

Licensing Committee

20 January 2016

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

Venue Committee Room 1 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Alan Bolshaw (Lab)

Vice-chair Cllr Bishan Dass (Lab)

Labour

Cllr Greg Brackenridge
Cllr Ian Claymore
Cllr Harman Banger
Cllr Milkinderpal Jaspal
Cllr Rita Potter
Cllr Keith Inston
Cllr John Rowley
Cllr Daniel Warren

Conservative

Cllr Mark Evans
Cllr Patricia Patten

Liberal Democrat

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

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Tel/Email Tel: 01902 555040 Email: linda.banbury@wolverhampton.gov.uk
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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

Item No. Title

BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Minutes of previous meetings** (Pages 5 - 74)
[(a) Committee meeting, 9 September 2015 (for approval)
(b) Sub-Committee meetings, 2, 9, 10, 16 and 30 September 2015, 7 October 2015, 14, 11, 17 and 26 November 2015, 17 December 2015 and 5 January 2016 (for approval and adoption)].
- 4 **Matters arising**
- 5 **Schedule of outstanding minutes** (Pages 75 - 76)

DECISION ITEMS

- 6 **Review of fees and charges for Hackney Carriage and Private Hire licensing functions for 2016/17** (Pages 77 - 82)
[To approve proposed fees and charges for 2016/17]
- 7 **Review of fees and charges for general licensing and miscellaneous matters for 2016/17** (Pages 83 - 88)
[To approve proposed fees and charges for 2016/17]
- 8 **Review of fees and charges for Street Trading Consents for 2016/17** (Pages 89 - 94)
[To approve proposed fees, charges and consents for 2016/17]
- 9 **Review of Molineux Stadium Safety Advisory Group Terms of Reference** (Pages 95 - 106)
[To approve proposed terms of reference]
- 10 **Review of the Statement of Gambling Policy** (Pages 107 - 134)
[To approve the Policy for adoption by full Council]
- 11 **Exclusion of Press and Public**

To pass the following resolution:

That in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as they involve the likely disclosure of exempt information falling within paragraph 7 of Schedule 12A to the Act relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART 2 - EXEMPT ITEMS, CLOSED TO PRESS AND PUBLIC

- 12 **Minutes of previous meetings** (Pages 135 - 150)
[Sub-Committee – meetings, 16 September, 21 October and 26 November 2015
(for approval and adoption)]

- 13 **Matters arising**

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Licensing Sub-Committee

Minutes - 2 September 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Bishan Dass

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 absence.

3 Licensing Act 2003 - Application for a Premises Licence in respect of Slaters Bar, 41 Queen Street

In Attendance

For the premises

Ms F Slater – Director, Slater’s Bars Limited

Mrs V Slater – Director, Slater’s Bars Limited (Designated premises Supervisor)

Mr A Slater – Director, Slater’s Brewery

Responsible Authorities

WPC L Davies – West Midlands Police

E Moreton – Licensing Authority

Stefan Polatajko – Environmental Health (Commercial)

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

Rob Edge, Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting.

At this juncture, Fay Slater outlined the application, which would be a craft beer bar catering to the over 30's and was the first of a newly formed pub group. It was also intended to serve light snacks and non-alcoholic beverages during the daytime. A manager with city pub experience would be employed at the premises.

Responding to questions, the applicants advised that:

- they had been in the pub trade for some thirty years;
- the majority of patrons would be leaving the premises between 10.30 and 11 pm;
- there will be no smoking area, off-sales or drinks allowed outside the premises;
- litter checks will be carried out throughout the day, and
- in addition to craft beers, there will be a selection of spirits and wines.

WPC Davies indicated that the application had been well presented, but that additional measures were required in order to fully promote the licensing objectives. She added that West Midlands Police were happy for the premises licence to be granted, subject to the addition of the proposed conditions agreed with the applicant.

Responding to questions, she advised that it was not necessary to insist on a female SIA door supervisor.

Elaine Moreton, on behalf of the Licensing Authority, advised that meetings had been held with the applicant and she supported the conditions proposed by the West Midlands Police.

Stefan Polatajko, on behalf of Environmental Health (Commercial), advised that he had made representations as the premises were in the Cumulative Impact Zone, had spoken to the applicant about litter and smoking issues and had no concerns regarding the premises.

All parties were afforded the opportunity to make a final statement.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the application for a new premises licence.

6 Re-admission of press and public

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

7 Announcement of decision

The Sub-Committee have taken note of all the written concerns raised in respect of Slaters Bar, 41 Queen Square, Wolverhampton. They have listened to the arguments of those who have spoken at this hearing, both for and against the application.

The Sub-Committee are satisfied that the Cumulative Impact Policy applies to the premises. They are further satisfied that sufficient evidence has been provided by the applicant to illustrate that the premises will not add to the cumulative impact already experienced and that the presumption of non-grant has been rebutted.

Having considered the views of all concerned, the Sub-Committee have decided that the application should be granted as applied for, subject to the following conditions agreed between the West Midlands Police and the applicant:

1.

- 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 where public have access and the immediate vicinity outside the premises.
- Images/recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without undue delay.
- Images and recordings 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 systems images should any member of a Responsible Authority make a request.

2. 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 should be produced to a member of a Responsible Authority upon request.

3. The premises shall adopt and ensure compliance with Challenge 25 and maintain a refusals book where any sale of alcohol is refused to persons who present themselves to be underage.

8 Licensing Act 2003 - Application for a review of a Premises Licence in respect of Prince Albert, Railway Street

In Attendance

For the premises

Mr A Potts – Legal representative

Mr R McGillicuddy – Director, Mansion Club Wolverhampton Limited
Miss S Hughes – Director, Mansion Club Wolverhampton Limited and DPS
Mr N Thacker – General Manager
Mr L Coppage – Consultant, Freedom Security Limited
Mr J Hadley – Director, Freedom Security Limited

Responsible Authorities

Mr P Taheri – Legal Advisor, West Midlands Police
Sargeant Flannagan – West Midlands Police
WPC L Davies – West Midlands Police
Elaine Moreton – Licensing Authority
Stefan Polatajko – Environmental Health (Commercial)

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

Rob Edge, Section Leader (Licensing) outlined the report circulated to all parties in advance of the hearing.

Mr Taheri presented the request for review of the Premises Licence on behalf of the West Midlands Police and, in doing so, advised that there had been extensive engagement between the Police and the premises which had not led to any significant improvement. He pointed out the application to transfer the company into a new name did not change the personnel involved. There had been issues at the premises, prior to the incident on 14 June, which had led to the implementation of an action plan. Police intelligence reports had suggested the sale of ecstasy at the premises and a link between the premises and gang nominals. Mr Taheri went on to draw attention to various incidents at the premises as detailed in the police log, including:

- gang nominal in conversation with premises management;
- a male ejected from the premises, but returning with a knife;
- serious assault on New Year's Eve;
- forced entry to premises by Heath Town Crew (HTC) – Police called door staff wearing knife proof vests, but told by management that knife arch too costly to purchase);
- fight in March 2015 – 999 call;
- ambulance called because someone taken ecstasy;
- calls to emergency services due to fights;
- ambulance called, possible spiked drinks;
- male vomiting, struggle with door staff – taken drugs;
- 999 call log 0800 hours – fighting with bottles, and
- telephone call from Walsall hospital – male taken in with stab wound.

Mr Taheri stated that there had been a repeated pattern of calls to the emergency services, leading to serious concerns regarding safety. It was noted that the stabbing incident was the subject of an ongoing police investigation. He added that video evidence was to be shown, which would illustrate that staff at the premises observe what is happening but fail to respond, call the police or report the incident to the Designated Premises Supervisor. It would also illustrate that not all guests were scanned in or searched. He referred to page 90 of the police evidence which had

been signed by the Director who had ceased to fulfil this role twelve months previously. Supplementary paperwork had been circulated to all parties immediately prior to the hearing, which highlighted some of the issues raised by the police, including a breach in licence conditions regarding notification of use of non-house DJs. Mr Taheri concluded that the West Midlands Police believed that the Premises Licence should be revoked, but if this was not the decision of the Sub-Committee, further stringent conditions should be applied including:

- no use of the outside area after 9 pm;
- use of knife arch;
- 100% search;
- last entry change, and
- better ID scanner.

At this juncture, the press and public were excluded to enable the Police to play the CCTV footage obtained from the premises. WPC Davies answered questions raised by the Sub-Committee and other parties as appropriate.

The press and public were invited back into the meeting and Mr Potts made representations on behalf of the premises. He accepted that there had been problems at the premises during 2014, adding that Mr McGillicuddy was not there until the end of the year. He also referred to the appointment of the Designated Premises Supervisor (DPS), Sarah Hughes. As a result of the incident on 14 June 2015 steps had been taken to produce a new operating schedule, patrons would only queue one side prior to entering the premises and everyone would be fully searched. Agreements had been signed by staff in respect of incident reporting and the CCTV had been increased and enhanced. A new security risk assessment had been introduced and a new general manager appointed. An extension had been made to the fencing to ensure nothing could be pushed through and the premises licence had been transferred to a new management company to make accountability clear. Mr Potts stated categorically that there was no gang nominal having a financial interest in the premises nor were patrons let into the premises after 2 am. He added that in future the police would be given 3 months' notice of events. He believed that modifying the conditions on the Premises Licence would be an appropriate action for the promotion of the licensing objectives. He also referred to the financial constraints experienced by the Director, Mr McGillicuddy.

Mr Coppage advised that the DPS had now implemented a new community dispersal policy and ensured that SIA door staff looked after members of the public.

The DPS indicated that she was unaware of the incident on 14 June 2015 and had now implemented a search policy for premises and promotional staff, in addition to management briefings, female search policy and suspicious vehicle policy. A new ID scanner had been ordered. She acknowledged that it was her error in not advising the police of events. She stated that staff were not advised to turn a blind eye. She further advised that perimeter checks would be undertaken every thirty minutes in view of the location of the venue.

Mr McGillicuddy left the business for financial reasons and his partner had been hospitalised. The only reason he met with the Police was at the request of his partner. He added that Sarah Hughes had previously worked for him and took over

as DPS. She had asked him to return to the business and a decision had been made to re-brand and refurbish. He would be applying for his Personal Licence. He pointed out that revocation would lead to bankruptcy for those who had invested in the premises. He believed that the strengthened management team would ensure the success of the venue.

Responding to questions the premises representatives advised that:

- the business would be unable to continue if the outside area could not be utilised after 9 pm;
- all findings of the Fire Service inspection had been fully rectified and fire marshall training implemented;
- the premises had a good relationship with the local hotel and all noise issues had been addressed.

Issues raised regarding the outside licensed area were confusing due to the variations made to the licence conditions and could not be clarified without site of the plans to the premises.

Responding to a question from the Council's Solicitor in regard to the proposed operating schedule, the DPS advised that no conditions had been deleted from the current operating schedule.

Stefan Polotajko advised that Environmental Health had collated noise complaints over a three year period, adding that there had also been issues of fly posting. He indicated that the officer time spent with the Prince Albert was disproportionate with that spent with other venues in the City. He indicated that a noise plan had been agreed in 2013 but further complaints had been received.

Elaine Moreton, on behalf of the Licensing Authority, indicated that she supported the application for review of the Premises Licence in light of the lack of management at the premises.

All parties were afforded the opportunity to make a closing statement.

9 **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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

10 **Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the review of the premises licence

11 **Re-admission of press and public**

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

12 **Announcement of decision**

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

An application has been made by the West Midlands Police for a review of the Premises Licence in respect of Prince Albert, Railway Street, Wolverhampton.

At this hearing to review the Premises Licence, the Licensing Sub-Committee have listened carefully to all representations made by the persons who have spoken at the hearing. They have considered all the evidence presented and have found the following facts:

The Sub-Committee have heard from the West Midlands Police that:

1. there have been numerous issues at the premises during 2014 and into 2015 to include –
 - door and ID scanners not being used properly,
 - weapons at the premises and
 - drugs at the premiseswhich had led to an action plan being agreed;
2. on New Year's Eve 2014, there was a serious assault on a female who had her nose and face bitten;
3. police intelligence has indicated the presence of gang nominals at the premises;
4. on 14 June 2015 a serious incident occurred where a male was stabbed in the neck directly outside the front of the premises. The Sub-Committee were shown CCTV footage of the event. The victim of the assault had clearly been inside the premises before the attack. Not all patrons at the premises were adequately searched/ scanned on entering the premises and this included the person committing the assault. It was also clear that the staff at the premises should have been aware of the incident, but failed to act or get assistance from the emergency services;
5. a supplemental document was also submitted to indicate several further issues with the premises since August 2015;
6. despite a re-brand, management change and an action plan, the premises were still failing to adhere to basic licence conditions. There had been no significant improvement in the premises. There was a repeated pattern of behaviour and despite a transfer of the Premises Licence Holder the persons running of the business remained the same, and
7. the West Midlands Police are of the opinion that revocation of the Premises Licence is required.

The Sub-Committee have heard from the premises Licence Holder that:

1. they accept the incident on 14 June 2015 occurred, but it is unclear where the knife originated from and staff present did not report an issue to the Designated Premises Supervisor, Sarah Hughes;
2. following this incident, steps have been taken to include use of a new ID scanner, implementation of a suspicious vehicle policy, the use of searching wands and mitts, an increased search area at the front of the premises, the addition of new bamboo fencing around the perimeter preventing weapons being passed though, and
3. the premises are happy to accept additional conditions on the licence which were contained within the proposed new operating schedule (although the West Midlands Police did not believe the conditions would be adequate to control crime and disorder at the premises).

The Sub-Committee have also heard from Environmental Health (Commercial) about some complaints of nuisance at the premises and from the Licensing Authority about lack of effective management at the premises.

Based upon the above and having regard to the application and relevant representations made, the Sub-Committee have decided to revoke the Premises Licence.

The above action is considered appropriate for the promotion of the prevention of public nuisance, prevention of crime and disorder and public safety licensing objectives.

Written notice of this determination will be given to the holder of the Licence, the applicant, any other person who has made a relevant representation and the Chief of Police.

An appeal may be made to the 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 written notice of this decision.

Licensing Sub- Committee

Minutes - 9 September 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Greg Brackenridge

Conservative

Cllr Mark Evans

Employees

Linda Banbury
Rob Edge
Sarah Hardwick

Democratic Support Officer
Section Leader - Licensing
Solicitor

Item No. *Title*

1 Apologies for absence

Councillor Mark Evans replaced Councillor Rita Potter as she was unable to attend the meeting.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a premises licence in respect of Family Shopper, Wood End Road, Wednesfield

In Attendance

For the Premises

S Kaur Sanghera – applicant
P Singh – applicant's husband
A Evans – Counsel

Responsible Authorities

Elaine Moreton – Licensing Authority

Other Persons

D Sedani
L Banga

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

Rob Edge, Section Leader (Licensing) outlined the application for a new Premises Licence.

At this juncture, Mr Evans outlined the application on behalf of the applicant. He advised that Dave's Discount (Stores) Limited was a family business based in the West Midlands, that the premises had been closed for some time and that Mrs Sanghera would take on the role of Designated Premises Supervisor pending the appointment of a manager. The core business was convenience store and would include a post office. He summarised the measures to be taken to promote the four licensing objectives, as outlined at page 22 of the report circulated prior to the hearing. Modifications had been made to the application as a result of the mediation process with the Licensing Authority.

Responding to questions, Mr Evans advised that no single cans of alcohol would be sold over 6.5% volume. He further advised that the intended date of opening was the end of October.

Elaine Moreton, on behalf of the Licensing Authority, advised that proposed conditions/amendments to the operating schedule had been signed up to by the applicant and that, subject to these being added to the Licence, she was happy to withdraw any objections.

At this juncture Mr Sedani outlined his objections to the application, which related to his concerns that the new premises would have the ability to sell lower cost alcohol and therefore have an effect on other traders in the area.

On a point of clarification, the Council's Solicitor advised that the premises were not located in a Cumulative Impact Zone and that commercial considerations could not be considered by the Sub-Committee.

Responding to questions Mr Sedani advised that he did sell single cans of alcohol, although they were expensive and it was not encouraged. He further advised that he had produced the petition, which was left on the shop counter for people to sign.

Mr Banga indicated that his objections had been covered by Mr Sedani, adding that the petition had also been circulated in the neighbourhood.

