

Licensing Sub-Committee

Minutes - 22 July 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 interest.

3 **Licensing Act 2003 - Application for variation to a premises licence in respect of Baltic, 18-19 Bargate Drive**

In Attendance

For the Premises

P Byatt – Licensed Inn Tuition

Responsible Authorities

PC M Harvey – West Midlands Police
Elaine Moreton – Licensing Authority
Stefan Polatajko – Environmental Health (Commercial)
Michelle 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 application for variation of the premises licence.

At this juncture, Mr Byatt outlined the application on behalf of the applicant. He indicated that when the application had been made he had not been aware of the fact that the premise was located within a Cumulative Impact Zone (CIZ), or he may have included more rigorous conditions. He added that the West Midlands Police had requested that additional conditions be added to the premises licence, which had been duly signed and a copy had been emailed to all parties prior to this meeting.

Responding to questions, he advised that there was no change of use and that his client would ensure that a SIA register door supervisor was employed at the premises. He further advised that, if granted, the licensable hours would be consistent with the opening hours and that no alcohol would be sold between 9 and 11 pm without the presence of a door supervisor.

It was noted that the second proposed condition required re-wording as it should be made clear that the restriction related to the sale of alcohol only.

At this juncture PC Harvey outlined the representations on behalf of the West Midlands Police. He advised that the request for a SIA registered door supervisor was made due to ongoing problems of anti-social behaviour in the Avion Centre and that there had been no specific problems directly related to these premises.

On a point of clarification, the Section Leader (Licensing) advised that the Section 182 guidance under the 2003 licensing Act, clearly stated that applicants were expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

‘any risk posed to the local area by the applicant’s proposed licensable activities, and any local initiatives, for example local crime initiatives or voluntary schemes including taxi-marshalling schemes, street pastors and other schemes’

which might help mitigate potential risks.

Michelle Smith indicated that her concerns mirrored those of the Police with the main concern relating to the licensable hours, which had been addressed in the proposed additional conditions.

Stefan Polatajko advised that there were no concerns of public nuisance directly related to these premises.

Elaine Moreton indicated that the main concerns of the Licensing Authority related to the licensable hours and that, subject to the re-wording of the second proposed condition, she believed they would be sufficient to promote the licensing objectives.

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 variation 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 Baltic, 18-19 Bargate Drive, 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 these premises. They are further satisfied that sufficient evidence has been provided by the applicant to illustrate that the premises will not add to cumulative impact already experienced and the presumption of non-grant has been rebutted.

Having considered the views of all concerned, the Sub-Committee have decided that the application to vary the premises licence should be granted as applied for, subject to the following conditions agreed between the Premises Licence Holder and the West Midlands Police dated 2 June 2015 and modified by the Sub-Committee at this hearing:

- Sale of alcohol to be restricted to the following hours and in line with the opening hours:
 - 0800 to 2300 – Monday to Sunday
- When alcohol is sold at the premises, from 2100 hours until close of business on any day, an SIA registered door supervisor will be employed at the premises.
- A register will be maintained of all persons employed as door supervisors to include
 - a) full name and SIA numbers, and
 - b) time and date duties commenced and finished
- Any door supervisor employed at the premises will be in high visibility attire (tabard or jacket to have a high reflective colour)
- No person who is drunk or disorderly will be allowed access to the premises for any purpose, or be allowed to remain on the premises.
- Premises to operate an SIA incident book where all incidents are recorded, irrespective of whether or not emergency services are called. Incident book to

be made available during normal working hours on request by an Responsible Authority.

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