

Statutory Licensing Sub-Committee

25 October 2022

Time 10.30 am **Public Meeting?** YES **Type of meeting** Regulatory

Venue Council Chamber, 4th Floor, Civic Centre

Membership

Chair Cllr Phil Page (Lab)

Labour

Cllr Rashpal Kaur
Cllr Gillian Wildman

Quorum for this meeting is two Councillors.

Information for the Public

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

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

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

Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Licensing Act 2003 - Application for a Review of a Premises Licence in respect of The Newsagents, 49 School Street, Wolverhampton, WV1 4LR (Pages 3 - 26)

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

25 October 2022

Report title	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of The Newsagents, 49 School Street, Wolverhampton, WV1 4LR	
Wards affected	St Peters	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing	
Accountable employee	Debra Craner	Section Leader
	Tel	01902 556055
	Email	Debra.craner@wolverhampton.gov.uk

Recommendation for decision:

1. To submit for consideration by the Statutory Licensing Sub-Committee an application for a review of a premises licence.

1.0 Purpose

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an application for a review of a premises licence.

2.0 Background

- 2.1 The current premises licence is attached at Appendix 1.

3.0 Review Application

- 3.1 An application was received from West Midlands Police on 5 September 2022 for a review of a premises licence in respect of The Newsagents, 49 School Street, Wolverhampton, WV1 4LR.
- 3.2 The premises is located within the St Peters Ward, and a location plan is attached at Appendix 2.
- 3.3 A copy of the review application is attached at Appendix 3. The review has been brought in support of the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm Licensing Objectives.
- 3.4 Representations have been received from the Licensing Authority, Trading Standards and Public Health. These representations can be found at Appendices 4 to 6 respectively.
- 3.5 The notice of review has been properly served on all Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on the website , as required , when the application for review was made.
- 3.6 The applicant for the review, the current premises licence holder and those who have made representations have all been invited to attend the hearing.

4.0 Financial Implications

- 4.1 There is no fee for the application of a review and there are no direct financial implications arising from this report. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Committee on 19 January 2022 [SB/16122021/X].

5.0 Legal Implications

- 5.1 Section 51 of the Licensing Act 2003, as amended states that a responsible authority or any other person may apply to the relevant Licensing Authority for a review of a licence.
- 5.2 The Licensing Sub-Committee when determining an application for review, pursuant to Section 52 of the Licensing Act 2003 has power to take any of the following steps (if any) as it considers appropriate for the promotion of the “licensing objectives” which are listed at 5.3.

- (a) Modify the conditions of the licence;
- (b) Exclude a licensable activity from the scope of the licence;
- (c) Remove the designated premises supervisor;
- (d) Suspend the licence for a period not exceeding 3 months;
- (e) Revoke the licence;

5.3 The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm;

5.4 In addition, regards shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton Council's Licensing Policy Statement [AB/07-10-2022/100].

6.0 Equalities Implications

6.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact on the day to day lives of residents living in close proximity to the premises.

6.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

7.0 All other Implications

7.1 There are no other direct implications associated with this report.

8.0 Schedule of background papers

8.1 None

9.0 Appendices

- 9.1 Appendix 1 - Current premises licence
- 9.2 Appendix 2 - Location Plan
- 9.3 Appendix 3 - Copy of Review Application
- 9.4 Appendix 4 - Licensing Authority Representations
- 9.5 Appendix 5 - Trading Standards Representations
- 9.6 Appendix 6 - Public Health Representations

Premises Licence

Issued in accordance with The Licensing Act 2003

APPENDIX 1

Name of Premises: The Newsagents
Address of Premises: 49 School Street
City Centre
Wolverhampton
WV1 4LR
Premises Licence Number: 16/05140/PREDPS – Vary DPS
Date Licence Granted: 09/09/2016

1. Opening hours of the premises

Normal Hours: Monday to Saturday 0800 hours to 2300 hours
Sunday 1000 hours to 2230 hours
Seasonal Variations: None
Non Standard Hours: Good Friday 0800 to 2230 hours
Christmas Day 12 noon to 1500 and 1900 to 2230 hours

2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

Activity: Sale/Supply of alcohol off the premises
Normal Hours: Monday to Saturday 0800 to 2300 hours
Sundays 1000 to 2230 hours
Seasonal Variations: None
Non Standard Hours: Good Friday 0800 hours to 2230 hours
Christmas Day 12 noon to 1500 and 1900 to 2230 hours

3. Name of the designated premises supervisor if the sale of alcohol is involved

Baljit Singh Batiya
Personal Licence Number: WN/PER3010
Issued by Wolverhampton City Council

4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003

5. Name, (registered) address of the holder of the premises licence

Baljit Singh Batiya
41 Catisfield Crescent
Wolverhampton
WV8 1XQ

Mandatory Licensing Conditions (Licensing Act 2003)

Mandatory conditions as required by the Act will apply to the licence.