At this point Tony Walton, local resident and petitioner, was afforded the opportunity to outline her objections to the application. She believed that existing businesses would be unable to compete with these premises.

All parties were afforded the opportunity to make a final statement.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the application for a premises licence.

6 Re-admission of press and public

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

7 Announcement of decision

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

Having considered the views of all concerned and with the powers available to them the Sub-Committee have decided that the application for a Premises Licence should be granted, as applied for, subject to the following conditions agreed between the applicant and the Licensing Authority dated 10 August 2015:

- The sale and supply of alcohol off the premises to be reduced by one hour to:
Monday to Saturday 0800 – 2200 hours inclusive (Sunday hours as applied for)
- No sale of single cans/bottles of beer, lager or cider with an ABV of 6.5 or above to be sold
- DPPO (Designated Public Place Order) notice provided by the Licensing Authority shall be displayed prominently on the premises, visible from outside the store advising that Police have powers to seize alcohol.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder, public safety and protection of children from harm 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.

Licensing Sub-Committee

Minutes - 10 September 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Ian Claymore
Cllr Keith Inston

Conservative

Employees

Linda Banbury
Jacky Bramley
Rob Edge

Democratic Support Officer
Legal Executive
Section Leader - Licensing

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 review of a premises licence in respect of International Mini Market, 373 Newhampton Road West

In Attendance

For the Premises

Duncan Craig – Counsel on behalf of Premises Licence Holder

Responsible Authorities

Sarah Hardwick – Council Solicitor

Elaine Moreton – Licensing Authority (applicant for review)

Michelle Smith – Public Health

WPC Lisa Davies – West Midlands Police

Paul Dosanjh – Trading Standards

Witnesses for the Review Applicant

Will Humphries – Section Lead, Environmental Health (Commercial)

Dianne Slack – Trading Standards Officer

Lucy Kendall – Compliance Officer, Environmental Health (Commercial)

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

Rob Edge, Section Leader (Licensing) introduced the review application.

At this juncture Sarah Hardwick, Solicitor, presented the review application on behalf of the Licensing Authority. She summarised the grounds for the review detailed at pages 16 and 17 of the hearing document pack. Based on the grounds for the review and in accordance with Section 52 of the Licensing Act 2003, she advised that the Licensing Authority were seeking a revocation of the premises licence. William Humphries and Dianne Slack summarised the witness statements at pages 23 to 29 of document pack circulated prior to the meeting.

At this juncture Mr Craig requested that the press and public be excluded from the hearing as information relating to on-going legal proceedings was likely to be disclosed. The meeting was adjourned for this request to be considered.

The meeting was re-convened and the Chair declared that, in accordance with paragraph 7 of Schedule 12A to the Local Government Act 1972, the press and public should be excluded from the next part of the meeting as it involved the likely disclosure of action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

The press and public were excluded and the representatives from Trading Standards and Environmental Health (Commercial) answered questions raised by the Sub-Committee and other parties as appropriate.

The press and public returned to the meeting at this point.

At this juncture Lucy Kendall summarised the witness statement at pages 31 to 35 of document pack circulated prior to the meeting and answered questions raised by the Sub-Committee and other parties as appropriate.

At this juncture Mr Craig outlined the case for the Premises Licence Holder. He indicated that the crime committed was not a serious crime as defined in the Licensing Act and that in reaching their decision the Sub-Committee had to weigh up the licensing objectives against the commercial aspects of the premises. He added that any action taken had to be appropriate and proportionate and that nothing had been proven in law at this stage. He further drew attention to the petition submitted in support of the premises.

Responding to questions, he indicated that the review application had been advertised and publicised in the local press so those signing the petition would be aware of the signing of what they were signing. He also responded that he could not comment on the continuation of mistakes made by the Premises Licence Holder.

At this juncture, the Responsible Authorities outlined their representations as follows:

Michelle Smith advised that, given the repeated breaches of licence and offences, Public Health supported the review and recommendation for revocation of the premises licence.

WPC Davies indicated that the West Midlands Police also supported the review application.

At this juncture, in accordance with paragraph 7 of Schedule 12A to the Local Government Act 1972, the press and public were excluded from the next part of the meeting as it involved the likely disclosure of action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Mr Dosanjh summarised the intelligence led operation which took place on 17 July 2015, which was the subject of an on-going investigation and he responded to questions raised by members of the Sub-Committee and other parties as appropriate.

All parties were afforded the opportunity to make a final statement. The press and public were invited back into the meeting after Mr Dosanjh made a final statement on behalf of Trading Standards. S Hardwick, on behalf of the review applicant, advised that the Premises Licence Holder and Designated Premises Supervisor should be aware of activities on-going in the premises, that there was evidence that a serious crime had been committed under the Trade Marks Act, which is indictable and carries a ten year term of imprisonment and also that there have been continuous breaches of the licence conditions. She therefore requested the Sub-Committee to consider a revocation of the premises licence.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the review application and the legal advisor 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

An application has been made by the Licensing Authority for a review of the premises licence in respect of International Mini Market (AKA Sam Euro Style), 373

Newhampton Road West, Wolverhampton, on the grounds of the prevention of crime and disorder licensing objective.

In accordance with the revised guidance dated March 2015 at 11.27 and 11.28 under Section 182 of the Licensing Act 2003, premises that have been used for the criminal activity of sale or storage of smuggled tobacco and alcohol should be treated particularly seriously and where reviews arise and it is determined that the prevention of crime and disorder licensing objective is being undermined through the premises being used to further crimes, it is expected that revocation of the premises licence should be seriously considered, even in the first instance.

The Licensing Sub-Committee have listened very carefully to all representations made by the persons who have spoken at this hearing. They have considered all the evidence presented and have found the following facts:

- That on several occasions, the premises have been used for the sale and storage of illicit tobacco, cigarettes and alcohol.
- Further, that on 27 November 2014 and 17 July 2015, there was found to be several premises licence compliance issues, including the failure to produce a refusals book and the sale of alcohol outside the trading hours of 8 am to 11 pm. This showed a blatant disregard for premises licence conditions and the law, and undermining of the prevention of crime and disorder licensing objective.

Based on the above and having regard to the application, the Sub-Committee have decided to revoke the premises licence. This action is considered appropriate and proportionate for the promotion of the prevention of crime and disorder licensing objective.

An appeal may be made to the Magistrates' Court against the decision by 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 this decision.

8 **Licensing Act 2003 - Application for review of a premises licence in respect of Euroshop, 43 Newhampton Road West**

In Attendance

For the Premises

Mrs Constantine – on behalf of the Premises Licence Holder

Responsible Authorities

Sarah Hardwick – Council Solicitor

Elaine Moreton – Licensing Authority (applicant for review)

Michelle Smith – Public Health

WPC Lisa Davies – West Midlands Police

Paul Dosanjh – Trading Standards (and witness for review applicant)

Witnesses for the Review Applicant

Paul Dosanjh – Trading Standards

Dianne Slack – Trading Standards Officer

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

Rob Edge, Section Leader (Licensing) introduced the review application.

At this juncture Sarah Hardwick, Solicitor, presented the review application on behalf of the Licensing Authority. She summarised the grounds for the review detailed at pages 68 and 69 of the hearing document pack. Based on the grounds for the review and in accordance with Section 52 of the Licensing Act 2003, she advised that the Licensing Authority were seeking a revocation of the premises licence. William Humphries and Paul Dosanjh summarised the witness statements at appendices B and C of the review application circulated prior to the meeting. They answered questions raised by the Sub-Committee and other parties as appropriate.

At this juncture Mrs Constantine outlined the case for the Premises Licence Holder. During her presentation she advised that any illegal substances found in the flat above the premises were nothing to do with the shop which was rented by the Premises Licence Holder (Soma Kalid Jasim). She added that it was intended to transfer the licence to her partner (Mr Saunders), the premises were to be extended and refurbished and new staff trained. She requested that, should the Sub-Committee be minded to revoke the premises licence, that time (6 weeks) be given to enable new management to be put in place.

Mrs Constantine responded to questions raised by the Sub-Committee and other parties as appropriate. She advised that her partner would be the Designated Premises Supervisor (DPS) and that the Soma Khalid Jasim, the wife of the previous DPS (Mr Muradi) would be involved during the middle of the day as a shop assistant. Mrs Constantine indicated that she was a para-legal and dealt with some of the paperwork on behalf of the premises. She had taken the refusals book home with the intention of taking it into Trading Standards, but was taken ill and could not fulfil this task. Regarding the refurbishment work to the premises which was currently leased, she advised that Mr Muradi would be carrying out the intended extension and refurbishment of the shop and intended to buy the property eventually.

At this juncture, the Responsible Authorities outlined their representations. Michelle Smith indicated that Public Health fully supported the review application and the recommendation for revocation of the premises licence, in light of the lack of confidence in the current Premises Licence Holder who would continue to be involved in the premises in the future. WPC Davies, on behalf of the West Midlands Police, concurred with this view.

At this juncture, in accordance with paragraph 7 of Schedule 12A to the Local Government Act 1972, the press and public were excluded from the next part of the meeting as it involved the likely disclosure of action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Paul Dosanjh, on behalf of Trading Standards, outlined information in regard to the grounds for review as detailed at pages 68 and 69 of the review application, including a PACE interview held on 30 April 2015 and to illicit goods seized from the premises.

He responded to questions raised by the Sub-Committee and other parties as appropriate.

All parties were afforded the opportunity to make a final statement. Paul Dosanjh made a closing statement, the press and public were invited back into the hearing and WPC Davies and then Mrs Constantine made final statements. S Hardwick, on behalf of the review applicant, advised that there was evidence that a serious crime had been committed together with breaches of licensing laws and serious mismanagement of the premises and she therefore requested the Sub-Committee to consider a revocation of the premises licence.

9 **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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

10 **Deliberations and decision**

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

11 **Re-admission of press and public**

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

12 **Announcement of decision**

An application has been made by the Licensing Authority for a review of the premises licence in respect of Euro Shop, 43 Newhampton Road West, Wolverhampton, on the grounds of the prevention of crime and disorder and protection of children from harm licensing objectives.

In accordance with the revised guidance dated March 2015 at 11.27 and 11.28 under Section 182 of the Licensing Act 2003, premises that have been used for the criminal activity of sale or storage of smuggled tobacco and alcohol should be treated particularly seriously and where reviews arise and it is determined that the prevention of crime and disorder licensing objective is being undermined through the premises being used to further crimes it is expected that revocation of the premises licence should be seriously considered, even in the first instance.

The Licensing Sub-Committee have listened very carefully to all representations made by the persons who have spoken at this hearing. They have considered all the evidence presented and have found the following facts:

- That on several occasions since 29 August 2014, these premises have been used for the sale and storage of illicit cigarettes, tobacco and alcohol.

- That an illegal taser device was found on the premises on 2 April 2015.
- That on 26 March 2015 and underage alcohol and cigarette sale took place on the premises, for which the seller received a fixed penalty charge.
- That on 28 November 2014, 26 March 2015 and 17 July 2015 there were found to be several premises licence compliance issues, including the failure to produce a refusals book and the sale of alcohol outside the trading hours of 8 am to 11 pm.

The aforementioned show a gross mismanagement of the premises, a blatant disregard for the premises licence conditions and undermining of the prevention of crime and disorder and protection of children from harm licensing objectives.

Based on the above and having regard to the application and relevant representations made, the Sub-Committee have decided to revoke the premises licence. This action is considered appropriate and proportionate action for the promotion of the prevention of crime and disorder licensing objective.

An appeal may be made to the Magistrates' Court against the decision by 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 this decision.

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Licensing Sub- Committee

Minutes - 16 September 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Rita Potter
Cllr Greg Brackenridge

Conservative

Employees

| | |
|----------------|----------------------------|
| Linda Banbury | Democratic Support Officer |
| Rob Edge | Section Leader - Licensing |
| Sarah Hardwick | 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 respect of Merridale Supermarket, Clifton House, Merridale Road

In attendance

For the premises

Simon Bailey – Solicitor
Lord D Deol – applicant
Mrs Deol – wife of applicant

Responsible Authorities

Elaine Moreton – Licensing Authority
Sergeant J Flanagan and PC M Harvey – West Midlands Police
Michelle Smith – Public Health

Other Persons

Mr Moore and Mr Singh – local residents

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

The Section Leader (Licensing) outlined the report submitted to all parties in advance.

At this juncture, Mr Bailey submitted the application for a premises licence on behalf of the applicant. He advised that the premises would be a supermarket and not solely concerned with the sale of alcohol and summarised the steps to be taken to promote the four licensing objectives, as detailed at page 20 of the application. Responding to questions, he advised that the timings for the sale of alcohol had been reduced to 8am to 11pm.

In addition to the application, Mr Bailey produced letters from local businesses and a petition from local businesses supporting the premises licence application. The documents were printed and circulated to all parties at the hearing. The Council's Solicitor advised that if these simply added to the application made, they could be submitted any time prior to the hearing. Council procedure provided that any additional information should be provided a number of days in advance of the hearing to allow all parties the opportunity to consider the information. However, given that there were no objections from other parties, the letters could be accepted and the Sub-Committee would attach appropriate weight to them when determining the application.. Little weight could be attached to the petition as the details could not be verified.

Responding to further questions, the applicant advised that he would not be running the premises himself as it would be leased out, that he was associated with Banks' Bistro but had no involvement with any other signatories to the petition. It was confirmed that the opening hours would be 7am to 12 midnight and that notices would be displayed advising of the restrictions on the sale of alcohol and as landlord Lord Deol would keep strict control. In view of Responsible Authorities' concerns, Mr Bailey suggested that the opening hours be the same as those for the sale of alcohol and confirmed that late night refreshment would therefore be no longer applicable.

At this juncture, the Responsible Authorities outlined their representations.

Elaine Moreton, on behalf of the Licensing Authority, advised that she could not support the application in its present form due to the insufficient information contained within the operating schedule.

The Section Leader (Licensing) confirmed that, should the licence be granted, some of the conditions contained within the operating schedule on the initial application would not be enforceable.

The meeting was adjourned at this point to enable Mr Bailey to confer with his client.

The meeting was re-convened and Mr Bailey suggested that there were two options available, these being:

1. to withdraw the application in order to firm up the operating schedule, or
2. apply the same terms as a nearby licensed premise.

The Council's Solicitor advised that option 2 was not possible as any decision today had to be evidence based. A third option would be to adjourn to enable further consultation to take place between the parties. It would only be possible to dispense with the hearing if all parties, including the local residents, agreed. A discussion ensued on the way forward and Mr Bailey confirmed that his client was prepared to continue with the hearing.

At this juncture Sergeant Flanagan outlined the objections of the West Midlands Police, indicating that there were serious concerns regarding anti-social behaviour in the area and the applicant had himself complained to the police in this regard. Fifteen calls had been made to the police in the previous five weeks. He responded to questions from the Sub-Committee and other parties with more details relating the incidents, adding that the problems in the area had been persistent and consistent over a period of approximately two years.

Michelle Smith advised that the Graiseley Ward had the highest alcohol related hospital admissions and deaths and Public Health believed that the current problems would be exacerbated by the presence of another licensed premise.

At his juncture the local residents outlined their concerns.

Mr Moore drew attention to a deterioration in the area as properties were sold and new landlords housed problem tenants and drew attention to issues of anti-social behaviour in Chapel Ash in the bus shelter outside a current licensed premise.

Mr Singh indicated that he had brought a petition into the Civic Centre but was advised that it was too late to submit it. The Council's Solicitor advised that those signing the petition had been at liberty to make representations in their own right within the time limits set by statute. Limited weight should be attached to any petition as identities could not be verified. The petition was, however, copied and circulated to all parties at the hearing. A discussion ensued regarding the 'blue notice' displayed on the premises and it was confirmed that the representations period had been extended and that any received after 25 August would have been out of time.

Responding to questions, Mr Smith advised that he was employed at a licensed premises in Chapel Ash and that the police had used CCTV footage from the premises in regard to their investigations. He outlined the measures the premises took to promote the licensing objectives.

All parties were afforded the opportunity to make a closing statement.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 2 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 **Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the premises licence application.

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 Merridale Supermarket, Clifton House, Merridale Road, Wolverhampton. They have listened to the arguments of those who have spoken at this hearing, both for and against the application.

