

# Licensing Sub-Committee

## 22 July 2015

**Time** 11.30 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)

#### Labour

Cllr Bishan Dass

#### Conservative

Cllr Patricia Patten

Quorum for this meeting is two Councillors.

### Information for the Public

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

**Contact** Linda Banbury, Democratic Support Officer  
**Tel/Email** Tel: 01902 555040 Email: [linda.banbury@wolverhampton.gov.uk](mailto:linda.banbury@wolverhampton.gov.uk)  
**Address** Democratic Support, Civic Centre, 2<sup>nd</sup> floor, St Peter's Square,  
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** [www.wolverhampton.moderngov.co.uk1](http://www.wolverhampton.moderngov.co.uk1)  
**Email** [democratic.support@wolverhampton.gov.uk](mailto:democratic.support@wolverhampton.gov.uk)  
**Tel** 01902 555043

Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

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

- | <i>Item No.</i> | <i>Title</i>   |
|-----------------|--|
| 1               | <b>Apologies for absence</b>   |
| 2               | <b>Declarations of interest</b>  |
| 3               | <b>Licensing Act 2003 - Application for variation to a premises licence in respect of Baltic, 18-19 Bargate Drive (Pages 3 - 40)</b><br>[To consider a variation to a premises licence within a Cumulative Impact Zone]  |
| 4               | <b>Exclusion of press and public</b><br>To pass the following resolution:<br>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. |

### **PART II - PRESS AND PUBLIC EXCLUDED**

- |   |   |
|---|---|
| 5 | <b>Deliberations and decision</b>       |
| 6 | <b>Re-admission of press and public</b> |

### **PART I - ITEMS OPEN TO THE PRESS AND PUBLIC**

- |   |                                 |
|---|---------------------------------|
| 7 | <b>Announcement of decision</b> |
|---|---------------------------------|

# Licensing Sub-Committee

## 22 July 2015

**Report Title**

**Licensing Act 2003 – Application for a Variation of a Premises Licence in respect of Baltic {Formerly Nataalka}, 18-19 Bargate Drive, Wolverhampton WV6 0QW.**

**Classification**

Public

**Wards Affected**

St Peters

**Accountable Strategic Director**

Tim Johnson, Place

**Originating service**

Licensing Services

**Accountable officer(s)**

Rob Edge  
Tel  
Email

Section Leader (Licensing)  
01902 55(0106 )  
[rob.edge@wolverhampton.gov.uk](mailto:rob.edge@wolverhampton.gov.uk)

**Recommendation for action or decision:**

The Licensing Sub-Committee is requested to consider this application for a Variation of a premises licence within a Cumulative Impact Zone.

**1.0 Purpose of Report**

1.1 To submit for consideration by the Sub-Committee an application for a variation of a premises licence, within the Cumulative Impact Zone.

## 2.0 **Background**

2.1 An application has been received from the agent of the holder of the premises licence, Licensed Inn-Tuition on behalf of Karwan Ahmad in respect of Baltic {Formerly Nataalka} 18-19 Bargate Drive, Wolverhampton WV6 0QW. A copy of the application is attached at Appendix 1.

2.2 It is the understanding of the licensing authority, that the application to vary this premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with. The premises are located in the St Peters ward and a location plan is attached at Appendix 2

2.3 The premises are situated within a Cumulative Impact Zone. A copy of the policy and area which it covers is attached at Appendix 3

2.4 The current application was received on 8 June 2015 and is to change/add to current licensable hours to sell alcohol.

