

# Licensing Sub-Committee

## Minutes - 29 July 2015

### Attendance

**Chair** Cllr Alan Bolshaw (Lab)

**Labour**

Cllr Bishan Dass

**Conservative**

Cllr Patricia Patten

### Employees

Rob Edge

Sarah Hardwick

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 - Hail to the Ale, 2 Pendeford Avenue**

In attendance

For the premises

Mr G Morton (representing the Premises Licence Holder)

Responsible Authorities

WPC L Davies – West Midlands Police

Elaine Moreton – Licensing Authority

Other Persons (local residents)

Mr N Evans and Mrs V Moulding

The Chair introduced the parties and outlined the procedure to be followed at the meeting. Immediately prior to the meeting, copies of proposed conditions agreed between the West Midlands Police and the applicant, and the Licensing Authority and the applicant were circulated to all parties.

The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance. On a point of clarification, he advised that the opening hours were not the same as the hours authorised for licensable activities.

At this juncture, Mr Morton outlined the application to vary the premises licence, which aimed to provide an outside drinking area when weather permitted and was not designed to increase the patronage. Responding to questions, he advised that the measures already in place to promote the licensing objectives were contained within the original application and not therefore repeated in the variation application. He indicated that he did not wish to use plastic glasses, that the outside drinking area would have fixed seating and that fencing was to be installed above the perimeter wall. He clarified that the pictures supplied by one of the objectors related to an event which was held in accordance with a Temporary Event Notice, following receipt of an award by the premises. He added that litter bins would be provided but that there were no plans for lighting as it was intended that the area was to be utilised in fine weather only.

It was acknowledged that parking was a planning issued and could not be considered by the Licensing Sub-Committee.

At his juncture, WPC Davies outlined the representations of the West Midlands Police and, in so doing, drew attention to the proposed conditions agreed with the applicant. She added that, in the two years that the premises had operated, there had been only one police log and this related to the Temporary Event Notice. She believed that the amended operating schedule would assist in fully meeting the licensing objectives. Responding to questions she advised that there was no evidence to suggest that the variation would create problems. On a point of clarification, she advised that it was the intention of the police that the original condition 1(c) should remain on the licence. She further advised that the police had been made aware of the Temporary Event Notice for 25 May 2015. Responding to concerns of the residents that they were unaware of the mediation which had taken place prior to the hearing, it was clarified that the Licensing Act encouraged negotiation between objectors and applicants and such action was taken in order to promote the licensing objectives. The Solicitor advised that clarification had been sought from the Police regarding the suggested conditions to ensure that the Sub-Committee had all the required information to determine the application.

Mrs Moreton advised that the concerns of the Licensing Authority mirrored those of the West Midlands Police and that the anxieties of the residents had been borne in mind when mediating with the applicant. She pointed out that there had been no issues of noise raised by Environmental Health, that the seating did not require permission as it was on private land although the fencing would require planning permission. She drew attention to the proposed condition agreed with the applicant to reduce the terminal hour for the outside drinking area. Responding to questions,

she advised that the condition to collect glasses every fifteen minutes, together with the CCTV should enable the premises to control numbers of patrons in the outside drinking area. All applications are considered on their individual merit and specific conditions do not set a precedent for other venues.

At his juncture the local resident outlined their concerns in accordance with their written representations. Mrs Moulding expressed the belief that the application was geared to attract additional customers. She further expressed concern regarding the parking issues and the noise issues which would impact on residents' quality of life. She requested that if approved screening should be erected around the perimeter of the outside drinking area. She responded to questions raised by the Sub-Committee and other parties and, in so doing, advised that she had not raised any of her concerns with the responsible Authorities. Mr Evans endorsed Mrs Moulding's comment that the fencing was essential if the variation application was approved, but was not convinced that it would alleviate the concerns regarding noise and litter. Neither resident wished to contact the Responsible Authorities regarding their concerns.

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

#### **4 Exclusion of press and public**

Resolved:

That, in accordance with Section 100(A) 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 if Hail to the Ale, 2 Pendeford Avenue, Claregate, 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 should be varied subject to the following modifications to conditions on the licence:

1. Conditions 1(b) and 1(e) from the current premises licence, dated 14 August 2013, to be removed.

2. The addition of the following conditions, agreed between the West Midlands Police and the applicant, dated 13 July 2015, [For the purpose of clarity the existing condition 1(c) will remain]:
  - Prevention of crime and disorder
    - 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 to include the entire designated outside seating area.
    - 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.
    - No glassware (except off sales) or open drinks containers to be taken out of the premises at any time including patrons using the smoking area, with the exception of consumption within the designated outside seating area.
    - Off sales are not to be consumed in the designated outside drinking area.
    - Signage advising customers that alcohol should not be taken outside the premises in open containers should be overtly displayed inside the premises and specify that the only area of exception is the outside designated seating area.
    - A plan of the premises to be overtly displayed within the premises which specifies the area the outside designated seating area occupies.
    - Glass collector to be employed to clear the designated outside seating area every 15 minutes and to record this interval timing in a log which can be provided to any member of a Responsible Authority upon request and without any undue delay.
  - The protection of children from harm
    - All accompanied children to have left the premises by 2000 hours any day to include the outside designated seating area.
3. The addition of the following condition agreed between the Licensing Authority and the applicant on 29 July 2015:
  - The sale of alcohol for consumption by patrons within the designated outside drinking area as indicated on the plan submitted with the variation application, dated 12 June 2015, be reduced to the following:

Wednesday to Saturday 1200 to 2100 hours

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.