



Licensing Sub-Committee

Minutes - 1 July 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Greg Brackenridge

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 Barn Green Convenience Store, 12 Barn Green

In attendance

For the premises

Mr M Ahmed – representing the applicant
Mr S Sokhi – Designated Premises Supervisor

Responsible Authorities

E Moreton – Licensing
PCSO C Round – West Midlands Police

Other persons

Mrs Stapleford – spokesperson for Bran Green residents
Mr and Mrs Thomas
Mrs Bucknall
Ms Bucknall – spokesperson for Fistril Gardens

Mrs Phillips
Miss Woolley
Mr Walker

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

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

At this juncture Mr Ahmed outlined the application for a new premises licence and in doing so advised that, following mediation, had agreed conditions with the Licensing Authority and West Midlands Police and he outlined the measures to be undertaken to protect both the business and local residents. The store would be primarily a convenience store for household and food goods, and there would be no sale of single cans of high volume alcohol. It was noted that the applicant wished to work with the residents and the Designated Premises Supervisor would be happy attend any residents' meetings.

Mr Ahmed and Mr Sokhi answered questions from the Sub-Committee, Responsible Authorities and other persons as appropriate.

On a point of clarification, the Solicitor advised that the Licensing Sub-Committee could only consider matters under the Licensing Act 2003 and that parking was a highways matter.

The Responsible Authorities outlined their representations in support of the prevention of public nuisance and prevention of crime and disorder licensing objectives. PCSO Round believed that the proposed amendments to the operating schedule which had been agreed and signed by the applicant, following meetings between the premises, West Midlands Police and the Licensing Authority, would be sufficient to promote the licensing objectives.

The Responsible Authority representatives answered questions from the Sub-Committee, applicant and other persons as appropriate.

The other persons (local residents) outlined their concerns which related primarily to the sale of alcohol and opening hours. Issues were also raised regarding parking, which could not be considered under the Licensing Act 2003.

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 for a premises licence.

6 Re-admission of press and public

The parties returned to the meeting and were advised of the Sub-Committee's decision, which would be forwarded in the next five working days, as follows:

7 Announcement of decision

The Sub-Committee have taken note of all the written concerns raised in respect of Barn Green Convenience Store, 12 Barn Green, 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 from other persons that there is anti-social behaviour in the area. However, they have heard from the West Midlands Police that it is not a 'hot spot' for anti-social behaviour and, if the agreed conditions were added to the premises licence, they believe it should be granted.

The Sub-Committee have heard from the Licensing Authority that:

1. the applicant has worked with Responsible Authorities to remedy any issues, and
2. they support this application if agreed conditions are added to it.

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

Agreed between the applicant and the Licensing Authority (as detailed on the file note dated 28 May 2015)

Operating schedule to be modified to includes as follows:

- Supply of alcohol off the premises reduced to between 0800 and 2200 hours, Monday to Sunday inclusive.
- Designated Public Place Order, 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 sales of single cans or bottles of beer, lager or cider with an ABV of 6.5% or over to be permitted.

Agreed between the applicant and the West Midlands Police (as detailed on page 28 of the bundle of documents attached to the report and dated 8 May 2015)

- CCTV system with recording equipment shall be installed and maintained at the premises.
- CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to which the 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.
- All staff to receive training and refresher training every six months on their responsibilities with regard to licensing legislation; this training to be documented and shown to a member of a Responsible Authority upon request.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of public nuisance and prevention of crime and disorder 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 Magistrate's Court within 21 days of receipt of this decision.

8 **Licensing Act 2003 - Application for a Premises Licence in respect of Star Works, Frederick Street**

In Attendance

For the premises

A Potts – Licensing Consultant
R McGillicuddy – Director
L Coppage – Freedom Security
P Atkins – Cool It Events

Responsible Authorities

PC J Yoemans – West Midlands Police
N Baugh – West Midlands Fire Service
S Stiles – Environmental Health (Commercial)
E Moreton – Licensing
M Smith – Public Health

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

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

At this juncture Mr Potts outlined the application for a premises licence on behalf of the applicant. It was noted that consultation had taken place with the Responsible Authorities and conditions added to the operating schedule.

E Moreton spoke on behalf of all the Responsible Authorities indicating that, following meetings with the applicant and representatives, a number of conditions had been added to the licence which would meet the prevention of public nuisance, public safety and prevention of crime and disorder licensing objectives.

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 for a premises licence.