The Sub-Committee have heard today that:

1. the application submitted does not demonstrate effectively how the applicant will promote the four licensing objectives;
2. the applicant referred to staff training and other ways to control licensable activities, yet none of these are detailed in the operating schedule to the application;
3. the application is weak;
4. there have been fifteen calls to the West Midlands Police in the last five weeks. These calls have related to incidents in Compton Road, Chapel Ash, at the former eye infirmary and, more specifically, included two calls relating to Merridale Road. These calls related to males fighting, begging and urinating in the area surrounding the location of the proposed application;
5. Lord Deol himself complained to the West Midlands Police on 15 July 2015 about nuisance caused by alcohol related behaviour at the site which is the subject of the application;
6. Guidance under Section 182 of the Licensing Act 2003 provides that due regard must be given to the location where the premises will be situated;
7. these premises are not in a Cumulative Impact Zone. However, there is a cumulative effect making this a hot spot for anti-social behaviour due in part to alcohol and that the highest level of alcohol related death in the City is in this area, and
8. The West Midlands Police, Licensing Authority and Public Health do not support this application.

The applicant has today proposed a reduction in hours, but essentially gives only commercial arguments as to why the premises licence should be granted. The Sub-Committee are not satisfied that the premises will satisfactorily promote the licensing objectives, particularly as some conditions in the operating schedule appear to be unenforceable .

Today the applicant has submitted information to include letters in support of the application and a petition. The Sub-Committee is satisfied that this is additional evidence in support of the application. Mr Singh (Other Person) has also submitted additional information today to include letters from persons who could themselves

hold the status of Other Persons and a petition. The Sub-Committee are satisfied that the letters should have been submitted as relevant representations and, as such, were not submitted in time to be considered here today. However, the petition is accepted as additional evidence in support of the relevant representations made by Mr Singh.

With regard to both petitions, the Sub-Committee are satisfied that limited weight should be attached to them as the identity of those signing them cannot be verified.

Having considered the views of all concerned, the Sub-Committee have decided that the application for a premises licence should not be granted.

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

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Licensing Sub-Committee

Minutes - 30 September 2015

Attendance

Chair Cllr Bishan Dass (Lab)

Labour

Cllr Keith Inston

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 new Premises Licence in respect of House of India, 25 Market Street, Wolverhampton**

In Attendance

For the Premises

Mr R K Saharan – Applicant
Mr T Raj – father of Applicant
Mr R Craig – installed fire safety systems at premises

Responsible Authorities

PC Mitch Harvey – West Midlands Police
Elaine Moreton – Licensing Authority
Dawn Erkek and Sheetal Panchmatia – West Midlands Fire Service

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

Rob Edge, Section Leader (Licensing) presented the report circulated in advance of the hearing and drew attention to a typographical error in section 2.1 relating to the name of the applicant.

At this juncture the applicant outlined the application for a new premises licence and answered questions raised by the Sub-Committee and other parties as appropriate.

At this juncture, the Responsible Authorities presented their objections. PC Harvey advised that he had worked with the applicant and had agreed a set of conditions to be added to the premises licence.

Ms Erkek outlined the concerns regarding the original plans for the premises in terms of fire safety, and primarily the means of escape from the second floor. The concerns had been discussed with the applicant who had agreed to make the appropriate alterations. However, the Fire Service had not yet received any revised plans.

The applicant advised that the required alterations should take approximately two to three weeks to complete. Following discussion, it was agreed by all parties that the hearing be adjourned to a specific date to enable applicant to carry out the necessary work to the premises.

It was therefore:

Resolved:

That the Licensing Sub-Committee be adjourned to a specific date and time, that being at the Civic Centre at 1 pm on 4 November 2015, to consider the application for a new premises licence in respect of House of India, 25 Market Street, Wolverhampton.

Licensing Sub-Committee

Minutes - 7 October 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Ian Claymore
Cllr Keith Inston

Conservative

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.

Councillor Bolshaw drew attention to the death of Councillor Bert Turner on 6 October, who would be deeply missed by the community he had served for many years. The thoughts of those present at the meeting were with his family at this sad time.

2 Declarations of interest

Councillor Inston declared a non-pecuniary interest in the application for a premises licence in regard to Wolverhampton Grammar School and withdrew from the meeting prior to consideration of this matter.

3 Licensing Act 2003 - Application for a premises Licence in respect of Alisha Supermarket, 116-126 Steelhouse Lane, Wolverhampton

In Attendance

For the Premises

Mr D Hardy - Licensed Trade Legal Services (on behalf of the applicant)
Mr J S Uppal – involved with detailed plans for the premises

Responsible Authorities

Donna Hulme – Licensing Authority

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

Rob Edge, Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting.

Mr Hardy presented the application for a premises licence on behalf of the applicant as the family were on holiday. He advised that the family were experienced retailers with three other premises outside Wolverhampton. He added that they had investigated the demographics of the area prior to submission of the application and assured the Sub-Committee that there would be no deliveries to the premises between 8 and 10 am or between 3 and 5 pm. The applicant would do everything possible to minimise any disruption to the local community.

Mr Hardy and Mr Uppal responded to questions raised by the Sub-Committee and other parties as appropriate.

On a point of clarification the Section Leader (Licensing) advised that, should the Sub-Committee be minded to grant the licence, the section of the operating schedule relating to the promotion of the public safety licensing objective was not enforceable in its present form as there was no timescale for the works to be completed. Following discussion, Mr Hardy advised that his client would be happy for a condition to be included requiring the work to be completed prior to operating under the premises licence.

Donna Hulme, on behalf of the Licensing Authority, advised that following mediation between the Responsible Authority and the applicant, agreement had been made to amend the operating schedule to include the conditions outlined at page 23 of the document pack circulated in advance of this hearing.

Other Persons who had made representations had not attended the meeting.

All parties were afforded the opportunity to make a final statement.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the application.

6 Re-admission of press and public

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

7 Announcement of decision

The Sub-Committee have taken note of all the written concerns raised in respect of Alisha Supermarket, 116 Steelhouse Lane, Wolverhampton. They have listened to the arguments of those who have spoken at this hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee have decided that the application for a premises licence should be granted as applied for, subject to the following conditions:

1. Condition agreed between the Licensing Authority, as Responsible Authority, and the applicant
 - No sale of single cans/bottles of beer, lager or cider with an ABV or 6.5 or above to be sold (for clarity the word beer has been added)
 - DPPO (Designated Public Place Order) notice provided by the Licensing Authority shall be displayed prominently on the premises visible from outside the store, advising that Police have powers to seize alcohol.

2. The premises will have a fire alarm and the fire fighting equipment will be covered by a maintenance contract. Both emergency lighting and smoke detectors are also to be installed. All works shall be completed prior to operating the premises licence.

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

8 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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

Licensing Act 2003 - Application for a Premises Licence in respect of Wolverhampton Grammar School, Compton Road, Wolverhampton

In Attendance

For the Premises

Mrs P Rudge – Bursar, Wolverhampton Grammar School

The Chair introduced the parties and outlined the procedure to be followed at the hearing. Copies of one of the representation letters from an Other Person were circulated as the version in the agenda pack was difficult to read.

Rob Edge, Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting. In doing so, he advised that representations had been received from a local councillor and the Whitmore Reans PACT, but were out of time. He further advised that the blue notice displayed on the premises in accordance with the application procedure indicated that the deadline for receipt of relevant representations was 10 September 2015. However, the press notice referred to a deadline date of 11 September, although the official deadline was actually 10 September. As no one had been prejudiced by this and the statutory timeframes had been met, the application for a premises licence was deemed properly made. Mrs Rudge advised that approximately one dozen notices had been displayed around the premises in view of the size of the property.

At this juncture, Mrs Rudge outlined the application for a premises licence, advising that the School had held a premises licence since 2005 when the Licensing Act 2003 had come into force. Various Temporary Event Notices (TENs), to which no objections had been made, had been used on occasions when alcohol was to be sold. The School had been advised that a new application should be submitted, rather than a variation because of the decision to include alcohol sales and that, primarily, the licence would be used to serve beer/wine during the fifteen minute interval during plays/concerts or for dinners and fund raising events. The premises were also utilised by the Wolverhampton Symphony Orchestra and for weddings. It was not intended to change the type and number of functions to be held, but it was believed that the new premises licence would enable the School to properly promote the licensing objectives. In regard to parking, planning permission had been granted for twenty extra parking spaces on the main school site.

Responding to questions, Mrs Rudge advised that:

- there would be no alcohol sales to a pupil of the school irrespective of whether they were 18 years of age;
- additional internal CCTV was to be installed;
- this application relates to the main school site only (The Section Leader (Licensing) clarified that the Arts & Drama building would need to be subject to an independent premises licence application as it was an entirely separate building. It could however be decided to current the current licence and apply for a licence covering the whole school;
- she agreed that Section L relating to the opening hours should be amended to read – 0800 – 0000 hours;
- with regard to external lettings, the School would ensure that occupancy levels were complied with, the services on site supervisors would be provided if

necessary and an insistence on the employment of SIA door supervisors if deemed necessary, and

- the sale of alcohol would be ancillary to any school functions.

Other Persons who had made relevant representations had not attended the hearing.

10 **Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the application

11 **Announcement of decision**

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

Having considered the views of all concerned, the Sub-Committee have decided that, in promoting the four licensing objectives, the application for a premises licence should be granted as applied for, subject to the following modification:

Opening hours – Monday to Sunday – 0800 to 0000 hours

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.

12 **Re-admission of press and public**

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

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Licensing Sub-Committee

Minutes - 4 November 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Bishan Dass
Cllr Keith Inston

Conservative

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 variation of a premises licence in respect of Compton Filling Station, Bridgnorth Road, Compton, Wolverhampton

In Attendance

For the Premises

Mr Chris Mitchener – Licensing Solutions

Responsible Authorities

PC Mitch Harvey – West Midlands Police

Elaine Moreton – Licensing Authority

Other Persons

Councillor Wendy Thompson (Tettenhall Wightwick)

Mr & Mrs Jevons

Mr & Mrs Tykiff (Mrs Tykiff acting as spokesperson for some residents)

Mr M Bradshaw

Mr & Mrs Hobbs
Mrs B Bates (spokesperson for Neighbourhood Plan Forum Committee)

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

The Section Leader (Licensing) outlined the report, circulated to all parties in advance of the hearing.

At this juncture, Mr Mitchener outlined the application to vary the premises licence on behalf of the Premises Licence Holder. He advised that, in light of the representations received from the Responsible Authorities and Other Persons, he had agreed to restrict the sale/supply of alcohol to Monday to Sunday, 0700 to 2300 hours inclusive. He further advised that there had initially been confusion regarding the hours granted under the planning permission and it had only recently been clarified that it was not for twenty four hours, but 0700 to 2300 hours. Mr Mitchener stated that, as a result of the changed hours, the police were now content with the application. He pointed out that there had been no representations from Environmental Health and no evidence forthcoming in regard to noise disturbance emanating from the premises. He indicated that he would be monitoring the site, would liaise with residents and would circulate his business card following the hearing to facilitate this. He drew attention to the comprehensive training regime for staff and audits undertaken by the Designated Premises Supervisor and field manager.

Responding to questions, he advised that it was not possible to legislate for delivery times under the Licensing Act and that they would not necessarily fall within the licensable hours. It was also pointed out that commercial concerns were not relevant to this hearing.

At this juncture PC Harvey outlined the representations of the West Midlands Police which related to the application for a 24 hour licence. He had checked the crime logs for the previous two years and advised there had been no reports of anti-social behaviour. The police had worked alongside the Licensing Authority with the applicant and agreed conditions to be added to the licence, including a variation to the timings. In view of this, the West Midlands Police were happy for the licence to be granted, subject to the agreed conditions being added.

Elaine Moreton outlined the representations on behalf of the Licensing Authority (as a Responsible Authority) and, in doing so, advised that the condition agreed with the Police in regard to sales of single cans of alcohol should replace that agreed with the Licensing Authority.

At this juncture the 'Other Persons' outlined their representations.

Councillor Mrs Thompson indicated that she welcomed the reduction in licensable hours. She drew attention to the fact that the premises were in a quiet residential area, of the blight ensuing from lights at the garage and traffic problems. She also referred to problems of anti-social behaviour and the removal of a public convenience from the site. Responding to questions, she advised that, although there had been anti-social behaviour directly related to the premises, these had not

been reported either to the Police or Environmental Health. On points of clarification, Mr Mitchener advised that the toilet was a site one and not a public convenience and had been removed some 2 to 3 years previously; the premises had only been in the ownership of his client since September 2015.

Mrs Tykiff, in presenting representations on behalf of some of the neighbours, advised that her prepared statement related primarily to the initial application for a 24 hour licence. She expressed concern that no-one representing the owners had contacted local residents. She indicated that there had been considerable anti-social behaviour, noise, light pollution and littering, which related to "low level" behaviour and would not necessarily be reported to the Police. The issue regarding the lighting had been raised with the previous owners. She also expressed concern that the notice, advising of the variation application, had not been properly displayed and was not visible from the road.

The Section Leader (Licensing) confirmed that the application had been properly made, but undertook to take on board the concerns regarding visibility of notices on a site specific basis. He added that the application was also placed in the local press. The Solicitor advised that the Licensing Act was extremely prescriptive in what was expected in terms of the 'blue notice' and the Licensing Authority had to abide strictly to the law and not assist any one party more than another. She further confirmed that concerns regarding the lights in the garage were outside the remit of the Licensing Sub-Committee.

At this point Mrs Bates outlined the representation made on behalf of the Neighbourhood Plan Forum Committee. She indicated that the concerns related primarily to the initial 24 hour application and concerns about the local environment and ambience of the area, although accepted that these issues were outside the remit of the Licensing Sub-Committee to consider.

All parties were afforded the opportunity to make a closing statement.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the variation application.

6 Re-admission of press and public

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

7 **Announcement of decision**

The Sub-Committee has taken note of all the written concerns raised in respect of Compton Filling Station, Bridgnorth Road, Wolverhampton and has listened to the arguments of those who have spoken at this hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee has decided that the application to vary the premises licence is granted as applied for, subject to the following modifications:

Conditions agreed between the applicant and the Licensing Authority dated 26 October 2015

- Sale/supply of alcohol off the premises is reduced to the following:
Monday to Sunday – 0700 to 2300 hours inclusive
- 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 Police have powers to seize alcohol.

Conditions agreed between the applicant and the West Midlands Police dated 11 September 2015

1.
 - 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 where public have access and the immediate vicinity outside the premises.
 - Images/recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without any undue delay.
 - Images and recordings 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.
2. 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 shall be produced to a member of a Responsible Authority upon request.
3. To ensure compliance with 'Challenge 25' a refusals book shall be utilised, where any sale of alcohol is refused to persons who present themselves to be under age.
4. No single cans/bottles of beer, lager or cider with an ABV or 6.5% or over to be stocked or sold.

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.

8 **Licensing Act 2003 - Application for a premises licence in respect of House of India, 25 Market Street, Wolverhampton**

In Attendance

For the Premises

Mr R K Saharan – Applicant

Mr T Raj – Applicant's father

Responsible Authorities

PC Mitch Harvey – West Midlands Police

Elaine Moreton – Licensing Authority

Dawn Erkek and Sheetal Panchmatia – West Midlands Fire Service

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

The Section Leader (Licensing) outlined the report, circulated to all parties in advance of the hearing. He advised that the hearing had been adjourned to enable the applicant to submit revised plans for the premises due to concerns of the West Midlands Fire Service and to enable the Fire Safety Officers to re-visit the premises. However a copy of the revised plans had only been received that morning; two copies were produced to enable the Sub-Committee and Responsible Authorities to view them. It was noted that there was a typographical error in section 2.1 of the report relating to the applicant's name and the date the application was received..

At this juncture, Mr Saharan outlined the application for a new premises licence as outlined at pages 11 to 27 of the agenda pack for the hearing. Responding to questions, he indicated that he had had difficulty in contacting his architect, hence the late delivery of the revised plans. He further indicated that the architect was the same one who had dealt with the planning application. The Fire Officer advised that the premises had been visited that morning and the required work to the premises was on-going with some last minute issues to be finished. Mr Saharan was able to quote the four licensing objectives and stated that a Cumulative Impact Zone was an area in which there were too many drinking premises. He stated that the premises would employ a door supervisor after 2300 hours and there would be a daily assessment of any occurrences.