2.5 A copy of the current licence is attached at Appendix 4.

2.6 The following responsible authorities have been consulted on this application:

- Licensing Authority
- Environmental Health (Commercial)
- West Midlands Police
- West Midlands Fire Service
- Planning
- Social Services
- Trading Standards
- Local Health Board

2.7 Relevant representations have been received from:

- Licensing Authority
- West Midlands Police
- Local Health Board
- Environmental Health (Commercial)

Copies of the representations can be found at Appendices 5 - 8

2.8 The applicant, and all of those who have made representations, has been invited to attend the hearing.

## 3.0 **Policy Implications**

- 3.1 On 3 April 2015 the Statement of Licensing Policy was revised to give effect to the Cumulative Impact Policy (CIP) in four new areas of the city. This decision supported the view that the number, type and density of premises selling alcohol for consumption and/or Late Night Refreshment in areas within Wolverhampton City was causing problems of nuisance and disorder and therefore causing an adverse impact on the licensing objectives of prevention of crime and disorder and prevention of public nuisance.
- 3.2 The effect of this CIP is to create a **rebuttable** presumption that applications in respect of the sale or supply of alcohol and/or Late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates where the premises are situated in the Cumulative Impact Zone will be refused.
- 3.3 Essentially this means that applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. (This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones).
- 3.4 The premises are situated at 18-19 Bargate Drive, Wolverhampton WV6 0QW, which is within the Cumulative Impact Zone.
- 3.5 To rebut the presumption, explained in 3.3 above, the applicant is expected to demonstrate through their operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced and not therefore have an adverse impact in the Licensing Objectives.
- 4.0 **Legal implications**
- 4.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its function under the Act with a view to promoting the Licensing Objectives, namely:-
- (a) The prevention of crime and disorder;
  - (b) Public safety;
  - (c) The prevention of public nuisance;
  - (d) The protection of children from harm.
- 4.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the Licensing Objectives when determining a premises licence application.
- 4.3 Regard shall be had to guidance issued by the Secretary of State under Section 182 and Wolverhampton City Council's Licensing Policy Statement which includes a Cumulative Impact Policy.

- 4.4 Section 18 of the Licensing Act 2003 provides the Licensing Authority with the power to grant an application, subject to conditions, where appropriate
- 4.5 In order for the Cumulative Impact Policy to be relevant to this application the Sub-Committee
- I. Should be satisfied it applies due to:
- (a) Premises being located within the Cumulative Impact Zone;
  - (b) Licensable activity applied for at the premises is to include sale of alcohol or late night refreshment and is;
  - (c) The likelihood that the activity will have an impact on the crime and disorder or prevention of public nuisance licensing objectives.

And where the Cumulative Impact Policy is deemed to apply:

- II. Should refuse an application based upon the Cumulative Impact Policy unless sufficient evidence is produced, by the applicant, to rebut the presumption that a licence will not be granted or varied.
- 4.6 If the Sub-Committee are satisfied sufficient evidence has been produced to show the premises will not add to the Cumulative Impact already being experienced, the application should not be refused based upon Cumulative Impact Policy. [SH/09072015/O]

## 5.0 Human Rights and Equalities Implications

- 5.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
- 5.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

## 6.0 Financial Implications

- 6.1 Councillors agreed fees and charges for this function on 21 January 2015; the fees are based on a cost recovery basis. The fee for this application is £190.00, and is non-refundable. [TK/09012015/H]

**7.0 Environmental Implications**

- 7.1 This report has environmental implications in that there is a potential for disturbance caused by patrons using the premises and nuisance caused by litter and waste originating from the premises.

**This page is intentionally left blank**



[Insert name and address of relevant licensing authority and its reference number (optional)]

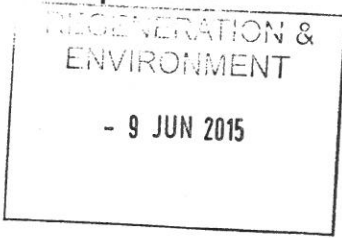
*Handwritten:* 1950

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We KARWAN AHMAD.....being the premises licence holder, apply to vary a  
 (Insert name(s) of applicant)  
 premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below



Premises licence number

WN/046205

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference, or description <u>18-19 BARCOTE DRIVE (FORMERLY 'NATALKA DELICATESSEN')</u> <u>WHITMORE REANS. 'BALTIC' - (NEW NAME)</u>	
Post town <u>WOLVERHAMPTON</u>	Post code <u>WV6 0QW</u>

Telephone number at premises (if any)

[Empty box]

Non-domestic rateable value of premises

£ 16,250. (Band B.)

