions proposed by Trading Standards.

The Licensing Sub-Committee heard from Alison Oldfield for West Midlands Police that they supported the Application for Review and believed that the actions at the Premises undermined the Licensing Objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm and therefore that the Premises Licence should be modified and suspended. West Midlands Police supported the conditions proposed by Trading Standards.

The Licensing Sub-Committee heard from Michelle Smith for Public Health at Wolverhampton Council that they supported the Application for Review and believed that the actions at the Premises undermined the Licensing Objectives and therefore that the Premises Licence should be modified and suspended. Public Health supported the conditions proposed by Trading Standards. They were of the view that the sale of single units exacerbated alcohol dependency and social problems, and they therefore opposed such sales.

The Licensing Sub-Committee heard from the Premises Licence Holder Mr Amandip Singh Ajimal that:

- There was no restriction upon his licence preventing single unit sales of alcohol and he presented a training log to the Committee showing that training took place every two months.
- He had taken on and trained extra staff and had suspended the person who had made the underage sale. He was ashamed by the mistake made by his staff as it reflected badly on his standing in the community.
- He had not received the letter from Trading standards and was dealing with the fact that his mother sadly only had a few months to live at that time.
- He had four refusals books at the premises all of which were up to date.
- The premises licence was actually in a storeroom at the back of the shop but a Summary of the licence was on display at the Premises.
- He was happy with the conditions proposed except for the restriction on selling single units of alcohol which he felt would hurt his business financially and be unfair to other customers. He felt that such a restriction would

encourage residents from a nearby hostel to have to buy four packs of alcohol and therefore drink more.

- He felt that a suspension of the licence was unnecessary as most of the conditions were already adhered to.
- He explained that till prompts were active for any sales of alcohol.

The options open to the Sub-Committee were as follows:

- modify the conditions
- exclude a licensable activity from the licence
- remove the designated premises supervisor
- suspend the licence for up to 3 months
- revoke the licence

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 premises licence of Threshers Wine Shop should be Modified as follows:

1. All persons selling alcohol must be properly trained before they are allowed to sell any alcohol to the public. Records of training must be kept by the Designated Premises Supervisor or Premises Licence Holder. Persons selling alcohol must be authorised in writing by the Designated Premises Supervisor following successful completion of training. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority or West Midlands Police.
2. Refresher training must be carried out at regular intervals and records maintained. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority or West Midlands Police.
3. A 'Challenge 25' policy and 'No ID NO Sale' policy, which is supported with signage at all entrances and in the serving areas, must be implemented.
4. Only documents which include a photograph of the purchaser should be used to prove that person's age, e.g. passport, new style driving licence, 'PASS' approved age card e.g. Validate, Card or Citizens card.
5. A 'Refusals Log' must be maintained, which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Log on a regular basis and sign it to show it has been done. The Log must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority or West Midlands Police.
6. A till prompt or a notice must be secured to the till at eye level to remind staff that they must ask for ID if a customer looks under 25.

7. CCTV must be installed, and recordings kept at the Licensed Premises for a period of 30 days, whilst maintaining adequate picture quality to identify shoppers. Recordings must be made available on request to an Officer of a Responsible Authority or West Midlands Police.
8. Beer, cider and mixed drinks (such as cocktails and alcopops) are to be stocked and sold in multipacks of a minimum of four units or 1 litre. Multipacks must not be split.

The Licensing Sub-Committee felt that it was not necessary to impose a period of suspension on the premises as the conditions sought already existed or could quickly be put into effect.

These actions were considered appropriate and proportionate actions for the promotion of the four 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 the decision.

Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Phil Page (Chair)
Councillor Rashpal Kaur
Councillor Zee Russell

Premises Licence Applicant

Rob Edge	Agent for the Applicant
Richard Walpole	Events Management Team
Kristian Jones	Applicant
Liam Hardy	Applicant

Responsible Authorities

Faye Pearson	Environmental Health
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Officers

Debra Craner	Section Leader Licensing
David Abel	Senior Solicitor
Donna Cope	Democratic Services Officer
Jacob Stokes	Democratic Services Assistant

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 new Premises Licence in respect of Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ

A Statutory Licensing Sub-Committee meeting to consider an application for a time limited Premises Licence in respect of Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ was adjourned following advice from David Abel, Senior Solicitor.