At this juncture, Dawn Erkek outlined the Fire Service representations, advising that it would not be necessary to make a further visit to the premises as photographic evidence of the installation of a safety window would suffice.

Elaine Moreton, representing the Licensing Authority as a Responsible Authority, expressed concern that it was not clear whether the Planning Authority had seen the revised plans as it was clear that none of the Responsible Authorities had had chance to view them. Rob Edge, Section Leader (Licensing), clarified that the original Fire Officer had visited the premises in June, that the premises licence application had been submitted in April and it was not clear whether the planning permission had been amended. The Solicitor advised that it would be prudent for the applicant to speak to the Planning Authority following the hearing to ensure that the correct plans have now been submitted. However, this did not affect the decision making for this Sub-Committee, which could determine the application provided that the Licensing Authority and Fire Service were happy with the plans produced at this hearing.

At this juncture Elaine Moreton made representations on behalf of the Licensing Authority and, in doing so, expressed concern at the lack of time to view the amended plans. The Solicitor confirmed that, should the Sub-Committee be minded to grant the premises licence, the plans presented to this hearing would be attached to the licence. The Sub-Committee did not feel the need to adjourn the meeting to view the plans. Elaine Moreton advised that, notwithstanding the concern regarding the plans, the application was a reasonable one and, together with the police, she had worked with the applicant to agree a set of conditions to be added to the licence.

At this juncture PC Harvey outlined the representations of the West Midlands Police. He advised that the objection had been made due to the premises being situated within the Cumulative Impact Zone, that he had worked alongside the Licensing Authority to agree conditions on the licence and had visited the premises on three occasions. He had advised the applicant to cease work on the premises until the Fire Service had visited, but this advice had been ignored. He indicated that this did raise concerns regarding the applicant's ability to run a licensed premise and whether he would listen to advice in respect of crime and disorder issues. The applicant circulated details of his qualifications in regard to a Personal Licence and Food Safety in Catering.

All parties were afforded the opportunity to make a final statement. PC Harvey requested that stringent conditions be added, should the Sub-Committee be minded to grant the premises licence. Elaine Moreton expressed concern regarding the ability of the applicant to manage a premise in the Cumulative Impact Zone. Dawn Erkek advised that the majority of works had now been carried out and it would not necessitate a further visit. Mr Shaharan advised that he had not been at the premises most of the time when the Police and Licensing Authority visited, that he would be managing the premises but would have a qualified member of staff behind the bar.

9 **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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

10 **Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the variation application.

11 **Re-admission of press and public**

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

12 **Announcement of decision**

The Sub-Committee has taken note of all the written concerns raised in respect of House of India, Market Street, Wolverhampton and has listened to the arguments of those who have spoken at this hearing, both for and against the application.

The Sub-Committee are satisfied that the Cumulative Impact Policy applies to these premises in relation to the promotion of the crime and disorder licensing objective.

1. The Sub-Committee has heard the following from the West Midlands Police that they have worked with the applicant and agreed possible conditions which can be attached to the licence, if granted. However the police are concerned that, following a number of visits they made to the premises, the applicant ignored advice given during the visits concerning permissions for building works. This led the police to have concerns regarding management of the business and the possibility that the applicant would ignore advice from the police on issues of crime and disorder.
2. The Sub-Committee has heard from the Licensing Authority (as a Responsible Authority) that revised plans have been submitted late in the process and that none of the responsible Authorities have had the opportunity to consider these properly. They have concerns that this demonstrates that management at the premises is sub-standard.
3. The Cumulative Impact Policy does not extend to public safety and therefore fire safety issues. The fire service has confirmed that when they first attended the premises they had concerns regarding the means of escape from the second floor of the building. The fire service visited the premises this morning and works to address this have been carried out. However, a window on the second floor requires the fitting of safety glass as indicated on the revised plan. Although the fire service has been given an assurance that this work will be carried out it has not yet been undertaken, which undermines the public safety licensing objective.

Having considered the views of all concerned in relation to crime and disorder, the Sub-Committee is not satisfied that sufficient evidence has been produced to show that the premises will not add to the cumulative impact already experienced and therefore the presumption of non-grant is not rebutted.

In addition the Sub-Committee is not satisfied that granting the licence would promote public safety and therefore the application is refused.

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

Licensing Sub-Committee

Minutes - 11 November 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Bishan Dass

Conservative

Cllr Mark Evans

Employees

Linda Banbury
Sarah Hardwick
Elaine Moreton

Democratic Support Officer
Solicitor
Section Leader - Licensing

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 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 for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

4 Review of a Private Hire Vehicle Driver's Licence

Mr AS attended the meeting, accompanied by his son KS, in connection with the review of his private hire vehicle driver's licence.

The Chair made introductions and outlined the procedure to be followed during the meeting.

Elaine Moreton, (Section Leader, Licensing), outlined the report which had been circulated to all parties in advance and, in so doing, advised that the driver's

understanding of English did not appear to be a problem but he struggled with spoken English. The Solicitor advised that levels of communication did not form part of the driving assessment test, adding that the guidelines allowed the Sub-Committee to determine the application on what they heard at today's meeting.

Mr A S, assisted by his son, advised the Sub-Committee that his family were currently assisting him to improve his spoken English and he was currently awaiting his response to his application to undertake some formal education via The Bingley Centre. He had already completed level 1 and part of level 2 (English as a second language). Level 2 had not been completed due Mr AS's wife's illness at the time. The Sub-Committee were informed that, with the exception of the complaint from the Council Compliance Officer, the driver had had no other complaints in regard to his role as a private hire vehicle driver. Mr AS demonstrated his knowledge of the use of a Sat Nav and actions to be taken in the event of an emergency. Mr AS understood what the Compliance Officer said to him on the day his licence was suspended, but was concerned that his car had a problem and did not respond adequately.
Resolved:

That, having considered all the information presented to the meeting, the Licensing Sub-Committee considers that Mr AS is a fit and proper person to hold a private hire vehicle driver's licence and agree to take no further action in this matter. However, the Sub-Committee recommends that Mr AS continues his learning in regard to English as a second language. This decision is subject to review by the Licensing Manager prior to renewal of his licence.

5 **Review prior to renewal of a Private Hire Vehicle Driver's Licence**

Mr AKB attended the meeting, in connection with the review prior to renewal of his private hire vehicle driver's licence.

The Chair made introductions and outlined the procedure to be followed during the meeting.

Elaine Moreton, (Section Leader, Licensing), outlined the report which had been circulated to all parties in advance and, in so doing, advised that the driver had failed to attend a number of meetings with the Licensing Manager. On one occasion the failure to attend was given as being due to a hospital visit, but the driver appeared on base records as working. Had the driver attended the meetings, the matter would have been dealt with prior to renewal stage. Mr B had therefore been unable to drive since 11 October.

Mr B referred to on-going, acrimonious divorce proceedings which were placing him in financial hardship and had led to his loss of temper in respect of the incident with the hackney carriage driver, for which he had apologised. He had been due to take his wife to a hospital appointment but in the event she had changed her mind and he believed it was too late to reinstate the meeting with the Licensing Manager. He stated that he had had no complaints from passengers in the eight years he had worked as a private hire vehicle driver. His false version of events, as detailed on page 20 of the agenda pack, were because he was reluctant to let people know about aspects of his private life at that time and wished to protect persons involved. Mr B further indicated that the video footage, referred to at page 23 of the agenda pack, did not show the whole story and that the rank had been empty when he

arrived. (On a point of clarification the Section Leader (Licensing) advised that the Licensing Manager had not viewed the video footage). Mr B accepted, with hindsight, that he should have parked on the opposite side of the road to the rank. He also stated that he was attending an anger management course via the organisation Relate.

Resolved:

That, having considered all the information presented to the meeting, the Licensing Sub-Committee is satisfied that Mr AKB is a fit and proper person to hold a private hire vehicle driver's licence and accordingly have agreed to renew the licence for a period of twelve months. However, this decision is subject to Mr B attending and completing the one day intensive anger management course via Citizen Coaching and driver knowledge course run via Worcester Country Council, at his own expense, by the end of February 2016. The decision is also subject to review by the Licensing Manager in six months time.

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Licensing Sub- Committee

Minutes - 17 November 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Keith Inston

Conservative

Cllr Patricia Patten

Employees

Linda Banbury
Rob Edge
Robert Marshall

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 the
Bilston Post Office, 4 -6 Hall Street, Bilston (10 am)**

In Attendance

For the premises

Mr G Uppal – applicant
Mrs B Uppal – wife of applicant

Responsible Authorities

PC Mitch Harvey – West Midlands Police
Elaine Moreton – Licensing Authority

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

Rob Edge, Section Leader (Licensing) outlined the report circulated to all parties in advance of the hearing.

At this juncture Mr Uppal, supported by his wife, outlined the application for a new premises licence. The Sub-Committee were advised that the premises were being extensively refurbished and, in addition to the post office, the shop would mainly sell stationary and household goods. However, the sale of alcohol was needed in order for the business to be viable.

Responding to questions, Mr Uppal advised that he would personally provide training in regard to the protection of children from harm, aided by documentation provided by Mr Pearce who had trained him.

Elaine Moreton, on behalf of the Licensing Authority, advised that she had worked closely with the applicant and welcomed the additional condition put forward by the applicant's representative, Mr Pearce. The initial concerns of the Licensing Authority had been in regard to crime and disorder and specifically the issue of street drinking.

PC Harvey indicated that the concerns of the Police related to the CCTV and that, following mediation, the applicant had signed up to additional conditions. He was satisfied that the applicant had done everything to support the licensing objectives.

All parties were afforded the opportunity to make a closing statement.

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 for the following item of business as it involves the likely disclosure of exempt information within paragraph 3 of Schedule 12A to the Act relating to business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the application.

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 has taken note of all the written concerns raised in respect of Bilston Post Office, 4 – 6 Hall Street, Bilston and has listened to those who have spoken at this hearing.

The Sub-Committee is satisfied that the Cumulative Impact Policy (CIP) applies to the premises and is further satisfied that sufficient evidence has been provided by the applicant to illustrate that the premises will not add to the cumulative impact already experienced and that the presumption of non-grant has been rebutted.

Having considered the views of all concerned, the Sub-Committee has decided that the application should be granted as applied for, subject to the following conditions:

Conditions agreed between the West Midlands Police and the applicant dated 28 October 2015

CCTV shall be installed as per the plan, retained for a minimum of 31 days, stored in accordance with the requirements of the Information Commissioners and produced to Police or authorised Responsible Authorities on demand.

Conditions agreed between the Licensing Authority (as Responsible Authority) and the applicant dated 3 November 2015 and an additional condition agreed by the applicant in correspondence dated 9 November 2015

- 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 police have powers to seize alcohol.
- No single cans/bottles of beer, lager or cider to be sold.
- No beer, lager or cider of an ABV of above 6.5% shall be stocked or sold.

It is considered by the Sub-Committee that the above conditions should be attached to the licence in support of the prevention of crime and disorder licensing objective.

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.

8 Licensing Act 2003 - Application for a premises licence in respect of Ashmore Park Co-operative Store, Griffiths Drive (1 pm)

The Sub-Committee was advised that the deadline for receipt of representations in regard to this application had been extended as the application had not been properly made. The hearing had therefore been cancelled and a further Sub-Committee meeting would be convened in due course.

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Licensing Sub-Committee

Minutes - 26 November 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Rita Potter
Cllr Keith Inston

Conservative

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 Merridale Supermarket, Clifton House, Merridale Road, Wolverhampton

In attendance

For the premises

Lord Kultar Deol - applicant
William Dudley – counsel
Sukhi Grewal – interest party supporting application

Responsible Authorities

Elaine Moreton – Licensing Authority
Inspector Jake Flanagan – West Midlands Police

Other Persons

Councillor Craig Collingswood – Ward Councillor on behalf of local residents

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

Rob Edge, Section Leader (Licensing) outlined the application contained within the report circulated to all parties prior to the meeting.

At this juncture William Dudley outlined the application for a premises licence, advising that it was to add to the existing convenience store within a building owned by the applicant and extensively refurbished to provide commercial premises for local businesses and residential apartments. He indicated that the store was aimed at families and young professionals.

Responding to questions, Mr Dudley stated that there were no plans to extend the licensable hours from those agreed with the Responsible Authorities. He added that the applicant, as Premises Licence Holder, would oversee the premises to ensure that the licensing objectives were promoted. A CCTV system was installed and the applicant would ensure that a member of staff would be trained to access and download the system when requested.

At this juncture, Inspector Flanagan presented the position of the West Midlands Police, indicating that the issues of concern raised in respect of the initial application had now been addressed via mediation and the police no longer had any objections to the premises licence application. However, the police would be pursuing the possibility of the Chapel Ash area becoming a Cumulative Impact Zone.

Elaine Moreton, on behalf of the Licensing Authority, advised that a number of conditions had been agreed via the mediation process with greater detail added to the operating schedule. The areas of concern had therefore been addressed by the applicant.

At this juncture Councillor Collingswood outlined representations on behalf of local residents. He indicated that he welcomed and supported the development, and the concerns of residents related to on-going anti-social behaviour in Chapel Ash and along the Tettenhall Road. He believed that an additional licensed premise would not assist in reducing the alcohol fuelled, anti-social behaviour in the area. He answered questions raised by other parties in regard to the concerns of residents which related to the current number of premises already in the area selling alcohol and the subsequent anti-social behaviour in the area. It was acknowledged that the premises, should the licence be granted, would be subject to possible review if they did not promote the licensing objectives.

On a point of clarification, the Section Leader (Licensing) advised that the Section 182 guidance provided an expectation that applicants would obtain sufficient knowledge of the area in which a premises was situated to enable them to demonstrate the steps they propose to take to promote the licensing objectives.

Mrs Grewal had submitted a letter in support of the application and used the premises as, with the current exception of alcohol, sold the niche products she required, was convenient, had good secure parking facilities and she welcomed the opportunity to support local traders. Responding to questions she stated that other meeting him in the shop, she was not known to the applicant.

All parties were afforded the opportunity to make a closing statement.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the application.

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 has taken note of all the written concerns raised in respect of Merridale Supermarket, Clifton House, Merridale Road, Wolverhampton and has listened to those who have spoken at this hearing, both for and against the application.

The applicant outlined the application for a premises licence. There is a presumption that the licence will be granted. The applicant pointed out that problems with anti-social behaviour already exist and the premises are currently not in possession of a premises licence.

The Sub-Committee has heard from the West Midlands Police that previous concerns with these premises have been eliminated following mediation between them and the applicant, which has resulted in proposed conditions to be added to the operating schedule. These premises are not located within a Cumulative Impact Zone and do not currently have a premises licence, yet problems with anti-social behaviour already exist.

The Sub-Committee has heard from the Licensing Authority, as Responsible Authority, that previous concerns about this application relating to the provision of insufficient information within the application have been addressed through mediation and with the addition of proposed conditions to be added to the licence should it be granted.

The Licensing Sub-Committee has heard from Councillor Collingswood, who has submitted a relevant representation and also represents other persons, that there are

problems of anti-social behaviour in this area and he believes that granting another licence would be detrimental. He does accept however that there is no direct link between the premises and the anti-social behaviour.

The Sub-Committee is satisfied that:

1. the premises are not located within a Cumulative Impact Zone and therefore there is a presumption that the licence will be granted;
2. it is for those making relevant representations to prove/provide evidence that the premises are currently adding to or causing the anti-social behaviour, and
3. the Sub-Committee is satisfied that there is no evidence that the premises currently add to anti-social behaviour and by adding the agreed proposed conditions to the operating schedule the licensing objectives will be promoted.

Having considered the views of all concerned, the Sub-Committee has therefore decided that the application for a premises licence should be granted as applied for, subject to the following conditions:

Conditions agreed between the Licensing Authority (as Responsible Authority) and the applicant dated 13 November 2015 under the prevention of crime and disorder licensing objective

Section 18(b) 2 replaced in its entirety with the following:

- No sale of single cans/bottles of beer, cider or lager with an ABV of 6.5% volume or above to be sold.

The following to be added to Section 18(b):

- A Personal Licence Holder must be present at the premises at all times that licensable activities take place.
- 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 powers to seize alcohol.

