

Licensing Sub-Committee

29 July 2015

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)

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:
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

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Website www.wolverhampton.moderngov.co.uk1
Email democratic.support@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

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Licensing Act 2003 - Application for variation to a premises licence - Hail to the Ale, 2 Pendeford Avenue (Pages 3 - 46)
[To consider the application] |
| 4 | 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 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 | Deliberations and decision |
| 6 | Re-admission of press and public |

PART I - ITEMS OPEN TO THE PRESS AND PUBLIC

- | | |
|---|---------------------------------|
| 7 | Announcement of decision |
|---|---------------------------------|

1.0 Purpose of Report

1.1 To submit for consideration by the Sub-Committee an application for a variation of a premises licence.

2.0 Background

2.1 An application has been received from Mrs A Morton the holder of the premises licence, in respect of Hail to the Ale, 2 Pendeford Avenue, Wolverhampton WV6 9EF. 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 Tettenhall Regis ward and a location plan is attached at Appendix 2

2.3 The current application was received on 15 June 2015 and is to remove conditions from the premises licence and create an outdoor drinking area.

2.5 A copy of the current licence is attached at Appendix 3.

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

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

2.7 Relevant representations, both against and in support of the application have been received from

- West Midlands Police
- Licensing Authority
- Other persons {Residents}

Copies of the representations can be found at Appendices 4 – 7

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

3.0 Legal Implications

3.1 Section 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.

3.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the licensing objectives when determining a premises licence variation application.

Section 35 of the Licensing Act 2003 provides the Licensing Authority with the power to vary a licence, subject to conditions, where appropriate.

3.3 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Statement of Licensing Policy. [SH/09072015/C]

4.0 **Human Rights and Equalities Implications**

4.1 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.

4.2 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.

5.0 **Financial Implications**

5.1 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]

6.0 **Environmental Implications**

6.1 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.

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Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

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

TO REMOVE CONDITIONS (B) (C) AND (E)
ATTACHED FROM HEARING, SO WE CAN
CREATE AN OUTDOOR DRINKING AREA
TO THE SIDE OF THE PROPERTY AS
INDICATED ON ENCLOSED PLANS

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:

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.

Provision of regulated entertainment

Please tick all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Thur					
Fri			<u>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 (please read guidance note 5)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Tue					
			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 (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			<p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p> <p>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 (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur								
Fri								
Sat						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 (please read guidance note 5)		
Sun								

Date received: 15/6/15

Amount: _____

Cash Cheque

Cheque no: 022254

Receipt: LIC/35004436

Initial: _____

Receipt issued by: AC

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

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

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thur						
Fri						
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			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 (please read guidance note 5)		
Sun					

K

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).

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Non standard timings. Where you intend 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)

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.

Please tick as appropriate

- I have enclosed the premises licence
- 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 not enclosed the premises licence or relevant part of premises licence.

M

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 and e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	12/6/15
Capacity	DPS

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd 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)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. **Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.**
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Hail to the Ale
Pendeford Ave

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

Plan Produced
14.7.2015
Scale 1:1,250

MA016 - Revised by



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Premises Licence

Issued in accordance with The Licensing Act 2003

Name of Premises: Hail to the Ale Micropub

Address of Premises: 2 Pendeford Avenue
Claregate
Wolverhampton
WV6 9EF

Premises Licence Number: WN/049507 - Premises Licence Application

Date Licence Granted: 14/08/2013

1. Opening hours of the premises

Normal Hours: Wednesday to Saturday from 1200 - 2330 hrs
Sunday & Bank Holidays from 1200 - 1730 hrs

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

Activity: Sale/Supply of alcohol on the premises

Normal Hours: Wednesday to Saturday from 1200 - 2200 hrs
Sunday & Bank Holidays from 1200 - 1700 hrs

Seasonal Variations: None

Non Standard Hours: None

Activity: Sale/Supply of alcohol off the premises

Normal Hours: As Per On Sales

Seasonal Variations: As Per On Sales

Non Standard Hours: As Per On Sales

3. Name of the designated premises supervisor if the sale of alcohol is involved

Angela Morton

Personal Licence Number: PA1003

Issued by South Staffordshire 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

Mrs Angela Morton

96 Brewood Road

Coven

Staffordshire

WV9 5EF

N. P. Edwards

N.P. Edwards

Assistant Director - Regeneration

On behalf of Wolverhampton City Council

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

(2) The first condition is that no supply of alcohol may be made under the premises licence:-

- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions where the licence authorises supply of alcohol: 2010

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.— (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint; ✓ PINT OK

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and N/A

(iii) still wine in a glass: 125 ml; and

175 ml BUT HAVE TO OFFER 125 ml AS NEW

(b) customers are made aware of the availability of these measures.

Conditions consistent with the Operating Schedule

General

DPS and staff will run an orderly house in a neighbourly way and will promote the licensing objectives.

The prevention of crime and disorder

Installation of CCTV, cash removed from premises, intruder alarm and incident log.

Public safety

Risk Assessments, Safety Notices, Fire Risk Assessments, Staff Training, Emergency Lights, Qualified Health & Safety appointed person, First Aid and Accident Book.

The prevention of public nuisance

Noise monitoring, notices on display regarding noise on exiting premises, external areas will be kept neat and tidy, incident log, marked out parking bays and marked out smoking zone.

The protection of children from harm

All staff will be trained in Challenge 25 and all appropriate ID checks will be undertaken by all staff to ensure no sale of alcohol is made to underage persons.

Conditions attached after a hearing by the Licensing Authority

1. The conditions agreed between the West Midlands police and the applicant on 31 July 2013, but amended as follows:

a) A CCTV system with recording equipment shall be installed and maintained at the premises.