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation the Licensing Act 2003.

Conditions consistent with the Operating Schedule

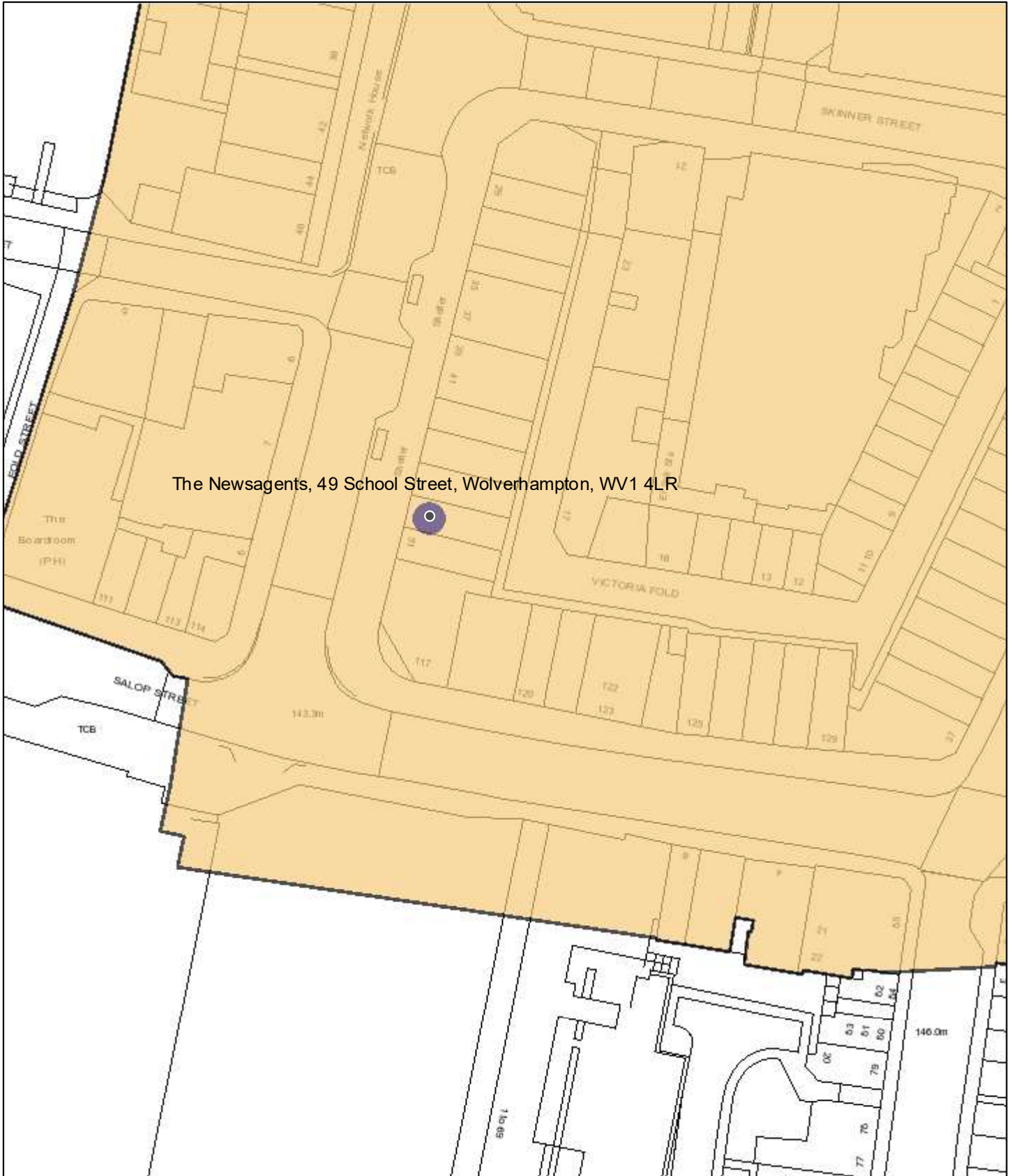
The embedded conditions under Sections 60, 63 and 86 of the Licensing Act 1964 carry over from the Justices off-Licence as converted under the Licensing Act 2003