Conditions agreed between the West Midlands Police and the applicant dated 27 October 2015

Prevention of crime and disorder licensing objective [Section 18(b) (1)]:

1. CCTV
 - A CCTV system with recording equipment shall be installed and maintained at the premises.
 - CCTV shall 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 and recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without any undue delay.
 - Images and recordings must be of evidential quality, must indicate the correct date and time 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.
2. 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. An incident log must be produced to a member of a Responsible Authority upon request.

3. To ensure compliance with 'Challenge 25', a refusals book shall be utilised, where any sale of alcohol is refused to persons who present themselves to be under age. In addition, details shall also be recorded in the incident log book of persons attempting to purchase alcohol who present themselves as intoxicated.
4. No person who is drunk or disorderly shall be served or be allowed to remain on the premises.

Protection of children from harm licensing objective [Section 18(e)]

1. All staff shall be trained in 'Challenge 25' and all appropriate ID checks shall be undertaken by all staff to ensure no sale of alcohol is made to underage persons.
2. All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. Training shall be documented and shown to any member of a Responsible Authority upon request.
3. Till system to operate a prompt to check IDs when customers attempt to purchase alcohol products.
4. Acceptable forms of ID to include valid passport, photo card driving licence or recognised proof of age card.

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

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.

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Licensing Sub-Committee

Minutes - 17 December 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Ian Claymore

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 House of India, 25 Market Street, Wolverhampton (10 am)

In Attendance

For the Premises

Mr S Hamblett – Solicitor
Mr R K Saharan – applicant

Responsible Authorities

WPC Lisa Davies – West Midlands Police
Elaine Moreton – Licensing Authority

The Chair introduced the parties and outlined the procedure to be followed at the hearing. The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance.

Mr Hamblett outlined the application for a premises licence on behalf of the applicant and in so doing drew attention to the operating schedule, advising that areas of concern on behalf of the Responsible Authorities had been rectified following

mediation. It was noted that the West Midlands Fire Service had no objections to this application. A discussion ensued regarding the hours the premises would be open to the public. Mr Hamblett indicated that the applicant would be happy to revise the closing time to 0230 hours.

At this juncture WPC Davies outlined the representations made by the West Midlands Police. She drew attention to the numerous visits made to the premises and indicated that she believed the conditions in operating schedule, agreed with the Responsible Authorities in June, would fully promote the licensing objectives. Elaine Moreton, on behalf of the Licensing Authority, concurred with this view.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the application.

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 has taken note of all the written concerns raised in respect of House of India, 25 Market Street, Wolverhampton and has listened to the arguments of those who have spoken at this hearing.

The Licensing Sub-Committee is satisfied that the Cumulative Impact Policy applies to these premises. It is further satisfied that the applicant has provided sufficient evidence to illustrate that the premises will not add to the cumulative impact already experienced and that the presumption of non-grant has been re-butted.

Therefore, having considered the views of all concerned, the Sub-Committee has decided that the application for a premises licence is granted as applied for, subject to the opening hours being reduced to between 0600 to 0230 hours Monday to Sunday.

Finally, mandatory conditions required by the Act will be attached to the Licence.

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

8 **Licensing Act 2003 - Application for a premises licence in respect of the Co-operative Store, Griffiths Drive, Ashmore Park, Wolverhampton (11.30 am)**

In Attendance

For the Premises

Mr R Arnot – Solicitor

Mr J Harrison – Co-operative Group Food Ltd

The Chair introduced the parties and outlined the procedure to be followed at the hearing. The hearing was adjourned for ten minutes to give the Other Persons time to arrive. The other parties had not arrived by 11.40 am so the hearing commenced and the Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance. A revised copy of Appendix 1 was circulated at the meeting as the printed version was incomplete. It was noted that the applicant had brought to the attention of the Licensing Authority the fact that the application had not been advertised in the local press. It had been agreed therefore to run the consultation period for a further twenty eight days.

Mr Arnot outlined the application for a premises licence for a retail unit, which it was anticipated would open in July 2016. A copy of the company's training procedures had been circulated to all parties in advance of the hearing. He pointed out that the onus was on those making the objections to prove that the premises would lead to problems in the local area. Responding to a question, he advised that the planning permission restricted the opening hours to between 0700 and 2300 hours.

9 **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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

10 **Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the application.

11 **Re-admission of press and public**

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

12 **Announcement of decision**

The Sub-Committee has taken note of all the written concerns raised in respect of Ashmore Park Co-operative Store, Griffiths Drive, Ashmore Park, Wolverhampton and has listened to the arguments of those who have spoken at this hearing for the application.

Having considered the views of all concerned, the Sub-Committee has decided that the application for a premises licence is granted as applied for.

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.

Licensing Sub-Committee

Minutes - 17 December 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Ian Claymore
Cllr Rita Potter

Conservative

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 an Expedited Summary Review of a Premises Licence in respect of Malones Bar, 35a Lichfield Street, Bilston

In Attendance

For the Premises

Mr P Adams – Applicant

Mr T Madani – Business Partner of Mr Adams

Responsible Authorities

Sargeant Jake Flanagan – West Midlands Police

PC Mitch Harvey – West Midlands Police

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.

At this juncture PC Harvey outlined the application for an expedited summary review of the premises licence due to the evidence of serious crime at the premises. He indicated that the first incident was in the original review application and was evidenced on CCTV footage but, due to technical difficulties, could not be viewed at this hearing. PC Harvey advised that the footage related to between 0200 and 0230 hours real time and showed gentlemen pulling up to the premises in a taxi and knocking on the door of the premises, which were only licensed until 12 midnight. The victim approached a male in the bar (people, including the Designated Premises Supervisor were smoking and drinking alcohol) and following a very brief conversation with a male named Gareth Batth (GB), the victim was being kicked, punched and robbed. The victim then runs out of the bar followed by GB and others. Mr T Madani stood in the doorway and watched what was happening. The offenders are allowed back into the premises and continue drinking (0208 hours). Sargeant Flanagan advised that the offender was seen on the CCTV footage as openly dealing drugs. This and the taking of drugs, as witnessed via the CCTV footage, takes place within metres of premises staff and continues unchallenged. There are ash trays on the table and most people are smoking. The staff appeared to have no regard for the licensing objectives and made no attempt to contact the emergency services.

PC Harvey drew attention was drawn to the statement of PC Shearer which alluded to the fact that the premises were trading beyond the licensed hours a week after the incident. A transfer application was made in March 2013. The Police objected on the basis of reports of late night drinking at the premises and the application was refused. The Police interviewed the Designated Premises Supervisor, who worked with Mr T Madani and Mr M Madani, on 30 November 2015 and it was claimed that the a customer birthday party was being held on the evening of 6 November although, given that it carried on until the early hours, no application for a Temporary Event Notice (TEN) had been made. The DPS resigned a few days following g the incident and the Police believed he was merely a name on a piece of paper and had been unable to quote any of the licensing objectives.

The Police had made extensive inquiries into the current DPS and had ascertained that he is an illegal immigrant currently awaiting deportation and had no permission to work.

In view of the above, the West Midlands Police were seeking an immediate suspension of the premises licence.

Responding to questions PC Harvey indicated that the attack appeared to be entirely unprovoked, that the offender clearly knew the victim and acknowledged him across the bar. He stated that Mr Mohammed Madani was described as working at the premises. He confirmed that the victim got out of the taxi with his father and a female. Inspector Flanagan indicated that the objection to the Designated Premises Supervisor had been made because he was a personal licence holder with Sandwell Council and had supplied an incorrect date of birth, which it was believed was a method to prevent any checks being made. With regard to patrons entering the premises, Inspector Flanagan indicated that most entered via the rear of the property in the evening, which would be unusual for a premises which was operating legitimately. He confirmed that some of the illegal activity, i.e. the robbery, wounding and supply of drugs could lead to imprisonment in excess of three years.

At this juncture the Premises Licence Holder was afforded the opportunity to respond. Mr Adams indicated that he was unable to comment as he was not at the premises on the night in question.

Mr Madani advised that Mr Adams had suffered a minor stroke and that he had been in charge of the premises for some four to six months. He stated that he had provided information to the Police that the victim had sworn at BG, was unaware of what had happened outside the premises and had let the people back in. The birthday party had continued at the premises as a favour for the Premises Licence Holder for the Greyhound. He stated that he did not witness the assault, that the victim was with his father and girlfriend and that an ambulance had picked him up some 300 yards from the premises.

Responding to questions, Mr Madani stated that he let the people out, but his concerns lay with those still on the premises. The door was locked because it was a private family party, following a request made between 2020 and 2100 hours that evening. He stated that he let the victim in as the girl worked at the Greyhound. Mr Madani stated that he was a business partner with Mr Adams and he had added his brother's name on the licence pending the seeking of a new Designated Premises Supervisor in the New Year. He stated that the victim had urgently requested to be let out of the premises and was seen running down the road; he then let three more people out but did not witness any assault outside the premises. Mr Madani accepted that people were smoking on the premises, that ash trays were provided as it was a private party and it would not be allowed any other time. He indicated that people used the rear entrance to the premises to use the toilet, but were not let in via the rear entrance. He did not let people regularly use drugs on the premises. He advised that GB had now been barred from the premises. He did not let people regularly use drugs on the premises. He advised that GB had now ben barred from the premises.

Mr Madani confirmed that he was a Personal Licence Holder and when asked to quote one of the four licensing objectives, stated that the premises did not serve prostitutes. He was unable to quote any of the licensing objectives. He stated that Mr McDonald had been employed to assist at the premises due to Mr Adams' health condition and the fact that he perosnally had hospital appointments. He stated that he had not called the emergency services as he had not witnessed the assault outside the premises but was informed of it by someone else. He stated that his brother was not formally employed at the premises, that he was unpaid and being trained. He was probably at the premises whilst this hearing was taking place, but would probably be helping his daughter and not actually working. Although Mr Madani was a personal Licence holder, he stated that he was training his brother, they helped each other and he provided food for his brother.

Mr Madani stated that after hours drinking had only taken place on one occasion over a two and a half year period and that it was a private party, although drinks were paid for. On a point of clarification, the Section Leader (Licensing) indicated that the transfer application made in March 2013 had been refused due to drinking after hours on three occasions and that on two of the instances the Police had attended the premises. The need to apply for Temporary Event Notices had been explained at that time.

Responding to a question from PC Harvey, Mr Madani stated that he did not feel it necessary for his brother to be present at this hearing as 'two gaffers' were in attendance.

All parties were afforded the opportunity to make a final statement. Sargeant Flanagan stated that, given evidence of illegal activities at the premises and the blatant disregard of the licensing objectives, that the Sub-Committee consider a suspension of the premises licence with immediate effect.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the expedited review of the 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

An application was received from the West Midlands Police on 16 December 2015 for an Expedited Summary Review of Malones Bar, 35a Lichfield Street, Bilston. The review application cited serious crime and disorder associated with the premises.

The Chief of Police had given a certificate under Section 53A (1) (B) of the Licensing Act 2003, stating that in her opinion the premises are associated with serious crime and disorder and requested that interim steps be applied to the premises licence pending a full review hearing.

The Licensing Sub-Committee has heard from the West Midlands Police that:

1. On 7 November 2015 an incident occurred at the premises between 0208 and 0210 hours, during which a gentleman was assaulted inside and outside the premises and robbed by a man known as Gavin Bath. Staff ignored the incident and did not call the emergency services.
2. That on this occasion the premises were operating beyond hours allowed by the premises licence.
3. Gavin Bath has also been clearly witnessed supplying of drugs at the premises.

4. Mr Mohammed Medani, the proposed Designated Premises Supervisor who currently runs the business, is awaiting deportation as he is illegally in the UK and has no permission to work in the country.

Home office guidance relating to Section 53A Licensing Act 2003 summary reviews states that a serious crime constitutes an offence for which a person could reasonably be expected to be sentenced to imprisonment for three years or more and it involves the use of violence. The West Midlands Police have confirmed that offences of robbery, wounding and supply of drugs have occurred on the premises, all of which attract a sentence of three years or more.

The Sub-Committee is satisfied that a serious crime has occurred at the premises. Serious disorder is to be given its plain ordinary meaning and as such the Licensing Sub-Committee is satisfied that serious disorder has occurred on the premises.

The Licensing Sub-Committee has heard from the Premises Licence Holder and his business partner in attendance that:

1. They did not witness the incident on 7 November or notify the police.
2. The reason for operating outside the hours of the licence was to facilitate a private party which had been arranged at short notice and therefore the premises had failed to serve a Temporary Event Notice (TEN).
3. Ashtrays were evident at the premises as this was a private event.
4. They could not name any of the four licensing objectives.

Based on the evidence presented, consideration has been given as to whether it is appropriate to take interim steps pending determination of the review (Section 53C of the Local Government Act 1972). In accordance with Section 53 B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee is to suspend the premises licence pending the full review hearing.

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Licensing Sub- Committee

Minutes - 5 January 2016

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Bishan Dass

Conservative

Cllr Patricia Patten

Employees

Linda Banbury
Kevin O'Keefe
Rob Edge
Richard Phillips

Democratic Support Officer
Director of Governance
Section Leader - Licensing
Solicitor/Senior Solicitor

Item No. *Title*

1 Apologies for absence

There were no apologies for absence. However, the hearing was opened and adjourned until 10.30 am in order to make contact the applicant, who had failed to attend at the appointed time, and await his arrival.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for transfer of a Premises Licence in respect of Caspian Kebab & Pizza, 1 Broad Street

In Attendance

For the Premises

Mr M Ahmadei – Director, Caspian Kebab & Pizza Ltd

Miss S Ahmadei – Daughter of Mr M Ahmadei (acting as interpreter)

Responsible Authority

WPC L Davies – West Midlands Police

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.

Councillor Dass sought clarification as to the position of the applicant. Miss Ahmadei indicated that he was a Director of the Company and the Director of Governance confirmed that information on the Companies House website confirmed that the Company was incorporated in November 2015 with Mr A Ahmadei being the only registered director. Miss Ahmadei drew attention to problems experienced at the premises and specifically in connection with a window being broken by an intoxicated customer, as a result of which the police had been called. She further advised that her father had difficulty speaking English. She added that he was now aware that he needed to know how operate the CCTV system and was awaiting advice in this respect and the installation of a new system.

The applicant was asked a number of questions via his daughter and it appeared that he did not have knowledge of the four licensing objectives. She indicated that her father was currently seeking staff for the premises. She further confirmed that her father had attended an interview with WPC Davies and had been able to communicate in English and read and sign the written statement made, but that he felt nervous on some occasions and unable to select the correct words in English to make his points.

At this juncture, WPC Davies outlined the objection of the West Midlands Police, detailed at Appendix 2 to the Licensing Officer's report. She pointed out that, at the multi-agency visit on 26 September, neither the applicant nor the younger Mr Ahmadei, knew how to operate the CCTV system. A further visit was made in November; again both males in attendance could not operate the CCTV system and they were of the belief that it was the responsibility of the landlord. Only three days footage had been kept, contrary to the condition on the premises licence. The gentlemen could not quote any of the licensing objectives. She further advised that the applicant had attended a meeting at the Police Station in December and it was clear he did not understand his responsibilities; the inadequacies in the CCTV had not been rectified.

On a point of clarification, the Director of Governance indicated that the date on the transfer application must be incorrect and most likely should read November.

Concluding her submission, WPC Davies indicated that the Police had still not received the requested CCTV footage, that there were severe concerns regarding the applicant's suitability and it was believed that the transfer of the premises licence would undermine the licensing objectives.

Responding to questions, she advised that Broad Street was an important area for the Police and that CCTV was crucial to the safety of the public. She further advised that she had not been aware of the problems with the CCTV system until after the second multi-agency visit. The applicant's daughter clarified that he had been nervous at the multi-agency visits and had not therefore clarified his position, but felt better after the one to one interview with WPC Davies and had therefore disconnected the CCTV system, taken it to the Police Station and would now do everything asked of him in relation to the premises.

The parties were afforded the opportunity to make a closing statement.

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 for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the transfer application.

6 Re-admission of press and public

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

7 Announcement of decision

The Sub-Committee has taken note of all the written concerns raised in respect of Caspian Kebab & Pizza, 1 Broad Street, Wolverhampton and has listened to the arguments of those who have spoken both for and against the application.

The Sub-Committee has also considered the additional issues raised at the hearing in respect of the lack of knowledge of the applicant of the Licensing Act and, in particular, the four licensing objectives.

Having considered the views of all concerned, the Sub-Committee has decided that the application for the transfer of the premises licence is refused.