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.

The Senior Solicitor noted that submissions made regarding safety plans to the Safety Advisory Group (SAG) and Statutory Licensing Sub-Committee had been different.

He advised the Sub-Committee that it may be wise to adjourn considering this, to give Responsible Authorities time to raise additional objections to this new information. He noted that any conditions applied would be legally binding, and thus there should be an opportunity for Responsible Authorities to object or comment.

Mr Rob Edge, Agent representing the Applicant, advised that he was happy to work with the Safety Advisory Group to amend the discrepancy. He noted that the consultation period was over and that it would be remiss to give Responsible Authorities the opportunity to object at this stage.

Councillor Page, Councillor Russell, Councillor Kaur, the Senior Solicitor and Democratic Services Assistant withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 10.12 hours.

The Hearing reconvened at 10.25 hours.

Councillor Page, Councillor Russell, Councillor Kaur, the Senior Solicitor and Democratic Services Assistant 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:

1. That the Licensing Sub-Committee be adjourned until 19 July 2022 at 10.00 hours.

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Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Phil Page (Chair)
Councillor Rashpal Kaur
Councillor Zee Russell

Premises Licence Applicant

Rob Edge	Agent for the Applicant
Andy Whyles	Events Management Team
Kristian Jones	Applicant
Liam Hardy	Applicant

Responsible Authorities

Faye Pearson	Environmental Health
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Other Persons

David Wilcox

Officers

Debra Craner	Section Leader Licensing
David Abel	Senior Solicitor
Jacob Stokes	Democratic Services Assistant

Item No. *Title*

1 Apologies for absence

Apologies for absence were submitted by Richard Walpole, Event Management Team.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a new Premises Licence in respect of Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ

An application for a time limited Premises Licence in respect of Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ was considered following representations received from Environmental Health 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. She noted that additional information had been submitted by the Applicant's Agent following the adjournment of the Sub-Committee on 7 July 2022 and that this could be found at Appendix 8.

Mr Rob Edge, Agent representing the Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Edge, Agent representing the Applicant, did so as per Appendix 1 of the report. He stated the following:

1. The application was in respect of a one-day outdoor event to take place on 3 September 2022 between 12.00pm and 22.00pm, with a maximum capacity of 3,500 within an open space at Bantock Park.
2. Full regard had been given to the representations made against the Applicant, but that mediation with Other Persons had failed.
3. Mediation with Environmental Health had been successful and amended conditions had been added to the operating schedule of the Premises Licence, signed by all parties and sent to the Licensing Team and members of the Sub-Committee.
4. The management team had liaised with Responsible Authorities, Licensing and members of the Safety Advisory Group.
5. The event would benefit the local economy by bringing jobs and investment into the area.
6. The management team was experienced within the hospitality industry, and all aspects of the festival would be carefully planned and managed.
7. The Applicant had invested time, money and passion into the event to make it a success for the city without compromising on the Licensing Objectives.

8. There was no substantial evidence in the representations submitted that the Licensing Objectives would not be upheld.

The Chair afforded all parties present the opportunity to question Mr Edge and his clients in relation to the submission. There were no questions asked.

The Chair invited Environmental Health to make representations. Faye Pearson, Senior Officer – Food and Health and Safety, did so.

She stated that Environmental Health had successfully mediated with the Applicant and that new conditions to be added to the Premises Licence had been agreed and signed. She advised that these conditions were outlined in Appendix 7, and that Environmental Health no longer had concerns regarding the application, provided these conditions were met.

The Chair afforded all parties present the opportunity to question Environmental Health in relation to their submission. There were no questions asked.

The Chair invited Other Persons to make representations. Mr David Cooper did so, as per Appendices 4-6 of the report. He advised the Sub-Committee that he was representing his wife and mother-in-law, who had also submitted representations.