**Part 2 – Applicant details**

Daytime contact telephone number

[Empty box]

E-mail address (optional)

[Empty box]

Current postal address if different from premises address

[Empty box]

Post Town

[Empty box]

Postcode

[Empty box]

**Part 3 - Variation**

Do you want the proposed variation to have effect as soon as possible?

Please tick Yyes

SUBJECT TO  
28 DAY  
CONSULTATION

If not do you want the variation to take effect from

Day	Month	Year

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

GROCERY/DELICATESSEN - 'BALTICA' (FORMERLY KNOWN AS 'NATALKA')

— TO CHANGE/ADD TO CURRENT LICENSABLE HOURS TO SELL ALCOHOL.

PROPOSED HOURS ARE 06<sup>00</sup> UNTIL 00<sup>00</sup> (MIDNIGHT)

Date received: 9/6/15  
Amount: 190.00  
Cash  Cheque   
Cheque No. 102964  
Receipt no: 44/35004388  
Initial: DC  
Receipt issued by: DC

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

### Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

### Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

# A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat						
Sun						

# B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat						
Sun						

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<u>Please give further details here</u> (please read guidance note 3)
Tue					
Wed					<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)
Thur					
Fri					<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat					

Sun			
-----	--	--	--

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat						
Sun						

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	
Tue					
Wed			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)		
Thur					

Fri			<p><b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b></p>
Sat			
Sun			

**G**

<p><b>Performances of dance</b> Standard days and timings (please read guidance note 6)</p>			<p><b>Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b></p>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<p><b>Please give further details here (please read guidance note 3)</b></p>	Both	
Tue					
Wed					
Thur			<p><b>State any seasonal variations for the performance of dance (please read guidance note 4)</b></p>		
Fri					
Sat			<p><b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b></p>		
Sun					

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p><b>Please give a description of the type of entertainment you will be providing</b></p>		
Day	Start	Finish	<p><b>Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b></p>	Indoor	
Mon				Outdoor	
				Both	

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun			

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing			
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						



**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)</u>	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</u>	Indoor	
				Outdoor	
Mon				Both	

Tue			<p>Please give further details here (please read guidance note 3)</p> <p>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Wed			
Thur			
Fri			
Sat			
Sun			

**L**

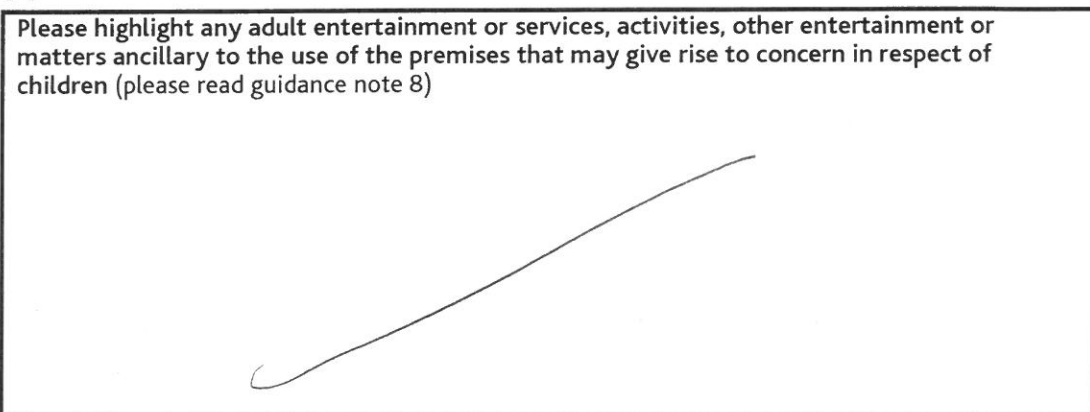
Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<p>Please give further details here (please read guidance note 3)</p> <p>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)</p>	Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