Plans


As submitted with application dated 3rd August 2005 and retained by Wolverhampton city Council

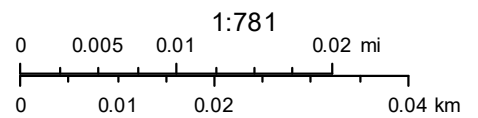
Location Plan

APPENDIX 2



10/5/2022 12:16:49 PM

 Cumulative Impact Zone



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[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Licensing and Regulatory Officer Aimee Taylor (WMP)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (Unable to delete but can confirm review of premise license)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Newsagents 49 School Street, City Centre, Wolverhampton, WV1 4LR	
Post town Wolverhampton	Post code (if known) WV1 4LR

Name of premises licence holder or club holding club premises certificate (if known) Mr Baljit Batiya

Number of premises licence or club premises certificate (if known) 16/05140/PREDPS
--

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing and Regulatory Officer Aimee Taylor West Midlands Police, Wolverhampton Police Station, Bilston Street, WV1 3AA
Telephone number (if any) 101
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Failing to uphold the Licensing Objectives;
Prevention of Crime and Disorder
Public Safety
Protecting Children from Harm
Public Nuisance

Please provide as much information as possible to support the application (please read guidance note 3)

The News Agents, School Street are serving alcohol to beggars and known street drinkers who are intoxicated on a regular basis.

The neighbourhood team have raised concerns with Licensing regarding this premises on a regular basis and the impact that this has on the City Centre. The premises encourage street drinking and begging in the area which has a knock-on effect increasing the rate of Anti-Social Behaviour.

Police Community Support Officers, along with Police Officers, are spending the majority of their tour of duty manging this issue. On a regular basis the street drinkers and beggars get aggressive with Officers which is intimidating for other shoppers and other members of the public. As this is in the day, ranging from the morning to the afternoon, this is in the view of children to see.

There is a public space protection order covering the City so Officers regularly seize cans from the street drinkers however this causes them to become aggressive. As the alcohol is so cheap and easily available in single cans once Officers leave the vicinity due to being called to another job, they go and purchase another can despite the Premise License Holder and Designated Premise Supervisor being informed.

On a number of occasions, the neighbourhood team have gone into the shop and warned the DPS not to sell to them again. However, moments after being told, Officers have seen the staff still serving alcohol; blatantly ignoring the Licensing Objective of Prevention of Crime and Disorder.

West Midlands Police are doing all they can to try and stop the anti-social behaviour that is being caused on School Street and to change the reputation it currently has and to try and encourage people to come into the city. They have issued the street drinkers and beggars with Community Protection Warnings (CPW's) to stop them going into the shop and buying single cans to get intoxicated with along with enforcing the Public Space Protections Order. The premises have been made aware of this but they continue to supply them with alcohol.

Selling single cans of beer, lager and cider at a high strength for a reduced price would constitute to irresponsible drink promotions. It is also outlined in Section 141 of the Licensing Act 2003 that it is an offence to sell alcohol to a person who is drunk or knowingly allow alcohol to be sold to such person on licensed premises. 'This section makes it an offence to sell or attempt to sell alcohol to a person who is drink, or to allow alcohol to be sold to such a person, on relevant premises (see the definition in section 159). The section thus effectively re-enacts the existing offences in sections 172(3) and 172A(3) of the Licensing Act 1964. Subsection (2) of this section sets out the categories of person who may commit the offence. These include any person who works at the premises in a capacity that gives him the authority to sell the alcohol, a premises licence holder or designated premises supervisor, an officer or member of a club who is present at the time of the sale and who has authority to prevent it'.

After reviewing the premises license it is clear that for a city centre premises, the conditions fall below expectations. West Midlands Police strongly believe that amending the license to add more stringent conditions would greatly improve the anti-social behaviour that is caused from this premises. It would also allow City Centre Officer to manage demand across the city centre as opposed to solely dealing with this premise and the street drinking.