He stated the following:

1. That Bantock Park was not a suitable venue for the festival due to its location in a residential area.
2. That he was already experiencing problems with anti-social behaviour and littering, and the festival would only exacerbate problems.
3. That elderly residents, including his mother-in-law, needed peace and quiet.
4. That the festival would infringe on his privacy.

The Chair afforded all parties present the opportunity to question Mr Cooper in relation to his submission. Mr Cooper responded to questions asked.

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

Mr Cooper, the Applicant's Agent and Environmental Health made a final statement. Andy Whyles, Event Management Team, echoed the points raised by the Applicant's Agent.

David Abel, Senior Solicitor, outlined the options available to the Sub-Committee. He advised that parking issues could not be considered by the Sub-Committee as parking was not regulated by the Licensing Act.

Councillor Page, Councillor Russell, Councillor Kaur, the Senior Solicitor and Democratic Services Assistant withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 10.28 hours.

The Hearing reconvened at 10.49 hours.

Councillor Page, Councillor Russell, Councillor Kaur, the Senior Solicitor and Democratic Services Assistant 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 Licensing Sub-Committee (LSC) have taken note of all written concerns raised in respect of the Application for a Time Limited Premises Licence for Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ.

They have listened to the arguments of those who have spoken at the hearing, both for and against the Application.

The Sub-Committee have had regard to both the written and oral evidence that has been presented and attached appropriate weight and have found the following facts:

The Sub-Committee have heard from the applicant New Vision Events Ltd and its representative, Rob Edge, that:

1. This Application is in respect of live music, recorded music, performance of dance, anything of a similar description and the supply of alcohol for consumption on the premises.
2. The Application is in respect of a one-day outdoor event (festival) to take place on 3 September 2022 between 12.00pm and 22.00 pm to hold a capacity of 3,500 including staff within an open space at Bantock Park.
3. The Festival will take place in a secured fenced off area.
4. The Applicant has mediated with Environmental Health and has agreed conditions which satisfy their concerns regarding the Prevention of Public Nuisance.

The Sub-Committee have considered written representations from the Environmental Health Authority as responsible authority and heard that they have mediated with the Applicant and agreed with his proposed conditions to be added to the Premises Licence, which satisfy their concerns regarding the Prevention of Public Nuisance, subject to the approval of the Licensing Sub-Committee. The proposed conditions are:

1. In accordance with the Code of Practice on Environmental Noise Control, noise from the event must not exceed 65dB LAeq (15 mins) monitored at the facade of any noise sensitive premises (the location of which is to be agreed with the Local Authority prior to the event).
2. While live or recorded music takes place (including sound checks), the management shall undertake regular noise monitoring at the nearest sensitive receptor, frequency to be agreed by an officer of the Council at least 28 days prior to the event.
3. A record shall be kept of any monitoring, including the date, time, and location of monitoring; the name of the monitor; and any action taken.
4. Records shall be made available upon request by a police officer or an authorised officer of the Council.

5. A hotline phone number will be provided so that local residents will be able to contact the event organisers on event days for information or with concerns about public nuisance. The hotline phone number will be circulated to residents in advance of the event. A "letter drop" will be sent out to residents 14 days prior to the event to alert them as to the event details. A copy of the letter is to be forwarded to the Council prior to the event.
6. The aforesaid conditions need to be addressed by a competent acoustician, the credentials of whom shall be agreed by the Council in advance and no later than 28 days prior to the event.

Mr Cooper attended the hearing to raise objections to the event on behalf of his wife, mother-in-law and himself. He stated that:

1. They have made relevant representations in furtherance of the four Licensing Objectives
2. They object to having a one-day Festival at Bantock Park close to where they live as they already experience nuisance, and this could bring additional noise, rubbish and anti-social behaviour.
3. That elderly residents, especially those that are ill such as his mother-in-law, will be disturbed by the noise from music at the Festival.
4. They do not consider the Park to be a suitable venue in which to hold a festival.

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

The options open to the Sub-Committee today are:

- To grant the Licence subject to conditions.
- To exclude from the scope of the Licence any of the licensable activities to which the application relates.
- To refuse to specify a person as the Premises Supervisor.
- To reject the Application.