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

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Licensing Committee

20 January 2016

| | | |
|-----------------------------|---------------------------------|--|
| Report Title | Schedule of Outstanding Minutes | |
| Originating service | Delivery/Democratic Support | |
| Accountable employee | Linda Banbury | Democratic Support Officer |
| | Tel | 01902 55(5040) |
| | Email | linda.banbury@wolverhampton.gov.uk |

Recommendation for noting:

The Committee is asked to note the report

| | Subject | Date of Meeting and Minute No. | Decision | Comments |
|----|--|--------------------------------|--|------------------------------|
| 1. | Future of Hackney Carriage Services | 13.02.13 38(c) | Further review of Hackney Carriage provision to take place in 2016 | Report to July 2016 meeting |
| 2. | City Centre Street Trading | 18.06.14 8 | Further report to be presented in regard to city centre street trading designation of licensed streets following completion of the consultation period | Report to future meeting |
| 3. | The Licensing Authority and Safeguarding Children | 12.11.14 6 | Report to be presented in 12 months on the outcomes of the Forum | Report to future meeting |
| 4. | Regeneration Compliance and Regulatory Policy Review | 21.1.15 9 | Further report to be presented including information on the proposal for a Black Country policy | Report to future meeting |
| 5. | Small Casino Licence | - | Update to be presented | Report to March 2016 meeting |

Licensing Committee

20 January 2016

| | | |
|---------------------------------------|--|--|
| Report Title | Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2016/17 | |
| Accountable Strategic Director | Tim Johnson Place | |
| Originating service | Licensing Services | |
| Accountable employee | Colin Parr Tel Email | Licensing Manager 01902 550105 colin.parr@wolverhampton.gov.uk |

Recommendation:

The Licensing Committee are recommended to:

- (i) Approve the proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers as set out in Appendix A with effect from 1 April 2017.
- (ii) Approve the proposed fees and charges for Hackney Carriage and Private Hire Vehicles as set out in Appendix B with effect from 1 April 2017.
- (iii) Consider that any garage registered with VOSA for a minimum of three years and is considered 'green' rated can become a council approved testing facility for the testing of Hackney Carriage and Private Hire Vehicles.

1.0 Purpose

- 1.1 To approve the proposed fees and charges for licences relating to hackney carriages, private hire vehicles, drivers and private hire vehicle operators for 2016/17.

2.0 Background

- 2.1 The Council is empowered by statute to levy fees and charges in respect of licences for hackney carriages, private hire vehicles, drivers and their operators. The fees charged must be reasonable in relation to costs incurred in the administration and enforcement of such licences. Council policy is that fees and charges should be reviewed annually and reflect the cost of providing the service.

3.0 Proposals for 2016/17 Vehicle and Operator Fees

- 3.1 The proposals for 2016/17 have been developed in accordance with Council policy and the desire to minimise costs to the private hire and hackney carriage trade whilst ensuring that public safety is not compromised and the vehicle licensing function operates on a cost neutral basis.
- 3.2 On 22 July 2015 the Licensing Committee agreed revised private hire livery requirements. This included the removal of council door stickers being replaced with approved unique operator signage placed on each side of the vehicle.
- 3.3 The Deregulation Act saw the introduction of three year hackney carriage and private hire vehicle drivers licences and five year private hire vehicle operators licences from 1 October 2015. Licensing Services already offer a three year drivers licence at a fee of £240 which was approved by Licensing Committee on 21 January 2015.
- 3.4 However, with the introduction of a new five year private hire vehicle operators licence and a five year renewal licence the proposed fees of £3,400 for a new licence and £3,140 for a five year renewal licence was considered.
- 3.5 On 22 July 2015 the Licensing Committee agreed that the proposed fees for vehicles and private vehicle operators would be subject to public consultation in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 and any representations would be presented back to the Licensing Committee prior to implementation on 1 October 2015.
- 3.6 No representations were received therefore the proposed fees were effective from 1 October 2015.
- 3.7 It is proposed that these fees are carried forward into 2016/17.
- 3.8 The proposed charges for 2016/17 are detailed at Appendix B to this report.
- 3.9 Hackney carriage and private hire vehicle testing at council approved VOSA registered garages was made permanent on 18/06/2014 by the Licensing Committee.

- 3.10 The criteria stated that a garage must be located within the administrative boundary of Wolverhampton City Council.
- 3.11 It is proposed to extend this facility to any garage that has been registered with VOSA for a minimum of three years and is currently considered by VOSA as a 'green' rated garage. This will allow proprietors of vehicles a greater freedom of choice than currently offered.
- 3.12 It is proposed that the approval fee for VOSA registered garages to be registered as a facility for testing hackney carriage and private hire vehicles also remains unchanged for 2016/17.

4.0 Proposals for 2016/17 Driver fees

- 4.1 It is proposed that the existing council fees and charges for drivers for the current year 2015/16 remain unchanged for the coming year 2016/17. As the cost of providing the service would be met by the anticipated income for 2016/17 without any requirement to increase fees and charges.
- 4.2 The driver fees for 2016/17 are detailed at Appendix A to this report.
- 4.3 The cost of new and third year Disclosure and Barring Service (DBS) checks are not covered by this report as they are determined by Disclosure and Barring Service (DBS).
- 4.4 The fee currently charged for an enhanced DBS disclose is £65 which includes administration costs. The DBS has indicated that there is no proposal to increase the fee at this time. However, if the fee is increased this will automatically be passed onto drivers.
- 4.5 On 20 November 2013 the Licensing Committee approved that applicants submitting an online DBS application be charged £46 as this reduced administration time to process and verify the application by the Licensing Officer.
- 4.6 Worcestershire County Council in partnership with Wolverhampton City Council have delivered the existing Driver Training Scheme for new hackney carriage and private hire vehicle driver applicants since 2008.
- 4.7 On 22 July 2015 the Licensing Committee approved and endorsed a revised driver training programme for hackney carriage and private hire vehicle driver applicants.
- 4.8 The training has been rebalanced to focus on the safeguarding of children and the role taxi drivers can play in tackling child sexual exploitation issues.
- 4.9 Worcestershire County Council incur all the costs associated with the training and receive all the income from drivers.

4.10 Due to the revised programme Worcestershire County Council have proposed a reduction in charges for 2016/17 as detailed at Appendix A to this report.

5.0 Legal implications

5.1 There are no direct legal implications arising from this report. [SH/08012016/X] .

6.0 Financial implications

6.1 It is envisaged that although it is not proposed to increase the fees and charges for the coming year 2016/17, the costs of providing the service will be met providing the number of licences remain at the current level. [TT/06012016/P]

7.0 Environmental implications

7.1 The pricing structure for vehicles may act as an incentive for proprietors and operators to use newer vehicles which are generally, due to national vehicle emissions requirements less polluting than older vehicles.

8.0 Equalities implications

8.1 There are equalities implications arising from this report in that the reduced fees for persons on Job Seekers Allowance directly benefit potentially lower income applicants.

9.0 Schedule of background papers

9.1 Licensing Committee - 16 January 2013 - Fees and charges for hackney carriage and private hire licensing functions 2013/14.

Licensing Committee - 26 February 2014 - Fees and charges for hackney carriage and private hire licensing functions 2014/15.

Licensing Committee - 21 January 2015 - Fees and charges for hackney carriage and private hire licensing functions 2015/16.

Licensing Committee – 22 July 2015 – Revisions to hackney carriage and private hire vehicle, driver and operator criteria.

PROPOSED FEES AND CHARGES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES 2016/17

| | LICENCE TYPE/FUNCTION | CHARGES AGREED FOR 2015/16 £ | PROPOSED CHARGES FOR 2016/17 £ | PERCENTAGE CHANGE % |
|----|---|---------------------------------|-----------------------------------|---------------------|
| 1. | DRIVERS | | | |
| | (i) Hackney Carriage/Private Hire 1 Year New | 77 | 77 | - |
| | (ii) Hackney Carriage/Private Hire 1 Year Renewal | 77 | 77 | - |
| | (iii) Job Seekers Allowance 1 Year New | 35 | 35 | - |
| | (iv) Hackney Carriage/Private Hire 3 Year New/Renewal | 194 | 194 | - |
| | (v) New/Renewal Dual Hackney Carriage/Private Hire | 105 | 105 | - |
| | (vi) New 3 year Dual Hackney Carriage/Private Hire | 240 | 240 | - |
| | (vii) Conversion from Hackney Carriage/Private Hire to Dual Licence. | 80 (plus testing fees) | 80 (plus testing fees) | - |
| | (viii) Hackney Carriage/Private Hire New Applicants One Day Driver Training Course/Test | 75 | 40 | 45% |
| | (ix) Hackney Carriage/Private Hire New Applicants Driver Training Immediate Re-test | 21 | 15 | 25% |
| | (x) Hackney Carriage / Private Hire New Applicants One Day Driver Training Re-sit | 75 | 40 | 45% |
| | (xi) Hackney Carriage/New Applicants Practical Driving Assessment | 79 | 79 | - |

APPENDIX B

| | LICENCE TYPE/FUNCTION | CHARGES AGREED FOR 2015/16 £ | PROPOSED CHARGES FOR 2016/17 £ | PERCENTAGE CHANGE % |
|----|--|--|--|--|
| 2. | VEHICLES Hackney Carriage (i) 0 to 6 yrs old 1 Year or 1 st 6 Months 2 nd 6 Months (ii) Over 6 yrs old and under 16 yrs old 1 Year or 1 st 6 Months 2 nd 6 Months | 285 170 170 361 206 206 | 265 160 160 341 196 196 | 7% 5% 5% 6% 5% 5% |
| | Private Hire (i) 0 to 6 yrs old 1 Year or 1 st 6 Months 2 nd 6 Months (ii) Over 6 yrs old and under 12 yrs old 1 Year or 1 st 6 Months 2 nd 6 Months | 285 170 170 361 206 206 | 266 151 151 342 187 187 | 7% 11% 11% 5% 9% 9% |
| 3. | PRIVATE HIRE OPERATORS (i) New 1 Year (ii) Renewal 1 Year (iii) New 5 Year (iv) Renewal 5 Year | 1077 785 - - | 1077 785 3400 3140 | - - - - |
| 4. | HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE TESTING FACILITIES Council approved VOSA registered garages. | 150 | 150 | - |

Licensing Committee

20 January 2016

Report Title Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2016/17

Accountable Strategic Director Tim Johnson
Place

Originating service Licensing Services

Accountable employee Colin Parr Licensing Manager
Tel 01902 550105
Email colin.parr@wolverhampton.gov.uk

Recommendations:

The Licensing Committee are recommended to:

- (i) Approve the proposed fees and charges for General Licensing as set out in Appendix A with effect from 1 April 2016.
- (ii) Note the fees and charges set by the Secretary of State in relation to the Licensing Act 2003 over which the Council has no local control.
- (iii) Approve the proposed fees and charges set out in Appendix B in relation to the Gambling Act 2005 with effect from 1 April 2016 over which the Council has fee setting powers.
- (iv) Note other fees and charges for permits set by the Secretary of State in relation to the Gambling Act 2005 over which the Council has no local control.

1.0 Purpose

- 1.1 To submit for consideration proposed fees and charges for 2016/17 in relation to certain licences and licensed activities that are regulated by the Licensing Committee.

2.0 Background

- 2.1 The Council is empowered under various statutes to levy fees for the issue of local licences and permits.
- 2.2 This report does not include street trading fees and charges which are the subject of another report to this meeting.
- 2.3 The Council policy is to review its fees on an annual basis and introduce increases at least in line with the increased cost of providing the service, whilst also having due regard to the Council's social and economic policies. In relation to a number of licence types, the fees and charges are set by the Secretary of State.

3.0 Proposals for 2016/17

3.1 General licensing

- 3.1.1 Certain licences, permits and registrations are subject to local control for fees and charges.
- 3.1.2 It is proposed that the existing fees and charges for General Licensing for the current year 2015/16 remain unchanged for the coming year 2016/17 except for a proposed 10% increase to scrap metal dealers registrations. These are detailed at Appendix A.
- 3.1.3 The reason for the 10% increase in fees and charges for the scrap metal dealers registration is because of the number of officer hearings that have been required in delivering this function.

3.2 Licensing Act

- 3.2.1 Fees and charges for premises, clubs, personal licences, temporary event notices and other fees in relation to the Licensing Act 2003 are set by the Secretary of State.
- 3.2.2 Since the implementation of the Act in 2005 there has been no increase in fees set by the Secretary of State.
- 3.2.3 Councillors should note that applications made under Sections 17, 34, 71 and 84 of the Licensing Act 2003 which relate to the provision of Regulated Entertainment within Educational Institutions i.e. Schools or College or premises that are or form part of a Church Hall, Chapel Hall or similar building or Village Hall, Parish Hall or Community Hall or other similar building are exempt from payment of fees.

3.3 Gambling Act

- 3.3.1 It is proposed to continue to charge the maximum fees as set by the Secretary of State for premises licences, temporary use notices and other fees in relation to the Gambling Act 2005 as set out at Appendix B of this report. This is to reflect the cost of the service.
- 3.3.2 In relation to Gambling Act fees for permits, small society registrations etc these are set by the Secretary of State and the Licensing Authority has no discretion to amend these fee levels.

4.0 Financial implications

- 4.1 Should the Licensing Committee agree with the recommendations in this report it is anticipated that overall income from the proposed fees and charges in Appendices A and B which are subject to local control will cover the cost of providing the service assuming the number of licences remain at the current level.
[TT/05012016/K]

5.0 Environmental implications

- 5.1 There are no environmental implications arising from this report.

6.0 Legal implications

- 6.1 The legal implications are considered within the main body of the report.
[SH/06012016/D]

7.0 Schedule of background papers

- 7.1 Licensing Committee – 16 January 2013 - Review of fees and charges for general licensing and miscellaneous matters for 2013/14.

Licensing Committee – 26 February 2014 - Review of fees and charges for general licensing and miscellaneous matters for 2014/15.

Licensing Committee – 21 January 2015 - Review of fees and charges for general licensing and miscellaneous matters for 2015/16.