I will be submitting further documentation to this application that will consist of evidence and outlining conditions that I would like to politely request the Licensing Sub-Committee to consider adding to their license.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature [REDACTED]
.....

Date **05/09/2022**
.....

Capacity **Licensing and Regulatory Officer**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Aimee Taylor	
Post town Wolverhampton	Post Code WV1 3AA
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [REDACTED]	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

From: Amitabh Singh
Sent: 30 September 2022 15:26
To: Licensing
Cc: [REDACTED]
Subject: RE: Premises Review - PRE669 Newsagents, 49 School Street, City Centre, Wolverhampton, WV1 4LR
Attachments: Premises Review - PRE669 Newsagents, 49 School Street, City Centre, Wolverhampton, WV1 4LR.pdf

Dear Licensing,

I write on behalf of the Licensing Authority as a Responsible Authority to submit formal representations in support of the review applied for by the West Midlands Police, as a Responsible Authority, due to:

The premises licence holder and management have failing to uphold the licensing objective(s) of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and/or Protection of Children from Harm.

Please see attached letter of support for the review.

Amitabh Singh
Section Leader
[REDACTED]

[REDACTED]
City of Wolverhampton Council

Debra Craner
Licensing Services
City of Wolverhampton Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1SH

30 September 2022

Your reference: PRE669

Dear Mrs Craner,

**Application for a review of a Premises Licence under the Licensing Act 2003
PRE669 - Newsagents, 49 School Street, City Centre, Wolverhampton, WV1 4LR**

I write on behalf of the Licencing Authority, as a responsible authority, in support of the above review application made by West Midlands Police. Representations are made in relation to the licensing objective of 'Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Public Safety' and the failure of the current management of the premises to promote and uphold these objective(s).

On 5 September 2009, West Midlands Police submitted an application to review the Premises Licence. The issues raised by West Midlands Police relate to **Newsagents, 49 School Street, City Centre, Wolverhampton, WV1 4LR.**

The Licensing Authority has concerns over the Premises Licence Holder and Designated Premises Supervisor, Mr Baljit Batiya, as the evidence provided by West Midlands Police within their application indicates that they are not upholding the licensing objectives and therefore putting the public at risk.

The evidence shows that the licence holder is failing in their duties under The Licensing Act 2003 to uphold the four licensing objectives.

If Councillors are satisfied that the licence holder is failing in his duty under the Licensing Act 2003, in upholding the licensing objectives, the Licensing Authority requests that the Statutory Licensing Sub-Committee ensure these issues are addressed in accordance with Section 52 of the Licensing Act 2003 and guidance issued by the Secretary of State under 182 of the Act, together with City of Wolverhampton Council's Statement of Licensing Policy.

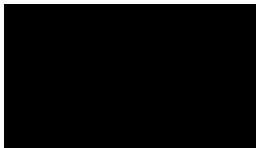
The Licensing Authority proposes that the following conditions be added to the premises licence:

- A digital CCTV system will be in place which covers entry/exit points of the premises and all areas where alcohol/money is served/taken, all areas where the public have access, the immediate vicinity outside the premises (and any area where searches are conducted). The system will be installed and maintained in working order at the premises during all times when the premises is open. The system's recorded images and video will be high definition, in colour, indicate the correct date and time and be kept for at least 31 days unedited. The footage will enable facial identification of every person entering the premises, in any light condition. At least one designated member of staff will be trained to use the CCTV system and be available to provide downloads upon request or, in any case, within 24 hours. Images and video will be downloadable in a suitable format and provided to any officer of a responsible authority upon 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; all ejections of patrons; any complaints received; seizures of fraudulent ID or other items; any faults in the CCTV system; any visit by a relevant authority or emergency service. 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.
- Any supply of alcohol for consumption off the premises must be within a sealed container.
- 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.
- Sales of alcohol are not to include any super strength lagers, beers or ciders where strength exceeds 6.5% ABV (alcohol by volume).
- All customer-facing 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, personal safety, 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, and the conditions in force under this licence. This training must be documented and produced to an officer of a responsible authority upon request.
- An A4 Public Space Protection Order (PSPO) notice, provided by the Licensing Authority will be displayed prominently on the premises, visible from outside of the premises.

- The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age. Proof of age will only comprise a passport, photocard driving licence, an EU/EEA national ID card or a card bearing the PASS hologram.
- An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service, including the sale 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.