The LSC have 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 have 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 outlined in accordance with section 18 of the Licensing Act 2003.

Having considered the representations and objections, the LSC are satisfied that there is no evidential link between the premises for which this application is made and any nuisance or anti-social behaviour in the area that it is situated and that the Festival will be a professional, well run event fully addressing all concerns.

The Sub-Committee are satisfied with the agreed modifications to the Application, and that they would not undermine the Licensing Objectives. Finally, such conditions as are specified on/or consistent with the operating schedule will be attached to the Licence, together with any mandatory conditions required by the Act.

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

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

Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Phil Page

Councillor Zee Russell

Councillor Gillian Wildman

Premises Licence Applicant:

Thomas Griffiths

Davinder Talwar

Solicitor for the applicant

Applicant

Responsible Authorities

Greg Bickerdike

Aimee Taylor

Licensing Authority

West Midlands Police

Officers:

Debra Craner

Donna Cope

Dave Abel

Section Leader Licensing

Democratic Services Officer

Senior Solicitor

Item No. *Title*

1 Apologies for absence

Apologies were received from Amitabh Singh and Councillor Paul Birch.

2 Declarations of interest

There were no declarations of interest made.

**3 Licensing Act 2003 - Application for a premises licence variation in respect of
The Blakenhall Service Station, 327 Dudley Road, Wolverhampton, WV2 3JY**

An application for a variation of a Premises Licence in respect of The Blakenhall Service Station, 327 Dudley Road, Wolverhampton, WV2 3JY 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.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

Debra Craner, Section Leader Licensing, provided an outline of the application. Mr Thomas Griffiths, Barrister representing the Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Thomas Griffiths, Barrister representing the Applicant, did so as per Appendix 1 of the report. He stated the following:

- The original premises licence was granted in 2019 and there had been no issues at the premises since that time.
- The application would create new jobs and provide further facilities to the community.
- No objections had been received from members of the public.
- The premises already undertook regular risk assessments (no less than once every three months) as to the need for the provision and employment of SIA regulated door staff.
- The premises should not be tarred with the problems of other businesses.
- The licence could be granted for probationary trial period.
- There was no evidence that the premises was the cause of any problems or anti-social behaviour and therefore the presumption of non-grant was rebutted.

The Chair afforded all parties present the opportunity to question Mr Griffiths and his client in relation to his submission. Mr Griffiths and his client responded to questions asked.

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

suggested that if granted, a condition be applied to the licence requiring that labels stating the premises name and address be attached to all sales of alcohol.

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 (WMP) to make representations. Aimee Taylor did so as per Appendix 6 of the report. She stated the following:

- Granting the Application would impact on the Culminative Impact Zone (CIZ) as the Premises was located opposite the entrance to Phoenix Park which already suffered from noise, alcohol abuse, anti-social behaviour and instances of violence.
- During a resident meeting, local residents had reported anti-social behaviour and rubbish in a nearby street.
- The application should be refused.

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 all parties present to make their final address.

West Midlands Police, the Licensing Authority and the Applicant's Barrister made a final statement.

Dave Abel, Senior Solicitor, provided legal advice to the Sub-Committee and responded to questions asked.

Councillor Page, Councillor Russell, Councillor Wildman, 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 11.08 hours.

The Hearing reconvened at 12.40 hours.

Councillor Page, Councillor Russell, Councillor Wildman, 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 Licensing Sub-Committee had taken note of all written concerns raised in respect of the application for a Variation of the Premises Licence for The Blakenhall Service Station, 327 Dudley Road, Wolverhampton, WV2 3JY to extend the hours that the premises were open to the general public and to extend the licensable hours for the Supply of Alcohol off the Premises. They had listened to the arguments of those who had spoken at the hearing, both for and against the application.

The Sub-Committee had considered the written and spoken representations from the Applicant, West Midlands Police, and the Licensing Authority as Responsible Authority in relation to the Cumulative Impact Policy and relevant Licensing

Objectives, and the written representations from Councillor Birch in relation to the street drinking in his ward. Councillor Birch did not attend and therefore the appropriate weight was given to his representation.