# M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises				
				Off the premises	<input checked="" type="checkbox"/>			
Day	Start	Finish		Both				
Mon	06 <sup>00</sup>	00 <sup>00</sup> MIDNIGHT	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Tue	06 <sup>00</sup>	00 <sup>00</sup> MIDNIGHT						
Wed	06 <sup>00</sup>	00 <sup>00</sup> MIDNIGHT						
Thur	06 <sup>00</sup>	00 <sup>00</sup> MIDNIGHT				<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	06 <sup>00</sup>	00 <sup>00</sup> MIDNIGHT						
Sat	06 <sup>00</sup>	00 <sup>00</sup> MIDNIGHT						
Sun	06 <sup>00</sup>	00 <sup>00</sup> MIDNIGHT						

# N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)



# O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)		
Day	Start	Finish			
Mon	06 <sup>00</sup>	00 <sup>00</sup> MIDNIGHT			
Tue	06 <sup>00</sup>	00 <sup>00</sup> MIDNIGHT			

Wed	08 <sup>00</sup>	08 <sup>00</sup>	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
		MIDNIGHT	
Thur	08 <sup>00</sup>	08 <sup>00</sup>	
		MIDNIGHT	
Fri	08 <sup>00</sup>	08 <sup>00</sup>	
	0	MIDNIGHT	
Sat	08 <sup>00</sup>	08 <sup>00</sup>	
		MIDNIGHT	
Sun	08 <sup>00</sup>	08 <sup>00</sup>	
		MIDNIGHT	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

" SALE OF ALCOHOL TO BE RESTRICTED TO THE FOLLOWING HOURS, IN LINE WITH THE OPENING HOURS :  
 0900 TO 2000 HOURS - MONDAY TO SATURDAY.  
 1000 TO 1700 HOURS - SUNDAY."

- I have enclosed the premises licence  Please tick ✓ yes
- I have enclosed the relevant part of the premises licence  If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

TO REMAIN THE SAME AS CURRENT CONDITIONS.  
(ATTACHED) - EXCEPT LICENSABLE HOURS.  
APPENDIX 1.

b) The prevention of crime and disorder

TO REMAIN THE SAME AS CURRENT CONDITIONS  
(ATTACHED) - EXCEPT LICENSABLE HOURS  
APPENDIX 1

c) Public safety

TO REMAIN THE SAME AS CURRENT CONDITIONS  
(ATTACHED) - EXCEPT LICENSABLE HOURS  
APPENDIX 1

d) The prevention of public nuisance

TO REMAIN THE SAME AS CURRENT CONDITIONS.  
(ATTACHED) EXCEPT LICENSABLE HOURS

e) The protection of children from harm

TO REMAIN THE SAME AS CURRENT CONDITIONS.  
(ATTACHED) EXCEPT LICENSABLE HOURS

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature



Date

21.06.2015

Capacity


OWNER

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
PAUL BYATT 	
LICENSED INN-TUITION 56 BROW OF THE HILL LEZIA TE KING'S LYNN NORFOLK PE32 1EN	
Post town	Post code
Telephone number (if any)	01553 630995. 07704656469
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

