



Licensing Sub-Committee

Minutes - 18 September 2014

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Milkinderpal Jaspal

Conservative

Cllr Patricia Patten

Employees

Linda Banbury
Rob Edge
Sarah Hardwick

Democratic Support Officer
Section Leader - Licensing
Solicitor

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 Premises Licence in respect of Costcutter, 31 Lichfield Road, Wolverhampton

In attendance

For the Premises

Mr D Hardy – Licensed Trade Legal Services

Mr P Singh – applicant

Responsible Authorities

WPC C Fox – West Midlands Police

Other Persons

Mr and Mrs Evans

Mr and Mrs Simmonds

Mr Marsh

Mrs Summers

(An apology for absence was submitted on behalf of Mr Gonsalves)

The Chair introduced the parties and outlined the procedure to be followed at the meeting.

The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance. The Sub-Committee had also been furnished with conditions agreed between the West Midlands Police and the applicant, and supplementary information in regard to the representations presented by Mr and Mrs Marsh.

Mr Hardy outlined the application for a premises licence and, in so doing, advised that the applicants were local people, they were mindful that the premises was located in a residential area and wished to work with local residents to ensure no nuisance was caused. Conditions, in addition to those volunteered by the applicant, had been agreed with the police. They did not intend to sell cheap alcohol and any attempts at proxy sales would be reported to the police. He circulated details of the intended parking layout. They wished the premises to be an asset to the area and they would be subject to review if they did not abide by the conditions of their licence.

Responding to questions, he indicated that the applicant had no connection with the Costcutter previously situated in the local vicinity other than it being the same retail chain. He advised that alcohol was not the main produce for the store and he believed the 8am to 10pm time schedule was not unreasonable. The applicant would undertake litter picks around the outside of the premises each day when the business closed.

On a point of clarification, the Solicitor advised that the Sub-Committee only had the power to consider and control matters directly connected to the licensable activities of selling alcohol in conjunction with the four licensing objectives. The Sub-Committee could not, therefore, consider parking or commercial business interests of this or other premises.

Mr Hardy stressed that the applicant was a responsible retailer and would not risk his licence in order to sell single cans of high volume alcohol. He added that deliveries would be taken at the rear of the premises, but was happy to negotiate timings to avoid any unnecessary nuisance to local residents. The applicant was happy to take up the suggestion of the Section Leader (Licensing) to liaise with local residents in regard to parking issues and in regard to external lighting.

The Solicitor advised that road use, was subject to separate legislation, and could not be considered by this Sub-Committee. She further advised that the Sub-Committee could only attach conditions to the licence which were reasonable and enforceable.

At this juncture WPC Fox outlined the representations on behalf of the West Midlands Police. She advised that, if the conditions agreed with the applicant were added to the licence, the police were satisfied the premises could operate without issue.

Responding to questions, WPC Fox advised that all premises licence applications were considered on their individual merit and she believed that the licensable hours of 8am and 10pm were reasonable.

At this juncture, the other persons (local residents) outlined their concerns. Mr Evans had undertaken to act as main spokesperson, although all those present were all afforded the opportunity to speak. The concerns related to current and past instances of anti-social behaviour, commercial considerations and parking issues. The residents believed that the presence of another licensed premises would attract additional nuisance and anti-social behaviour.

All parties were afforded the opportunity to make closing statements.

4 Exclusion of press and public

Resolved:

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting at this point as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act relating to the business affairs of a particular person.

5 Deliberations and decision

The Sub-Committee discussed issues which had been raised during consideration of the application for a premises licence and the Solicitor advised them of the options open to them in determining the matter.

6 Re-admission of press and public

The parties returned to the meeting and were advised of the Sub-Committee's decision as follows:

7 Announcement of decision

The Sub-Committee have taken note of all the written concerns raised in respect of Costcutter, 31 Lichfield Road, Wednesfield, Wolverhampton. They have listened to the arguments of those who have spoken at this hearing, both for and against the application.

The Sub-Committee understand the concerns of the residents, but are satisfied that this is an application for new premises and therefore:

- there is no current anti-social behaviour attributable to the premises and
- the premises do not add to any current litter problems.

The Sub-Committee only have power to consider and control matters directly connected to the licensable activities of selling alcohol in conjunction with the four licensing objectives. This Sub-Committee cannot, therefore, consider parking or commercial business interests of this or other premises. The West Midlands Police have confirmed that, if agreed conditions are added to the licence, they are satisfied the premises can operate without issue.

Having considered the views of all concerned the Sub-Committee have, therefore, decided that the application for a premises licence be granted as applied for, subject to the following conditions agreed between the West Midlands Police and the applicant on 22 August 2014:

- A CCTV system with recording equipment shall be installed and maintained at the premises.
- CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to which public have access, and the immediate vicinity outside the premises.
- Images/recordings to be downloaded must be of evidential quality, must indicate the correct time and date and be kept for at least 31 days.
- All staff to be trained to use the CCTV system and at least one member of staff to be on duty who is trained to download the system's images, should any member of a Responsible Authority make a request.
- CCTV to be recording at all times with the time and date to be visible and accurate.
- An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate, the incident must be reported to the West Midlands Police. The incident log book must be produced to a member of a responsible Authority upon request.
- Relevant incidents of crime and disorder shall be reported to the police.
- All staff shall receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. This training shall be documented and shown to a member of a Responsible Authority upon request.
- To ensure compliance with 'Challenge 25' a refusals book shall be maintained to record where any sale of alcohol is refused to persons who present themselves to be underage.
- A Designated Public Place order (DPPO) notice, provided by the Licensing Authority, shall be displayed prominently on the premises visible from outside the store, advising that the police have the power to seize alcohol.
- There shall be no sales of single cans or bottles of beer, lager or cider with an ABV of 6.5 or over permitted.
- The premises shall be fully alarmed and have frontage and rear security shutters.

The granting of the licence is further subject to the following condition:

- The Premises Licence Holder will ensure litter picks are carried out immediately outside the front, rear and side of the premises at the close of the premises each day.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder and prevention of public nuisance licensing objectives.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the licence, together with any mandatory conditions required by the Act.

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