The Licensing Authority fully supports the review application brought by West Midlands Police and concludes the above issues must be resolved in order to promote the licensing objectives. I shall be in attendance at the hearing, should Councillors have any questions or require any further assistance.

Yours sincerely,



Amitabh Singh
Section Leader - Licensing
On behalf of the Licensing Authority



CC: Baljit Batiya, Premises Licence Holder and Designated Premises Supervisor

From: Dianne Slack
Sent: 30 September 2022 17:02
To: Licensing; Anita Chonk
Cc: [REDACTED]
Subject: RE: Premises Review - PRE669 Newsagents, 49 School Street, City Centre, Wolverhampton, WV1 4LR

Dear Anita and Licensing,

I write on behalf of Trading Standards as a Responsible Authority to submit formal representations in support of the review applied for by the Licensing and Regulatory Officer for West Midlands Police in respect of;

The Newsagents
49 School Street,
City Centre,
Wolverhampton,
WV1 4LR

Premises Licence Number: **16/05140/PREDPS**, under the licensing objectives, the prevention of crime and disorder and public safety.

On the 4 August 2022, Trading Standards, inspected the above premises. Around the counter area and shelving, 116 electronic nicotine devices (Vapes) were discovered for sale or supply that either were believed to be incorrectly labelled, had incorrect health warnings or had nicotine tanks believed to be in excess of the legal limit of 2 ml. These are potential criminal offences under the Consumer Protection from Unfair Trading Regulations 2008 and the Tobacco and Related Products Regulations 2016. The vapes were voluntarily surrendered for destruction by Mr Batiya.

All nicotine-inhaling vapes must be notified to the Medicines and Healthcare products Regulatory Agency (MHRA) before they can be sold in the UK. Any nicotine-containing vapes will not pass the notification procedure if they have too large a tank or too much nicotine. It is suspected that the illicit vapes found on the premises have been smuggled into the UK.

The application for review and the discovery of the above products illustrates that no regard has been considered for the said licensing objectives.

The premises licence holder and management have failed to uphold the licensing objective(s) of the Prevention of Crime and Disorder, nor has consideration been given to protecting the public from illegal nicotine products.

Kind regards

Dianne Slack
Tobacco Control Officer
[REDACTED]

[REDACTED]
City of Wolverhampton Council

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Anita Chonk
Senior Licensing & Compliance Officer
City of Wolverhampton Council

29 September 2022

Dear Anita,

PRE669 Newsagents, 49 School Street, City Centre, Wolverhampton, WV1 4LR 4AS - Review of Premises Licence

Thank you for your email dated 05/09/2022 in reference to the request made by West Midlands Police to review the premises licence for The Newsagents on School Street.

I have reviewed the documentation put forward by West Midlands Police and would support the request to review the premises licence under the licensing objectives of:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- Protecting children from harm

The evidence put forward by West Midlands Police is very concerning, this is further exacerbated by the fact that West Midlands Police has actively engaged the relevant parties to seek an amicable way forward which has clearly been disregarded.

Public Health has recently created a risk rating tool to assist the role it plays in the licensing decision making process. The tool provides a rating based on a number of data sets affecting the area. Please see risk rating summary below:

Ward of premises	St.Peters
In CIZ	No
Overall rating for ward	High Risk
Overall rating for LSOA	High Risk (LSOA – Lower Super Output Area)
Supporting comments	
<p>The premises in question is located within one of the most concerning geographical areas to Public Health, with an overall risk rating of HIGH. St. Peters has the lowest rating compared to all wards in the city when viewed against a number of data sets. Key points to be noted:</p> <ul style="list-style-type: none"> ➤ St Peter's has the highest risk out of all 20 wards when looking at key data sets ➤ St Peter's has amongst the highest levels of deprivation across the city 	

- The City of Wolverhampton has the highest rate of alcohol specific mortality across the country and is a regional outlier for alcohol related hospital admission and alcohol related mortality.

From the analysis outlined above it is evident the ward and immediate vicinity is suffering several issues regarding deprivation and the City has alcohol misuse as a vital issue at the forefront. Harmful, hazardous, and dependent alcohol use has knock on effects linking deprivation, domestic abuse, anti-social behaviour, and violent crimes. It is the view of Public Health that any licensee who is not actively promoting the licensing objectives should be subject to review, particularly in view of the complex issues facing the area.

Yours sincerely

Nilusha Sahni

Senior Public Health Specialist