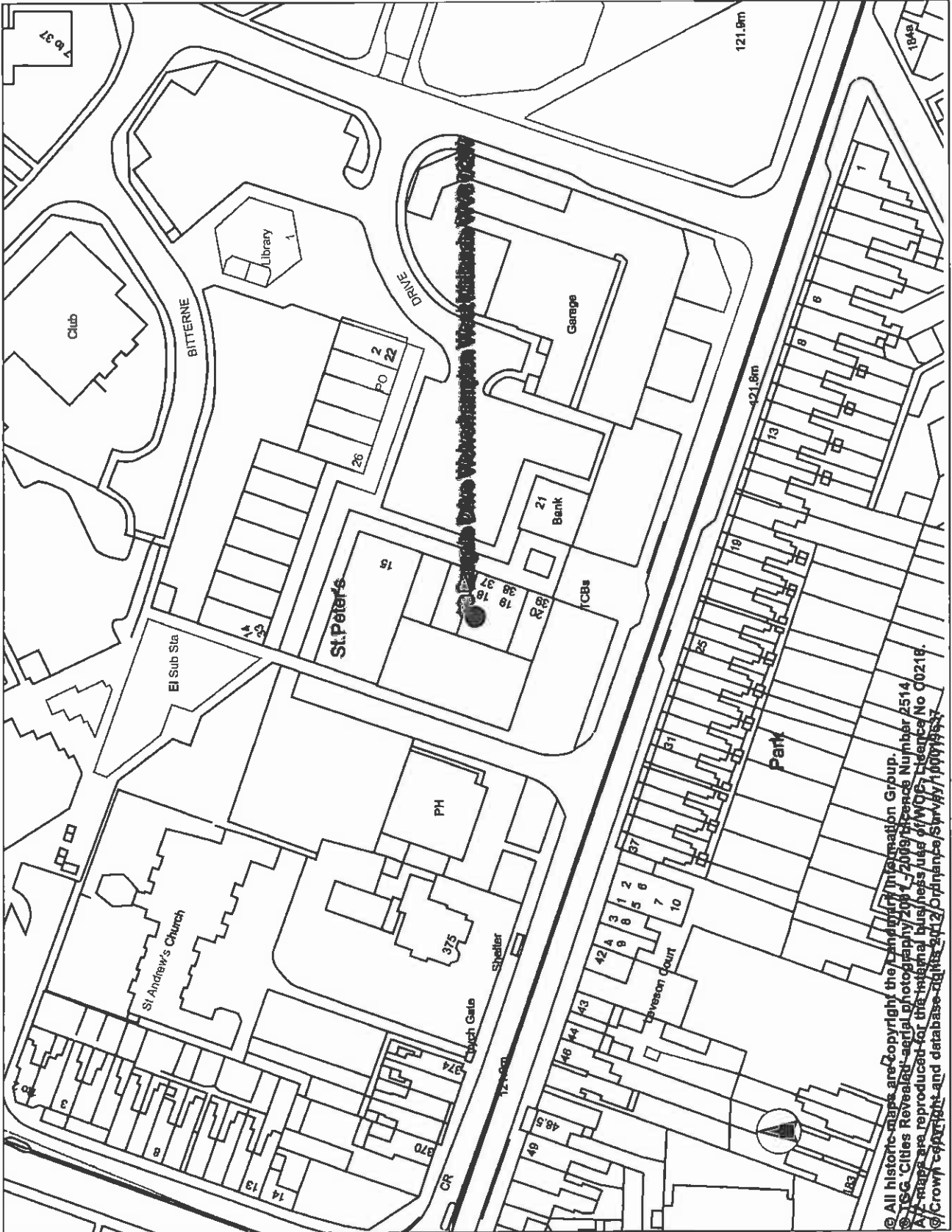


NATALKA  
DELICATESSEN  
18-19 BARGATE  
DRIVE

Wolverhampton City Council  
Asset Management  
Civic Centre  
St Peters Square  
Wolverhampton  
WV1 1RL

Plan Produced  
20.11.2012  
Scale 1:1,250

IMAGINE - Powered by



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## CUMULATIVE IMPACT POLICY

It is not proposed to set quotas for particular types of licences. Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensed activity are fully considered. If crime and disorder or general disturbance/nuisance does prove to be linked to the concentration of customers of licensed premises or activities in these or any other particular areas, then it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

It would first be necessary to establish that, because of the number and density of licensed premises in a particular area, there are exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identifiable as being responsible for the problems, action will be taken against them.

Before deciding whether to adopt a Cumulative Impact Policy, the Council must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder.

In the Guidance issued under the Act there are four steps specified to be followed in considering whether to adopt a Cumulative Impact Policy:

- Identification of serious and chronic concern from a responsible Authority or representatives of residents about nuisance or disorder.
- Assessment of causes.
- Where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area.
- Adopting a policy about future licence applications from that area.

The Licensing Committee will keep any Cumulative Impact Policy under review and modify or remove it, as considered appropriate.