11 Re-admission of press and public

The parties returned to the meeting and were advised of the Sub-Committee's decision, which would be forwarded in the next five working days, as follows:

12 Announcement of decision

The Sub-Committee have taken note of all the written concerns raised in respect of Star Works, Frederick Street, 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 premises licence is granted as applied for, subject to the following conditions agreed between the applicant and all Responsible Authorities who made relevant representations:

1. For each event the Premises Licence Holder shall provide an event plan and appropriate risk assessments to the Safety Advisory Group (SAG) via licensing@wolverhampton.gov.uk at least two months prior to the event taking place and shall attend any SAG meetings as requested. All formal recommendations of the SAG shall be adhered to, constitute additional conditions on the premises licence and be enforced as any other such conditions would be.
2. The premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no licensable activity is advertised by means of flyposting.
3. Reasonable steps will be undertaken to ensure that the provision and use of the external smoking area does not result either in litter or a nuisance being caused. This will be in a position shown on the amended plan produced by Andrew Upson and will have adequate ashtrays provided and be under direct supervision by SIA badged door staff and a dedicated CCTV camera.
4. The event plan and risk assessments shall be bespoke to each particular event and, due to the condition of the building, include a safety risk

assessment to ensure the safety of members of the public attending such events.

5. The provision of temporary sanitary conveniences shall be discussed and agreed at the SAG bearing in mind the requirements of BS6465 for sanitary provision and numbers of such facilities shall be agreed with Building Control in advance.
6. There shall be no sales for consumption off the premises save for persons occupying the dedicated smoking area.
7. Polycarbonate glasses shall be used in all circumstances, unless expressly agreed beforehand through the SAG. In any event, no glass will be taken outside the premises, including the smoking areas.
8. Clause number 2 of the original application shall apply to this application namely 'if the premises licence holder wishes to operate past 0400 hours the premises must inform the Licensing Department at Wolverhampton Police Station in writing a minimum of 28 days in advance. West Midlands Police have a power of veto if it is believed that any of the four licensing objectives may be breached. Notwithstanding this condition, any hours of operation shall be agreed at a SAG meeting for the particular event.
9. There shall be no adult entertainment of a sexual nature at the premises.
10. Door staff at any event shall be at a ratio agreed through the SAG.
11. The premises shall not operate until such time as a full Building Regulations application has been made and the same will apply to Listed Building Consent and a Planning Application for change of use and the alterations to the facades of the building.
12. So far as the West Midlands Fire Service is concerned, an undertaking has been made to satisfy their requirements numbers 1 to 3 and for the avoidance of doubt as is envisaged in paragraph 2 under Public Safety, the premises shall not open for trading until a professionally prepared fire risk assessment is produced to the West Midlands Fire Service at Wolverhampton.
13. For the avoidance of doubt it shall be a condition of any licence that a minimum period of two months notice, unless otherwise agreed in writing with the Licensing Authority for a shorter period of notice, shall be given to Responsible Authorities and the SAG of all events.
14. The premises shall not open for trading under this licence until hand mitts and metal detection (in the form of a knife arch or wand) is in operation on any occasion the premises are open for licensable activities, unless other arrangements are expressly agreed beforehand through the SAG.
15. A 100% search policy will operate, utilising the facilities detailed above at 13, for all events, unless other arrangements are expressly agreed beforehand through the SAG.
16. At all times the premises are open there shall be in force the Premises Licence Holder's drugs policy, suspicious vehicles policy, lost and found policy, a female search policy, a dispersals policy and any other policies reasonably requested by the SAG. All these policies are to be presented and agreed through SAG for each event.
17. The terminal hour for all licensable activities at the premises will be 0500 hours and no licensable activities shall commence before 1400 hours.
18. Last entry time for any event shall be 0200 hours, unless expressly agreed beforehand through the SAG.
19. Events with licensable activities will be limited to no more than ten occasions per year (each day licensable activities take place constitutes a separate

occasion, i.e. an event on a Saturday from 1900 hours to 0300 hours would constitute one occasion: however, if the same artist/entertainment were also offered on the following Sunday for the same or similar hours this would constitute a second occasion).

20. A CCTV system, with recording equipment shall be installed and maintained at the premises.
21. 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.
22. Images/recordings must be downloadable and downloaded in a suitable format for them to be provided to any member of a Responsible Authority upon request and without any undue delay.
23. Images and recordings must be of evidential quality, must indicate the correct time and date and be kept for at least 31 days.
24. 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 images, should any member of a Responsible Authority make a request.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of public nuisance, public safety and prevention of crime and disorder 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 Magistrate's Court within 21 days of receipt of this decision.