

Statutory Licensing Sub-Committee

Minutes - 17 January 2024

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Rashpal Kaur

Cllr Jonathan Crofts

Applicant for Review – Licensing Authority

Amitabh Singh

Section Leader – Licensing

Premises Licence Holder

Mr Yuvraj Dada

Ms Kulwant Kaur

Agent

Responsible Authorities

Michelle Marie-Smith

Kayley Nixon

Public Health

West Midlands Police

Employees

Anita Chonk

Ronald Sempebwa

Jacob Stokes

Senior Licensing and Compliance Officer

Solicitor

Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Billa Mini Market, 90 Upper Villiers Street, Wolverhampton, WV2 4NX

An application for a review of a Premises Licence in respect of Billa Mini Market, 90 Upper Villiers Street, Wolverhampton, WV2 4NX had been received from the Licensing Authority in its capacity as a Responsible Authority.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. She 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.

Anita Chonk, Senior Licensing and Compliance Officer, provided an outline of the report. She stated that the original hearing, scheduled on 14 December 2023, had been adjourned after a request was received from the Premises Licence Holder's representative.

Amitabh Singh, Section Leader – Licensing, confirmed that the summary was accurate.

The Chair invited the Licensing Authority to present their application. The Section Leader – Licensing, did so as per Appendix 3 of the report. He stated the following:

1. On 2 May 2023, during a routine compliance inspection of the premises, neither the Premises Licence Holder or Designated Premises Supervisor were present, and several breaches of the licence conditions were noted.
2. On 1 June 2023, a further visit was conducted, and several breaches of the licence conditions were still outstanding.
3. On 6 June 2023, a visit confirmed that there were no longer single cans and bottles of alcohol with an ABV of 6.5 or over for sale.
4. On 7 June 2023, the Premises Licence Holder submitted an application for a Variation of a Premises Licence to extend the licensable activity for the supply of alcohol off the premises and to amend the operating schedule to allow the sale of single cans and bottles of alcohol over 6.5 ABV. This application was withdrawn on 1 August 2023.
5. On 14 July 2023, during a telephone conversation, it became apparent that the Designated Premises Supervisor was not involved with the premises.

6. The Premises Licence Holder was advised to submit an application to vary the Designated Premises Supervisor to reflect the day-to-day management of the premises.
7. On 10 August 2023, a Licensing and Compliance Officer entered the premises at approximately 8:20am and was able to purchase alcohol, in breach of the premises' licensable hours to trade from 09:00 to 22:45 hours, Monday to Sunday.
8. On 16 August 2023, a visit to the premises found several breaches of licence conditions remained outstanding from the visit on 1 June 2023.
9. No application to vary the Designated Premises Supervisor had been received from the Premises Licence Holder.
10. The Licensing Authority requested that the Licensing Sub-Committee consider removing the current Designated Premises Supervisor and suspending the Premises Licence for three months, or until all licence conditions had been satisfactorily complied with.
11. The Licensing Sub-Committee may instead conclude that there would be no alternative but to revoke the Premises Licence.

The Chair invited all parties present the opportunity to question the Applicant in relation to their submission. The Section Leader – Licensing responded to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Yuvraj Dada, the Agent acting on behalf of the Premises Licence Holder, did so. He stated that:

1. This matter had had a negative impact on the mental health of the Premises Licence Holder, and she had therefore made the decision to sell the premises.
2. It was acknowledged that the Premises Licence Holder had been slow to react.
3. The premises had been sold, and the premises was in the process of being transferred to its new owners.
4. His client did not wish to continue operating the premises.
5. His client apologised for the breaches and the decision they had made to cease operating the premises was not one that had been taken lightly.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder's Agent in relation to his submission. Mr Dada responded to questions asked. It was confirmed that breaches relating to training and Challenge 25 had been rectified.

The Chair invited West Midlands Police to make representations. Kayley Nixon did so as per Appendix 5 of the report. She stated the following:

1. West Midlands Police were fully in support of the application for review.
2. The Premises Licence conditions were proportionate, and the Premises Licence Holder had been given adequate time to rectify any breaches.
3. The lack of training at the premises was concerning.
4. Alcohol had been sold outside of the designated hours.
5. West Midlands Police supported the removal of the Designated Premises Supervisor and the suspension of the Premises Licence.

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

Following a question from the Premises Licence Holder's Agent, it was confirmed that the hearing was in the public domain and was being webcasted on the Council's internet site.

The Chair invited Public Health to make representations. Michelle Marie-Smith, Principal Public Health Specialist, did so as per Appendix 4 of the report. She stated the following:

1. Public Health were fully in support of the application for review.
2. The evidence presented was concerning.
3. It was clear that staff had not been trained adequately.
4. Super strength alcohol sales were most commonly associated with street and dependent drinking. Researchers had identified problems caused by street drinkers such as low-level crime and antisocial behaviour.
5. Conditions limiting the sale of super strength alcohol were considered proportionate and disregard for these undermined the actions of the Local Authority to reduce levels of harm.
6. Wolverhampton was a regional and national outlier for alcohol-related harm.
7. Premises Licence Holders should always act responsibly and promote the Licensing Objectives; it was the view of Public Health that any Licensee who didn't should have their Licence revoked.

The Chair afforded all parties the opportunity to question Public Health in relation to their submissions. There were no questions asked.

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

There were no final statements made.

Ronald Sempebwa, Solicitor, provided legal guidance to Members and reminded them of their available options. He emphasised that the Sub-Committee would be considering the current circumstances of the premises as no transfer of ownership had been completed.

All parties, with the exception of the Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.10 hours.

The Hearing reconvened at 12.00 hours.

All parties returned to the meeting, and the Chair confirmed the decision of the Sub-Committee.

The decision was summarised by the Solicitor and the full Decision Notice would be sent out to all parties within five working days.

Resolved:

An application was received from the Licensing Authority on 25 October 2023 for a review of a premises licence in respect of Billa Mini Market, 90 Upper Villiers Street, Wolverhampton, WV2 4NX.

Relevant representations were received from the Public Health Authority and West Midlands Police. The Applicant and all those who submitted representations were invited to attend the hearing of the Statutory Licensing Sub-Committee on Wednesday 17 January 2024.

The Statutory Licensing Sub-Committee were concerned with the breaches outlined at the hearing. Whilst there was a transfer of the premises taking place, the Sub-Committee's primary responsibility was to ensure that the Licensing Objectives were promoted. Given the evidence, this could only be achieved by revocation of the premises licence.

An appeal may be made to the Black Country Magistrates' Court against this 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 the written notice of decision.