

# Statutory Licensing Sub-Committee

Minutes - 18 August 2022

## 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.