As detailed above the Council recognises that because of the number of and density of licensed premises selling alcohol and/or Late Night Refreshment in particular areas there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. In these cases it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

The Licensing Authority is now of the view that in these areas this is causing cumulative impact and designates these areas as Cumulative Impact Zones. The details of the policy specific to each area are described below.

The effect of the Cumulative Impact Policy is to create a **rebuttable** presumption that applications in respect the licensable activities detailed below for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity) where the premises are situated in one of the Cumulative Impact Zones will be refused.

To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones.

The Cumulative Impact Policy will not be used to revoke an existing licence or certificate and will not be applicable to the review of existing licences.

# Avion Centre CIZ



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# Premises Licence

Issued in accordance with The Licensing Act 2003

**Name of Premises:** Nataalka Delicatessen

**Address of Premises:** 18-19 Bargate Drive  
Whitmore Reans  
Wolverhampton  
WV6 0QW

**Premises Licence Number:** WN/15/01658/PRE – Variation of Premises DPS

**Date of Last Update:** 8<sup>th</sup> June 2015

## 1. Opening hours of the premises

**Normal Hours** Monday to Saturday 0900 to 2000 hours  
Sunday 1000 to 1700 hours

**Seasonal Variations:** None

**Non Standard Hours:** None

## 2. Licensable Activities authorised by the licence and the times the licence authorises the carrying out of these activities:

### Sale/Supply of Alcohol off the premises

Monday to Saturday 0900 to 2000 hours

Sunday 1000 to 1700 hours

Seasonal Variation None

Non Standard Timing None

## 3. Name of the Designated Premises Supervisor if the sale of alcohol is involved

Karwan Ahmad dated as of 08/6/2015  
Personal Licence Number: LEIPRS1920  
Issues by Leicester City Council

## 4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003

## 5. Name, (registered) address of the holder of the premises licence

Karwan Ahmad  
51 Canonsleigh Road  
Leicester  
LE4 2FU

## **Mandatory Licensing Conditions (Licensing Act 2003)**

### **Mandatory conditions as required by the Act will apply to the licence.**

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation the Licensing Act 2003.

## **Conditions consistent with the Operating Schedule**

### ***General***

We demonstrate consideration for underage drinking, violent and anti social behaviour, crime and disorder, prevention and also for public safety and protecting children from harm. To promote all these objectives we are provided with the equipment (including CCTV systems, fire alarms, firefighting alarms and procedures necessary to reduce and control incidents of crime and disorder. We also provide all the required training procedures for our staff.

### ***The prevention of crime and disorder***

- CCTV operating inside the premises, where the images are retained for minimum of 30 days and can be provided in a viewable format upon request.
- Avoidance of irresponsible drink promotions
- Avoidance of supplying any alcohol products to customers being visibly under the influence of alcohol.
- Proof of age policy and challenge 25 policy will be applied
- There is no intention to provide drinking areas
- Use of signs to make people aware of CCTV operation

### ***Public safety***

- Provide the satisfactory means of escape in case of fire
- Use of fire action notices
- Fire fighting equipment and fire alarms installed in the premises
- First aid equipment available
- Adequate lighting in the absence of daylight

### ***The prevention of public nuisance***

We will not carry on any activities which may cause any nuisance to the people living, working and sleeping in vicinity (like f.e.noise, bad smells) and we will make an effort to keep our premises and neighbouring area clean and tidy and also ensure that any act of anti-social behaviour related to our premises will be monitored , reported (if we cant stop it ourselves) and pacified.We also do not intend to provide any place for alcohol consumption.

### ***The protection of children from harm***

- We are going to adopt Challenge 25 policy and policy of proof of age cards.
- We will be trying to protect children from exposure to strong language
- Staff allowed to sell alcohol is provided with APLH training
- We will always require the production of proof of age when alcohol is purchased by customers looking under 25 years of age
- All the spirits 40% or above will be located behind the counter

## **Conditions attached after a hearing by the Licensing Authority**

18/12/2012

1. Evidential quality CCTV should be installed and maintained to a high standard, with images/recordings to be kept for 31 days and to be made available on request to anyone from a responsible authority. At any time, there should be at least one member of staff on duty who can use/download CCTV on request. CCTV should cover entry and exit points of the premises, areas where alcohol/money is served/taken and all areas to which the public have access.