The Sub-Committee heard from the Licensing Authority that the premises was within a CIZ and therefore there was a rebuttable presumption of refusal unless the Sub-Committee were satisfied by the applicant to the contrary. The Licensing Authority suggested that if granted, a condition be applied to the licence requiring labels with the premises name and address be attached to all sales of alcohol.

The Sub-Committee heard from West Midlands Police that granting the Application would impact on the CIZ as the Premises was located opposite the entrance to Phoenix Park which suffered from noise, alcohol abuse, anti-social behaviour and instances of violence which would be likely to increase if the application were granted. The Police agreed that there was no evidence directly linking any of the problems to the Premises but that their concerns applied to the CIZ as a whole. A public meeting had raised concerns regarding anti-social behaviour and rubbish left in Wanderers Avenue and therefore the grant of the variation would increase these problems.

The Sub-Committee heard from the Applicant and from his Representative that the original Application for the Premise came before the Committee in 2019 when a Licence was granted for a two year period. In 2021 the Sub-Committee granted the licence on a full time basis and it had traded since without any problems. The Application would create new jobs and provide further facilities to the community. The premises was well managed and should not be tarred with the problems of other premises. The Premises assisted the Police by providing CCTV for other incidents. A probationary trial period was suggested in respect of the Application. There was no evidence that the Premises was the cause of any problems or anti-social behaviour and therefore the presumption of Non-Grant was rebutted.

The Sub-Committee were satisfied that the premises would primarily be used as a convenience store with the sale of petrol being merely an ancillary activity.

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

In considering all of the submissions and all of the circumstances of the application, the legislation, Licensing Policy and the s182 guidance, the Sub-Committee were satisfied that the Applicant had rebutted the presumption of non-grant through its proposed operating schedule and the proposed conditions and those set out below.

The Licensing Sub-Committee's decision was to grant extensions pursuant to the application, for a trial period of 6 months after which a further Sub-Committee may consider an application for the variations to be confirmed on a full time basis, unless any evidence by way of minutes or Police logs showed that the Premises were a direct cause of problems which undermined the licensing objectives. The Application was granted in the above terms subject to the following amendments as conditions to the licence:

1. The Opening hours for the Premises will be:
00.00 to 23.59 Monday to Saturday and 00:00 to 23:30 on Sundays

2. The supply of alcohol shall only take place between the hours of 10:00 and 2:00 hours Monday to Saturday and 00:00 to 23:00 on Sundays
3. In addition, the following conditions will be added to the licence:
 - a) All Sales of Alcohol must be labelled with the name and address of the Premises.
 - b) The Premises shall undertake regular risk assessments (no less than once every three months) as to the need for the provision and employment of SIA regulated door staff on Friday and Saturday evenings between the hours of 21:00 to 02:00 and Sunday between the hours of 21:00 and 23:00 hours and will deploy them if the risk assessment deems this necessary.
 - c) Any SIA regulated door staff must correctly display their SIA licence(s) when on duty so as to be visible.
 - d) Any licensed SIA door staff on duty at the premises shall be equipped with Body Worn Video capable of recording audio and video in any light condition as per the minimum requirements of West Midlands Police.
 - e) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - f) All recordings shall be made available immediately on request of Police or any authorised Council Officer throughout the preceding 31 day period.
 - g) All customers shall be served from the night pay window between 21.00 and 06:00 hours the following morning/ Monday to Saturday, and between 21:00 and 23:00 hours on a Sunday. During these hours the public retail sales area of the shop will be closed to customers. Appropriately worded notices will be prominently displayed advising customers of the night pay arrangements.
 - h) Outside of the hours authorised for the sale of alcohol, whilst the premises are open to the public and whilst the night pay window is not in use, the licence holder shall ensure that all alcohol within the premises not displayed behind the counter is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers.
 - i) A direct telephone number for the Manager of the premises shall be publicly available to residents and businesses in the vicinity.