APPENDIX A

GENERAL LICENSING FEES AND CHARGES SUBJECT TO LOCAL CONTROL

| | LICENCE | EXISTING CHARGE 2015/16 £ | PROPOSED CHARGE 2016/17 £ |
|-----|--|---------------------------------|---------------------------------|
| 1. | Riding Establishments | 210 | 210 |
| 2. | Performing Animals | 145 | 145 |
| 3. | Pet Shops | 160 | 160 |
| 4. | Dog Breeding Licences | 160 | 160 |
| 5. | Animal Boarding Establishments | 160 | 160 |
| 6. | Home Boarding (up to 4 animals) | 95 | 95 |
| 7. | Dangerous and Wild Animals | | |
| | (i) Initial | 505 | 505 |
| | (ii) Full | 260 | 260 |
| | (iii) Random Inspections | 175 | 175 |
| 8. | Cosmetics etc. | | |
| | A. Premises | | |
| | (i) Acupuncture | | |
| | (ii) Tattooing | | |
| | (iii) Electrolysis | | |
| | (iv) Ear Piercing | 105 | 105 |
| | (v) Cosmetic Piercing | | |
| | (vi) Semi-Permanent Skin Colouring | | |
| | B. Persons - All | | |
| | Variation of Licence | 35 | 35 |
| 9. | Poisons Act | | |
| | (i) Initial | 55 | 55 |
| | (ii) Alteration | 35 | 35 |
| | (iii) Maintain on list | 45 | 45 |
| 10. | Sex Establishments | | |
| | (i) Initial (Shop or Cinema) | 2,500 | 2,500 |
| | (ii) Renewal (Shop or Cinema) | 2,000 | 2,000 |
| | (iii) Initial Sev | 3,330 | 3,330 |
| | (iv) Renewal Sev | 2,830 | 2,830 |
| | (v) Initial Joint (Shop/Cinema/Sev) | 3,750 | 3,750 |
| | (vi) Renewal Joint (Shop/Cinema/Sev) | 3,250 | 3,250 |
| | (vii) Transfer | 500 | 500 |
| | (viii) Variation | At cost | At cost |

| | LICENCE | EXISTING CHARGE 2015/16 £ | PROPOSED CHARGE 2016/17 £ |
|-----|--|-------------------------------------|-------------------------------------|
| 11. | Scrap Metal Dealers Act 2013 (3 Years) (i) Collectors (ii) Additional Collectors Copy of Licence (iii) Site (iv) Additional Site (v) Variation of Licence | 160 45 450 250 50 | 180 50 500 275 55 |
| 12. | Highways Act 1980 (i) Table and Chairs (ii) A-Boards (iii) Goods on the Highway | 25 25 25 | 25 25 25 |
| 13. | Clean Neighbourhoods and Environment Act 2005 (i) Distribution of Free Printed Matter (ii) Additional Badges (iii) 1 Day Consent (Up to 2 Persons) (iv) 7 Day Consent (Up to 2 Persons) (v) New small/medium business consent (2 days) | 300 45 50 100 No charge | 300 45 50 100 No charge |
| 14. | Mini-Bus Permits and Disc (5 Years) (i) Initial (ii) Renewal (iii) Replacement | 25 25 25 | 25 25 25 |

WOLVERHAMPTON CITY COUNCIL

THE GAMBLING ACT 2005 – APPROVED FEES FROM 1 APRIL 2016 UNTIL 31 MARCH 2017

| Category of Premises License | Application Fee in Respect of Conversion of Provisional Statement | Application Fee in Respect of New Premises Licences | Annual Fee YEAR 2 | Fee for Application to Vary Licence | Fee for Application to Transfer a Licence | Fee for Application for Reinstatement of a Licence | Fee for Application for Provisional Statement | Fee for Notification of a change of Circumstance (Statutory Fee) | Fee for Application for Copy of Licence (Statutory Fee) | Fee for giving notification of a TUN (MAX £500) | Fee for requesting a copy of a TUN (MAX £25) |
|-------------------------------------|---|---|-------------------|-------------------------------------|---|--|---|--|---|---|--|
| New Small Casino Premises | MAX £3,000 | MAX £8,000 | MAX £5,000 | MAX £4,000 | MAX £1,800 | MAX £1,800 | MAX £8,000 | £50 | £25 | £500 | £25 |
| Converted Casino Premises | N/A | N/A | MAX £3,000 | MAX £2,000 | MAX £1,350 | MAX £1,350 | N/A | £50 | £25 | £500 | £25 |
| Bingo Premises | MAX £1,200 | MAX £3,500 | MAX £1,000 | MAX £1,750 | MAX £1,200 | MAX £1,200 | MAX £3,500 | £50 | £25 | £500 | £25 |
| Adult Gaming Centre Premises | MAX £1,200 | MAX £2,000 | MAX £1,000 | MAX £1,000 | MAX £1,200 | MAX £1,200 | MAX £2,000 | £50 | £25 | £500 | £25 |
| Betting Premises (Track) | MAX £950 | MAX £2,500 | MAX £1,000 | MAX £1,250 | MAX £950 | MAX £950 | MAX £2,500 | £50 | £25 | £500 | £25 |
| Family Entertainment Centre | MAX £950 | MAX £2,000 | MAX £750 | MAX £1,000 | MAX £950 | MAX £950 | MAX £2,000 | £50 | £25 | £500 | £25 |
| Betting Premises (Other) | MAX £1,200 | MAX £3,000 | MAX £600 | MAX £1,500 | MAX £1,200 | MAX £1,200 | MAX £3,000 | £50 | £25 | £500 | £25 |

1.0 Purpose

- 1.1 To submit for consideration proposed street trading fees and charges to take effect from 1 April 2016 and also to advise the Licensing Committee of arrangements for the control and regulation of street trading activities undertaken in the City.

2.0 Background

- 2.1 In 1986 the Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, designating all streets in the City as “consent” streets, enabling the Council to control certain street trading activities. In general terms any trading on a “street”, with a few exceptions, requires “consent to trade”.
- 2.2 Licensing Services are responsible for the administration (including the collecting of fees) for street trading, whilst the enforcement responsibilities associated with street trading are currently undertaken by Regulatory Services Commercial.

3.0 Overview of local controls

- 3.1 The Council’s constitution delegates the Council’s functions relating to the processing, determination and management of street trading, under the Local Government (Miscellaneous Provisions) Act 1982, to the Licensing Committee.
- 3.2 A variety of different consents are issued which set controls such as location and approved times of operation. All consent locations are determined by an officer group from Regeneration, covering the disciplines of planning, highways design, highways enforcement etc.
- 3.3 Consents are agreed and defined based upon location within the City and time of operation. The following represents the location types:
- Dudley Street
 - Bilston Street/Queen Street
 - Victoria Street/Skinner Street/Cleveland Street
 - Molineux Area (Football Consents)
 - Bilston Town Centre
 - Wednesfield Town Centre
 - Evening Consents
 - Other City Areas Food
 - Other City Areas Flowers
 - B Type Consents
 - Operating on Land Accessible to the Public Without Payment (Private Land)

Notes:

- All consents apply for a 12 month period only. There are no guarantees that successful applications for 2016/17 will be successful in 2017/18.
- Evening Consents permit trade at any location within a ¼ mile radius of the Council's retail markets only between the hours of 21.00 and 05.00 hours and are typically issued for catering units.
- Other City Areas Food and Flower consents relate to the consent for traders on designated pitches in other City areas previously issued as mobile consents.
- 'B' Type Consents allow trading in any street in the City, except within a ¼ mile radius of any Council market or other prohibited area. B Type Consents are typically issued for ice cream sales or snacks by means of a mobile unit.
- Operating on Land Accessible to the Public Without Payment (Private Land) relates to consents issued for food, non-food and Molineux match days.

4.0 Review of fees and charges 2016/17

- 4.1 Paragraph 9 of Schedule 4 of the 1982 Act states "that a Council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent".
- 4.2 Each year proposals for the review of fees and charges related to street trading are generated. These proposals are based upon the Council's policy of reviewing fees and charges annually at least in line with the increased cost of providing the service, whilst also having due regard to the Council's social and economic policies.
- 4.3 Having regard to the above it is recommended the fees and charges for street trading consents will remain unchanged for 2016/17.
- 4.4 Appendix A sets out the proposed fees for annual street trading consents for 2016/17 rounded to the nearest £5.00 for administrative purposes.
- 4.5 Appendix B sets out the proposed fees for occasional/temporary street trading consents for 2016/2017.
- 4.6 There exists a commitment to review the city centre street trading function and introduce licensed street traders rather than consented traders. However, this piece of work has not been progressed as yet as the Government are currently considering revisions to the street trading regime following a consultation by the Department for Business, Innovation and Skills last year. This consultation sets out proposals regarding the impact of the EU Services Directive on the function.

5.0 Trader Consultation

- 5.1 A Street Traders' Forum was established in 2007. The group's primary function has been to consult with traders regarding proposals for city centre improvements particularly those pertaining to Dudley Street, Queens Square and the implications that these changes may have for them and their businesses. The forum now meets on an annual basis.

5.2 A Street Trading Forum was held on 11 January 2016.

5.3 The agenda listed fees and charges for 2016/17 as a discussion item.

6.0 Financial implications

6.1 Based upon current occupation, the proposed fees outlined in Appendix A would meet the budgetary requirements for 2016/17. [TT/05012016/K]

7.0 Environmental implications

7.1 This report does not generate any direct environmental implications. However, the presence of street traders clearly impacts on the street scene environment.

8.0 Legal implications

8.1 The legal implications are considered within the main body of the report.
[SH/06012016/Z]

9. Schedule of background papers

9.1 Licensing Committee - 16 January 2013 - Review of fees and charges for street trading consents for 2013/14.

Licensing Committee - 26 February 2014 - Review of fees and charges for street trading consents for 2014/15.

Licensing Committee - 21 January 2015 - Review of fees and charges for street trading consents for 2015/16.

APPENDIX A

Proposed Annual Street Trading Fees 2016/17

| LOCATION / TYPE | 2015/16 Existing Consent Annual Fee (£) | 2016/17 Proposed Consent Annual Fee (£) |
|---|--|--|
| Dudley Street | 3380 | 3380 |
| Bilston Street/Queen Street | 2940 | 2940 |
| Skinner Street/Cleveland Street/Victoria Street | 2940 | 2940 |
| Molineux Area (Football Consents) | 690 | 690 |
| Bilston Town Centre | 2170 | 2170 |
| Wednesfield Town Centre | 1990 | 1990 |
| Evening Consents | 1905 | 1905 |
| Other City Areas Food | 1300 | 1300 |
| Other City Areas Flowers | 440 | 440 |
| B Type Consents* | 460 | 460 |
| Private Land Consent | 95 | 95 |

APPENDIX B

Proposed Occasional/Temporary Street Trading Fees 2016/17

| LOCATION / TYPE | 2015/16 Existing Consent (£) | 2016/17 Proposed Consent (£) |
|--|---------------------------------------|---------------------------------------|
| City Centre (within Ring Road) | | |
| Individual Week Days (Monday to Friday, excluding Bank Holidays) | 30.00 | 30.00 |
| Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays) | 110.00 | 110.00 |
| Weekends (Saturday and Sunday inclusive) | 110.00 | 110.00 |
| Bank Holidays and Specialist Market Days | 55.00 | 55.00 |
| Bilston and Wednesfield Town Centres | | |
| Individual Week Days (Monday to Friday, excluding Bank Holidays) | 15.00 | 15.00 |
| Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays) | 55.00 | 55.00 |
| Weekends (Saturday and Sunday inclusive) | 55.00 | 55.00 |
| Bank Holidays and Specialist Market Days | 30.00 | 30.00 |
| | | |
| Other Areas | | |
| Individual Week Days (Monday to Friday, excluding Bank Holidays) | 10.00 | 10.00 |
| Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays) | 35.00 | 35.00 |
| Weekends (Saturday and Sunday inclusive) | 35.00 | 35.00 |
| Bank Holidays and Specialist Market Days | 15.00 | 15.00 |
| Special Outdoor Event (i.e. City Show, Vaisakhi, Steam and Vintage Rally, etc) | Up to 165.00 per event | Up to 165.00 per event |

Licensing Committee

20 January 2016

Report Title Review of the Molineux Safety Advisory Group Terms of Reference

Accountable Strategic Director Tim Johnson
Place

Originating service Licensing Services

Accountable employees Colin Parr Licensing Manager
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Alison Stephens Senior Officer
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Recommendations:

The Licensing Committee are recommended to:

- (i) Note the review that has taken place of the terms of reference for the Molineux Safety Advisory Group.
- (ii) Note the consultation exercise that has taken place on the proposed terms of reference.
- (iii) Approve the proposed terms of reference attached at Appendix A to this report.

1.0 Purpose

- 1.1 For Licensing Committee to note the review of the Molineux Stadium Safety Advisory Group terms of reference and agree the new terms of reference attached at Appendix A.

2.0 Background

- 2.1 The safety of the larger sports grounds within the City is the responsibility of the Licensing Committee. Accordingly, on 5 May 2004 Councillors approved proposals relating to the future arrangements for the discharge of the Council's function in respect of the regulation of the four sports grounds within the City i.e.

- Molineux Stadium, Waterloo Road
- Dunstall Racecourse, Dunstall Park
- Aldersley Leisure Village, Aldersley Road
- Monmore Green Stadium, Sutherland Avenue

- 2.2 Councillors also agreed that to assist in the delivery of the safety certification process for the Molineux Stadium that the Molineux Stadium Safety Advisory Group (MSSAG) would be established.

- 2.3 The responsibilities of the Safety Advisory Group are:

- Assisting the Council, through Regulatory Services, to issue and enforce the conditions of the safety certificate.
- Coordinating and consulting with the Police, Fire Service and the building authority and Ambulance Service in respect of the identified stadia.
- Assisting the Council with the placing of conditions on the safety certificate to ensure the safety of those using the stadium.
- Identifying maximum stadia capacities and the areas of the stadia to which visitors have access.
- Providing specialist advice to the Licensing Committee on sports ground safety matters.

- 2.4 The MSSAG has terms of reference which are agreed through the Licensing Committee, these are periodically reviewed in consultation with the membership of the group.

3.0 Draft terms of reference

- 3.1 The current MSSAG terms of reference were agreed on 19 November 2008. As such a review is required.

- 3.2 The proposed draft terms of reference are attached at Appendix A to this report. The main changes in the proposed terms of reference are as follows:

- Revisions to attendance of the MSSAG to reflect organisational changes in the agencies that make up the membership of the group.

- Removal of the Chief Regulatory Services Officer as the strategic lead officer for the safety certification function and the introduction of the Head of Regulatory Services in this role.
- The removal of the Group Manager as the Chair of the MSSAG and the introduction of the Licensing Manager in this role.
- The introduction of a new role of MSSAG Vice-Chair to be delivered by the Service Lead (Commercial).
- The delivery of the operational role will now be carried out by the Senior Officer (Commercial), this replaces the Principal Officer, Health and Safety, that previously delivered this role.
- Recognition of fans groups such as the 'Fans Parliament' who will be represented via the Football Club.
- The introduction of St John's Ambulance as a standing member of the group.
- A reduction in the frequency of meetings of the MSSAG from four a year to three.

3.3 The revised terms of reference have been subject to consultation with the membership of the MSSAG. Of the changes proposed the reduction in the frequency of meetings is the only point that generated any comments from agencies.

3.4 All those that commented supported this proposal and felt it reflected the confidence the authority has in the Football Club to manage the stadium safely. This risk based proportionate approach is consistent with the way the council executes all its regulatory functions.

3.5 The Sports Ground Safety Authority's representative on the group stated that their annual visits had further supported the view that spectator safety at the stadium is well managed and there is an excellent relationship between the club and the agencies that make up the MSSAG.

4.0 Financial implications

4.1 There are no financial implications arising from this report.
[TT/06012016/X]

5.0 Environmental implications

5.1 There are no environmental implications arising from this report.

6.0 Legal implications

6.1 The delivery of functions associated with sports ground safety are statutory responsibilities under the Safety at Sports Grounds Act 1975.
[SH/08012015/M]

7.0 Equalities implications

7.1 There are no equalities implications arising from this report.

CITY OF WOLVERHAMPTON COUNCIL

MOLINEUX STADIUM SAFETY ADVISORY GROUP

CONSTITUTION & TERMS OF REFERENCE

1.0 Introduction

- 1.1 The Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987 place statutory duties on the City Of Wolverhampton Council in relation to the certification of certain qualifying sports grounds and the monitoring of compliance of those certificates.
- 1.2 In line with Sports Ground Safety Authority guidelines on safety certification, a safety advisory group has been established to act specifically in relation to the Molineux Stadium. This group is to be known as the Molineux Stadium Safety Advisory Group (MSSAG).
- 1.3 The Molineux Stadium Safety Advisory Group is a multi-agency group established to provide specialist advice to the Local Authority regarding the terms and conditions included within the Safety Certificate and on-going compliance with the Certificate.
- 1.4 The fundamental aim of the Council is to ensure the reasonable safety of spectators attending relevant sports grounds within the City.
- 1.5 The Molineux Stadium Safety Advisory Group has a direct link to Wolverhampton's corporate plan of keeping the city safe.

2.0 Roles and Responsibilities

- 2.1 Responsibility for the function of sports grounds safety certification rests with the Council's Licensing Committee (LC).
- 2.2 The Head of Regulatory Services will oversee compliance with the statutory duties imposed by the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987.
- 2.3 The Licensing Manager will Chair the Molineux Stadium Safety Advisory Group. The Vice Chair will be the Service Lead (Health and Safety).
- 2.4 The operational role will be carried out by District/Senior Officers within Environmental Health Commercial.
- 2.5 The role of the MSSAG is to act as a specialist forum to consider issues relating to the safety of spectators using the Molineux Stadium and to advise the Council in order that appropriate decisions can be made in relation to spectator safety. Such decisions can be made by the Head of Regulatory

Services and other appropriately authorised officers but may in some circumstances be referred to the Licensing Committee for a decision.

3.0 **Terms of Reference**

3.1 The terms of reference of the MSSAG are to:

- provide specialist advice to the Council so that it can discharge its duties under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987;
- provide a forum in which all the agencies concerned with spectator safety can develop a consistent and proportionate corporate approach to the matter;
- undertake an annual inspection of the stadium and ensure that the inspection report is forwarded to the LC;
- accurately record and minute all of its business, whether it relates to the work of the main group or any sub-group and ensure the minutes of all meetings are forwarded to the LC.