2. 'Challenge 25' should be adopted, with clear and visible Challenge 25 signs at the premises and records of anyone refused service should be kept and made available to any responsible authority upon request.

3. Staff should be trained in drink/drugs awareness, in addition to underage and proxy sales, a record should be kept and made available and training should be completed every 12 months.

4. An incident book should be kept at the premises, in which should be recorded any incidents of crime and disorder. The book should be reviewed by senior management in association with the Designated Premises Supervisor. Any incidents of crime and disorder at the Premises should be reported by a staff member to the Police as soon as is reasonably practicable.

1. Sale of alcohol to be restricted to the following hours, in line with the opening hours:

0900 to 2000 hours - Monday to Saturday

1000 to 1700 hours - Sunday

***Appeal 19/02/2013***

1. No single lager, beer or cider can, or bottle, sales will be made at the premises when the can or bottle contains a liquid with an abv above 7%. Alcoholic beverages with an abv of 7% or less can be sold as single cans or bottles.

**Plans**

As submitted with application dated 11/10/2012 and retained by Wolverhampton City Council.

For Information Only



**PRE1193 Baltic (formerly Nataalka),**  
**18-19 Bargate Drive, Whitmore Reans, WV6 0QW**  
**Variation**

Rob,

On behalf of Environmental Health Commercial, I would like to put in representations in relation to this application.

As the premises are located within the Cumulative Impact Zone further information is required from the applicant in order to ascertain how the licensing objectives will be met. I will contact the applicant to give them an opportunity to further clarify and explain how these objectives will be achieved.

Regards

Stefan Polatajko  
Senior Officer  
Tel. Office: 01902 550103

[E-mail: Stefan.Polatajko@wolverhampton.gov.uk](mailto:Stefan.Polatajko@wolverhampton.gov.uk)  
Wolverhampton City Council

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**Baltic (formerly Nataalka)**

3 July 2015

Public Health would like to make representations to this application under the prevention of crime and disorder objective.

We do not support the request within the operating schedule to supply alcohol off the premises from 0600 hours until 0000 hours seven days a week.

The premises is situated within the cumulative impact zone in an area which has suffered from many on-going concerns raised by several public sector agencies in relation to alcohol misuse and street drinking issues.

I have outlined my representations with the applicant's representative however I cannot copy him in to this email as I am working from home and do not have his email address.

Kind regards

Michelle Smith  
Commissioning Officer  
Public Health

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**Baltic (formerly Nataalka)**

Dear All,

3 July 2015

Police wish to make representations to this application due to the fact it is situated in the Community Impact Zone of the Avion Centre. Representations will be sited under the licensing objectives of prevention of crime and disorder and public safety.

**Kind Regards,**

**PC 1080 Mitch Harvey  
Partnerships & Licensing Officer  
Wolverhampton Central Police station**

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**18-19 Bargate Drive, Whitmore Reans, WV6 0QW**

I write on behalf of the Licensing Authority as a Responsible Authority to make formal representations to the above application for a variation to a premises licence at 18-19 Bargate Drive, Whitmore Reans, WV6 0QW.

The premises the subject of the application falls within the Avion Centre C.I.Z and as there is a rebuttable presumption that the variation application will be refused. The application will therefore be subject to determination by the Licensing Sub-Committee.

Representations are made under Crime and Disorder and Public Safety Licensing Objectives. I am currently in consultation with the applicant in order to address my concerns.

Regards

Elaine Moreton  
Section Leader - Licensing  
Tel. Office: 01902 555033

[E-mail: Elaine.Moreton@wolverhampton.gov.uk](mailto:Elaine.Moreton@wolverhampton.gov.uk)  
Wolverhampton City Council

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