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

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

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

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

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CITY OF WOLVERHAMPTON COUNCIL	<h1>Statutory Licensing Committee</h1> <h2>28 September 2022</h2>
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Report title	Pavement Licences	
Wards affected	All	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing	
Accountable employee	Paul Dosanjh	Service Manager: Trading Standards and Licensing Act
	Tel	01902 556056
	Email	Paul.Dosanjh@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for decision:

The Statutory Licensing Committee is recommended to:

1. Formally endorse the scheme for the extension of pavement licences for another year in accordance with the Levelling up and Regeneration bill.
2. Apply a renewal fee in line with current table and chairs licences. Currently set at £25.

1.0 Purpose

- 1.1 To update the Committee on the recent changes resulting from the regulations made under the Business and Planning Act 2020 extending the pavement licensing scheme until 30 September 2023. The scheme allows for the placement of table and chairs outside businesses to facilitate eating and drinking.
- 1.2 Whilst the recently passed regulations extend the scheme until September 2023 it is expected that the Levelling up and Regeneration Bill will make these changes permanent. The bill is currently at the committee stage in the House of Commons.
- 1.3 Endorsement of the extension of pavement licences and the application of a £25 fee is also being sought from Committee

2.0 Background

- 2.1 The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 came into force on 20 July 2021. In response to the coronavirus pandemic, the regulations made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority for the placement of furniture such as tables and chairs on highway adjacent to their premises (a “pavement licence”). The regulations were designed to provide a streamlined and cheaper route for businesses such as cafes, restaurants and bars to obtain a licence to place furniture on the highway. In doing so the government hoped that this will provide much needed income for business and protect as many hospitality jobs as possible. The 2021 regulations effectively extended the provisions of the 2020 regulations in relation to pavement licences. This was subsequently extended to 30 September 2022.
- 2.2 The aim of the 2021 regulations was to allow customers to eat and drink in relative safety, outdoors during the pandemic when indoor gatherings were discouraged. Where a pavement licence was granted, clear access routes on the highway needed to be maintained, so that any furniture would not impinge on needs of other users, including disabled people.
- 2.3 A pavement licence permits the placing of furniture on the highway. This licence does not remove the need to obtain other approvals, such as a premises licence to sell alcohol.

3.0 Proposal

- 3.1 The 2021 regulations effectively extended the provisions of the 2020 regulations until 30 September 2022 in relation to pavement licences.
- 3.2 The recently passed Business and Planning Act 2020 (Pavement Licences)(Coronavirus)(Amendment) Regulations 2022 now extend the scheme for a

further year until 30 September 2023. The government did not pre-publicise its intention to introduce the 2022 Regulations

- 3.3 Once the Levelling up and Regeneration Bill becomes law the scheme will probably become permanent rather than being renewed on a yearly basis. Accordingly, it would be sensible to apply the £25 charge now so that there is a baseline for charging in the future. The charge is the same as when the scheme was originally introduced and in terms of other business costs it cannot be considered to be a punitive financial burden.
- 3.4 Whilst there are currently only 9 licence holders it is likely that more business will want to take advantage of the “café culture” being promoted in the City. By imposing a reasonable fee now we will have a charging point to go forward with in the future when take up for these licences will hopefully be greater and so the work involved in issuing and securing compliance will also grow.

4.0 Financial implications

- 4.1 The total amount of income for the current 9 licence holders is £ 225 which provides a small contribution to licensing.
- 4.2 It is proposed that fees should be reviewed on an annual basis in line with other fees and charges in accordance with the constitution.

[LD/16092022/X]

5.0 Legal implications

- 5.1 As this is in effect a continuation of an existing scheme there are no legal implications.

[DA/13/09/22/3]

6.0 Equalities implications

- 6.1 As this is in effect a continuation of an existing scheme there are no equality implications.

7.0 All other Implications

- 7.1 There are no implications for climate change and the environment, Human Resources, Corporate Landlord, Health and Wellbeing and no implications that have arisen from the Covid-19 Pandemic.

8.0 Schedule of background papers

8.1 Pavement Licence Policy -9 September 2020, Statutory Licensing Committee

<https://wolverhampton.moderngov.co.uk/documents/s152378/Appendix%202%20for%20Pavement%20Licences%20Update.pdf>