4.0 **Constitution**

4.1 The MSSAG core group shall comprise of the following or their authorised representatives:-

- **Wolverhampton City Council**
 - Licensing Manager (Chair)
 - Service Lead (H & S Commercial) (Vice Chair)
 - Senior Officer Commercial
 - Senior Building Inspector
- **West Midlands Police**
 - Chief Superintendent or
 - Assistant Chief Superintendent
- **West Midlands Fire Service**
 - Officer from the Licensing Team
- **West Midlands Ambulance Service**
 - Manager
- **Sports Ground Safety Authority**
 - Appointed Inspector
- **Wolverhampton Wanderers Football Club**
 - Chief Executive Officer

- Club Secretary
 - Facilities & Safety Manager
 - **St John's Ambulance Service**
 - Event Delivery Co-ordinator
- 4.2 The various spectator groups attending the Wolverhampton Wanderers 'Fans' Parliament' shall be represented at the MSSAG by officers of the Wolverhampton Wanderers Football Club.
- 4.3 The quorum of the group shall be a minimum of three core members, one of whom must be the Licensing Manager or his appointed nominee or the Senior Officer Environmental Health (Commercial).
- 4.4 The core group shall meet on at least three occasions each year plus at any other time deemed necessary by the Licensing Manager, either on his or any other core members' request.
- 4.5 The Licensing Manager or nominee or the Senior Officer may, from time to time, convene an "Urgent Matters Group", at short notice, to consider any specific issue that falls within the general remit of the group or respond to incidents of concern or note. All meetings of the Urgent Matters Group shall be attended by the relevant people present for decisions to be made and minuted.
- 4.6 Minutes of all meetings will be sent for information to the Licensing Committee.

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Licensing Committee

20 January 2016

Report Title Review of the Statement of Gambling Policy

Accountable Strategic Director Tim Johnson
Place

Originating service Licensing Services

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Recommendations:

The Licensing Committee are recommended to:

- (i) Note the review that has taken place on the terms of the Statement of Gambling Policy
- (ii) Approve the draft policy to be presented to Full Council on 27 January 2016 for implementation from 31 Jan 2016.
- (iii) Agree to receive a further report following the more substantial review and the development of the local area needs assessment later this year.

1.0 Purpose

- 1.1 To present for consideration by Councillors the proposed Statement of Gambling Policy for adoption by Full Council on 27 January 2016.

2.0 Background

- 2.1 The first 'Statement of Gambling Policy' was approved and adopted by the Council on 8 November 2006 and came into effect on 31 January 2007, in accordance with section 349 of the Gambling Act 2005 and guidance issued by the Secretary of State. The policy has been renewed every three years following this.
- 2.2 Licensing Authorities are required to prepare and consult upon a Statement of Gambling Policy every three years. In order to adhere to these requirements, the proposed draft policy must be in force with effect from 31 January 2016..
- 2.3 Once adopted and published a Statement of Gambling Policy shall remain in force for a period of three years. However, a Licensing Authority can review their statement from time to time and if they think it necessary in light of a review, revise the statement and publish any revision before giving it effect.
- 2.4 Later in 2016 new guidance will require the Statement of Gambling Policy to contain a local area assessment. This document will be to assist applicants by detailing the local area and highlighting issues that may be relevant to their applications.
- 2.5 It is proposed to carry out a further more fundamental review of the policy later in 2016 following the development of the local area assessment.

3.0 Draft Statement of Gambling Policy

- 3.1 Given the more fundamental review of the Statement of Gambling Policy that will be required later this year no significant changes have been made to the draft policy.
- 3.2 The only changes of note are that the content relevant to the casino process has been removed from the main policy document and the dates have been changed.
- 3.3 The draft policy is attached at Appendix A to this report.
- 3.4 Section 349 of the Gambling Act provides that the Licensing Authority shall consult with
- The chief of police
 - Persons who appear to represent the interests of persons carrying on gambling businesses in the authority's area
 - Persons who represent the interests of persons who are likely to be affected by activity resulting from the Act.
- 3.5 Given the minimal changes to the policy and the requirement to consult again later this year the Council has consulted to the minimum statutory level. No responses have been received to the consultation.
- 3.6 The consultation later in the year following the substantive review of the policy and the development of the local area assessment will follow best practice and will involve a twelve week consultation with a broad church of stakeholders.

4.0 Financial implications

4.1 There are no financial implications arising from this report.
[TT/06012016/X]

5.0 Environmental implications

5.1 There are no environmental implications arising from this report.

6.0 Legal implications

6.1 The legal implications are included in the main body of the report.
[TC/110115/N]

7.0 Equalities implications

7.1 There are no equalities implications arising from this report.

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Statement of Gambling Policy



Statement of Gambling Policy

Fourth Edition



**This Gambling Licensing Policy shall take effect from the 31st January
2016**

Amended section are highlighted as such

STATEMENT OF GAMBLING POLICY

Gambling Act 2005

(Published for consultation purposes November 2015)

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PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005 (the Act), the Council must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

In carrying out its licensing functions under the Act and in accordance with section 153, the Council will, when making decisions about premises licences and temporary use notices aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this statement of gambling policy

2. Introduction

Wolverhampton City Council is situated in the West Midlands, which contains seven Councils in total. The Council area has a population of 251, 500 and covers an area of 26 square miles. The Council area is urban in nature and is densely populated with approximately 3,500 residents per square kilometre. In addition to the Wolverhampton city centre, there are 3 other local centres, Bilston, Wednesfield and Tettenhall. These areas are shown in the map below.



The Council is required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This

statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

The Gambling Act requires that the following parties are consulted by the Council:

- the Chief Officer of Police;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

3. Declaration

In producing the final statement, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

4. Responsible Authorities

The Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority’s area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission’s Guidance for licensing authorities, this Council designates the Children and Young People Service for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council’s website at www.wolverhampton.gov.uk/gamblingact2005.

5. The Gambling Commission

The Gambling Commission regulates gambling in the public interest. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued guidance regarding the manner in which local authorities exercise their licensing functions under the Act. They can be contacted at www.gamblingcommission.gov.uk or by post at, The Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP.

6. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

The Council is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for licensing authorities at 8.15 and 8.16. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents’ and tenants’ associations (Gambling Commission Guidance for local authorities 8.17). This Council will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than this however, the Council will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be considered sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Licensing and Support Services, Civic Centre, St Peters Square, Wolverhampton. WV1 1RP.

7. Exchange of Information

The Council is required to include in its statement the principles to be applied by the authority in exercising its function under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard

to any Guidance issued by the Gambling Commission on this, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

8. Enforcement

The Council is required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising their functions under part 15 of the Act, with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The Council's principles are that:

It will be guided by the Gambling Commission's Guidance for licensing authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

The Council is committed to avoiding duplication with other regulatory regimes so far as possible. However, it should be noted that it will be necessary to liaise with West Midlands Police on occasion in relation to the consideration of applications and reviews of gambling premises licenses. The Council intends to adopt a similar approach to that utilized for the Licensing Act 2003 and on this basis will seek to agree a set of protocols with the Police that will determine the way in which the two parties interact which is set out within Regulatory Services enforcement policy.

The Council recognises that some companies within the gambling industry will have a number of premises within the City. In order to ensure that any compliance issues are identified and resolved at the earliest stage, operators will be requested, where appropriate, to give the Council a single, named point of contact, who should be a senior individual, and whom the Council will contact first should any compliance issues arise.

This Council has adopted and implemented a risk-based inspection programme based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Gambling Policy

The main enforcement and compliance role for the Council in terms of the Gambling Act 05 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

The Council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

9. Licensing Authority Functions

The Council is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miner's welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (as delivered by the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

1. General Principles

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Council is able to exclude default conditions. The Council also has the power to impose additional conditions or exclude conditions from the licence.

Decision Making - The Council is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Council's Statement of Gambling Policy.

It is appreciated that, as stated in the Gambling Commission's Guidance for licensing authorities, "moral objections to gambling are not a valid reason to reject applications for premises licences" (except in the case of a 'no casino resolution' - see section on Casinos) and also, that "unmet demand" is not a consideration for a licensing authority.

Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the exception is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

The Council takes particular note of the Gambling Commission's Guidance for Licensing authorities which states that: Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activities named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

Casinos

- The principle access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as defined at 7.23 of the guidance) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of the café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premises directly from:
 - a casino

- an adult gaming centre
- a betting premise, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the council can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

Location – The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In accordance with the Gambling Commission’s Guidance for licensing authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning:

The Gambling Commission Guidance to licensing authorities states:

7.59 – In determining applications the Council has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

The Council will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other regulatory regimes – The Council seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, the council will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime – The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way – The Council has noted that the Gambling Commission state that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – The Council has noted the Gambling Commission's Guidance (**for local authorities**) states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at

or are, particularly attractive to children). The Council will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include, but are not limited to,

- the supervision of entrances to prevent access by children (or known vulnerable persons)
- the supervision and monitoring of gaming machines,
- specifying the location of gaming machines
- areas where the nature of the gambling carried on in those areas should not be available to children should be segregated to exclude their entrance.

Measures are also likely to include a general requirement, in terms of the licensing of premises, in relation to the protection of children from harm and the prevention of vulnerable persons being harmed or exploited by gambling. In so doing it is anticipated that the Council will encourage, in its administration of gambling premises licensing, the promotion of organisations that seek to protect members of the public from gambling beyond their means and provide assistance to those who already gamble beyond their means.

The Council is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." The Council will consider this licensing objective on a case by case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should there be a perceived need, such as, the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Council will also expect applicants to offer their own suggestions as to way in which the licensing objectives can be met effectively.

The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. These measures may include, but are not limited to, the supervision of entrances; segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Council will seek to ensure that where category C or above machines are available for use in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to, and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premise licences are applicable.

The Council is aware that tracks may be subject to one, or more than one, premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, the Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Council notes that there are conditions which the licensing authority cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- Conditions in relation to stakes, fees, winning or prizes.

Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if the Council is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

The Council will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres

The Council will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Council may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare.
- Measures/Training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

The Council will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

Casinos and competitive bidding – Small casinos

The Council has been granted the power to issue one premises licence for a small casino, and is aware that there are likely to be a number of operators who will want to run the casino. In such situations the Council will run a 'competition' under Schedule 9 of the Gambling Act 2005. The Council will run such a competition in line with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Guidance and codes of practice issued under the Gambling Act 2005. Attached at Part

D of this policy is a separate section in relation to Small casino licence as agreed by the Council on 21 December 2011.

Licence considerations / conditions – The Council will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

Betting machines – The Council will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo Premises

The Council notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

The Council also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

THIS AUTHORITY ALSO NOTES THAT GUIDANCE AT PARAGRAPH 18.7 REGARDING SECTION 172(7) OF THE GAMBLING ACT 2005 WHICH PROVIDES THAT THE HOLDER OF A BINGO PREMISES LICENCE MAY MAKE AVAILABLE FOR USE A NUMBER OF CATEGORY B GAMING MACHINES NOT EXCEEDING 20% OF THE TOTAL NUMBER OF GAMING MACHINES WHICH ARE AVAILABLE FOR USE ON THE PREMISES. PREMISES IN EXISTENCE BEFORE 13 JULY 2011 ARE ENTITLED TO MAKE AVAILABLE EIGHT CATEGORY B GAMING MACHINES, OR 20% OF THE TOTAL NUMBER OF GAMING MACHINES, WHICHEVER IS THE GREATER. THE HOLDER OF BINGO PREMISES LICENCE GRANTED ON OR AFTER 13 JULY 2011 BUT BEFORE 1 APRIL 2014 IS ENTITLED TO MAKE AVAILABLE A MAXIMUM OF EIGHT CATEGORY B MACHINES OR 20% OF THE TOTAL NUMBER OF GAMING MACHINES, WHICHEVER IS THE GREATER; FROM 1 APRIL 2014 THESE PREMISES WILL BE ENTITLED TO 20% OF THE TOTAL NUMBER OF GAMING MACHINES ONLY. REGULATIONS STATE THAT CATEGORY B MACHINES AT BINGO PREMISES SHOULD BE RESTRICTED TO SUB-CATEGORY B3 AND B4 MACHINES, BUT NOT B3A LOTTERY MACHINES.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting Premises

Betting machines – The Council will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

The Council is aware that tracks may be subject to one, or more than one, premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Council will therefore expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines – The Council will, as per part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Council to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that the council can be satisfied that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling Fairs

The Council is responsible for deciding whether, where category D gaming machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement, that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met.

The Council will consider whether the applicant falls within the statutory definition of a travelling fair. Travelling fairs do not require any permit to provide gaming machines but must comply with legal requirements about the way the machine operates. They may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

Developers may wish to apply to the council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Premises Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however it is for the council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Council's Statement of Gambling Policy.

The request for the review will also be subject to the consideration by the council as to whether the request is frivolous, vexatious, or whether it will certainly not cause this

authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a particular premises licence, or a particular class of premises licence, on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The council must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the council should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the council must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the council must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

Permits / Temporary & Occasional Use Notices

1. Unlicensed Family Entertainment Centre gaming machine permits

(Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Council for a gaming machine permit. It should be noted that the applicant must show that the premise will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that the Council may prepare a 'Statement of Principles' that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and for considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under section 2.5.. The Gambling Commission's Guidance to licensing authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application. On this basis the Council will ask applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles

The Council will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures and training for staff as regards suspected truant school children on the premises, measures and training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premise. The Council will require applicants to be able to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

A full copy of the statement of principles is available on request to:

Licensing Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RP

licensing@wolverhampton.gov.uk

2. (Alcohol) Licensed Premises Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Council of them.

The Council can remove this automatic authorisation in respect of any particular premise, if:

- provision of machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it will need to apply for a permit from the Council. The Council will then consider the application based upon the licensing objectives and any guidance issued by the Gambling Commission. The Commission also states that the Council should also consider other relevant matters. Such matters will be decided on a case by case basis but generally the Council will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. These measures may include the adult machines being in sight of the bar, or in the sight of staff that will monitor the machines to ensure they are not being used by those under 18.

Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as Gamcare.

The Council recognises that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.

It should also be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions, other than these, cannot be attached.

Applicants should also note that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission regarding the location and operation of gaming machines.

3. Prize Gaming Permits

The Gambling Act 2005 states that the Council may “prepare a Statement of Principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

Accordingly, the Council has prepared a Statement of Principles which requires the applicant to set out the types of gaming that he or she is intending to offer. The applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in regulations;
- and, that the gaming offered is within the law.
- Clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for this permit the Council does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that the Council cannot and therefore will not attach conditions to the permit. However where facilities are provided in an adult gaming centre, a licensed family centre or for equal chance prize gaming, section 293 of the Gaming Act 2005 provides conditions with which the permit holder must comply. These are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day. The game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners’ Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicate(s) the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also states that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police."

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 Paragraph 10). As the Gambling Commission Guidance to licensing authorities states: "under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Council can refuse a permit are reduced. And "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines. The Council will enforce these statutory conditions.

5. Temporary Use Notices

Temporary use notice(s) allow the use of premises for gambling, where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice according to the gambling commission would include hotels, conference centres and sporting venues.

The council can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

6. Occasional Use Notices

The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

The Council will though consider the definition of a 'track' and whether applicant is permitted to avail him/herself of the notice.

- Betting on a track will be permitted by an occasional use notice providing it is for 8 days or less in a calendar year. The calendar year will commence on the 1st January.
- The notice must be served by a person who is responsible for the administration of events on the track, or by an occupier of the track.
- A notice must be served on the Council and copied to the Chief of Police.
- The notice must specify the day on which it has effect, and may be given in relation to consecutive days providing the overall limit of 8 days is not exceeded in a calendar year.
- The Council will maintain a record of the number of notices served in a calendar year to ensure the limit of 8 days is not exceeded.
- No gaming machines may be provided

7. Lotteries

All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act. One exemption is in respect of what are termed 'small society lotteries'. The Council will be responsible for registering these small lotteries.

A society will be allowed to register with the Council if it is a 'non commercial' lottery i.e. it is established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or of supporting, sporting, athletic or cultural activities or
- for any other non-commercial purpose other than for private gain

The Council will maintain a register of small society lotteries which it has registered.

8. Local Authority Lotteries

Under the terms of the Act Council's can, if they elect to do so, apply to the Gambling Commission for a licence to operate a Local Authority Lottery, the proceeds of which should be utilised for the benefit of the local community.

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