- CCTV shall cover entry and exit points of the premises, all areas to where alcohol / money is served / taken, 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, indicate the correct time and date and be kept for at least 31 days.

• All staff to be trained in the use of 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.

b) 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.

c) Off sales not to be consumed within 20 yards of the front and side of the premises, to include where the designated smoking area is situated.

d) Signage informing patrons of the existing DPPO within the City of Wolverhampton should be overtly displayed both inside and outside the premises.

e) Signage advising customers that alcohol should not be taken outside the premises in open containers should be overtly displayed inside the premises.

f) 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.

g) To ensure compliance with Challenge 25, the incident log book must also be used as a refusal book where the sale of alcohol is refused to persons who present themselves as underage.

2. No beverage classed as an 'alcopop' or any spirit to be sold at the premises.

3. No unaccompanied children to be allowed on the premises at any time.

4. All accompanied children to have left the premises by 2000 any day.

Plans

As submitted with application dated **04/07/2013** and retained by Wolverhampton City Council.

From: WV Licensing [mailto:wv_licensing@west-midlands.pnn.police.uk]
Sent: 13 July 2015 16:31
To: Elizabeth Gregg
Cc: Licensing
Subject: RE: PRE1224 - Hail to the Ale, 2 Pendeford Avenue - Variation

Dear all,

Police can confirm that they have received the above application for a variation to the licence held by Hail to the Ale, Pendeford Avenue Wolverhampton.

Police make formal representations to the application under the licensing objectives of the prevention of crime and disorder, public safety and protection of children from harm.

Police we feel to remove conditions from the licence , which the applicant proposes to do, would undermine the three above licensing objectives.

Kind Regards
Licensing Department.
Wolverhampton Central Police Station
Bilston Street
Wolverhampton
West Midlands
WV1 3AA

Direct Tel - 01902 649085

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PRE1224 - Hail to the Ale, 2 Pendeford Avenue - Variation

I write on behalf of the Licensing Authority as a Responsible Authority to make formal representations to the variation application for Hail to The Ale, 2 Pendeford Avenue.

Representations are made under all 4 of the Licensing Objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm.

The Licensing Authority together with West Midlands Police have been working with the applicant by way of mediation.

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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**APPENDIX 6
REPRESENTATIONS
AGAINST THE APPLICATION**

2A, Blackburn Avenue,
Claregate,
Wolverhampton,
WV6 9JN.

Tel (H) 01902 747711
(W) 01902 555484

10th July 2015.

Licensing Section,
Wolverhampton City Council,
Civic Centre,
St Peter's Square,
Wolverhampton
WV1 1DA.

Dear Mr Edge,

Amendment to Licence Application at "Hail to the Ale",
2 Pendeford Avenue, Wolverhampton WV6 9EF

I understand that an application has been submitted to remove the conditions 1 (b), (c) and (f) that were attached to the Licence granted for the above premises by the Licensing Sub-Committee on 14 August 2013, which I attended. These conditions forbid glassware being taken outside and drinking at the front of the premises.

The conditions were imposed to protect the passing public and adjacent residents from the noise, litter and possible anti-social behaviour that would have occurred if drinking was allowed outside the premises. Condition 1 (c) was suggested by the Chair of the Sub-Committee, Cllr Alan Bolshaw, so that purchase of off sales could not be used to get around condition 1 (b). These conditions were a fair compromise and I have been very grateful for them as I live within 30 m of the pub.

The proposed outdoor seating area does not prevent any of the nuisance problems that these conditions were intended to prevent. In theory, drinking could be restricted to the area at the side area only. In practice this would be difficult to enforce, and it would not solve other problems such as noise and litter.

The licensee had complied with these conditions until recently, but tables and chairs were put outside during a "Cider Festival" event on 25 May 2015, and over 20 people were also drinking outside on 28 June. Many people stood around the entrance rather than sitting at the side. It would be hard to stop this happening. It would be very off-putting for people walking to the local shops and parents would be concerned for their children's safety.

All of these issues were fully debated two years ago and nothing has changed. A copy of my letter for the original Licence Application is attached. No new measures have been put forward to resolve the problems. Please do not remove any of these conditions.

Yours faithfully,



Neil Evans.

Mrs V. Moulding
5 Blackburn Avenue
Tettenhall
Wolverhampton
WV6 9JP

Tel: 07731861801

6th July 2015

FAO: Rob Edge
Licensing Services
Wolverhampton City Council
Place Directorate
Civic Centre
St Peter's Square
Wolverhampton
WV1 1DA

Dear Mr Edge,

Variation to premises licence - Hail to the Ale Micropub, 2 Pendeford Avenue, Claregate

I would like to make formal representations in relation to "Hail to the Ale" Micro-pub, 2 Pendeford Avenue, Wolverhampton under the licensing objectives of;

- the prevention of crime and disorder
- public safety,
- prevention of public nuisance
- the protection of children from harm

The conditions the owners want removed were applied at the time of granting their licence in order to protect the neighbours and the local community against public nuisance and protect our children from witnessing any behaviour associated with alcohol and smoking. At a time when Wolverhampton City Council is promoting healthy lifestyles allowing this type of activity to be on full view would be totally unacceptable.

The owners want to create an outdoor drinking area to the side of the property which goes against what the original idea of a 'micro pub' was supposed to be, it then becomes a pub with a beer garden! If this is allowed they are using it merely to get more customers and more profit with no regard for the effect this will have on the surroundings.

They have already on occasions had events outside the premises which have resulted in noise, traffic chaos and litter. Indeed since the pub was opened the number of cars parked in Blackburn Avenue in the vicinity of the pub on its open days has increased, I have cars frequently parked outside my house and have witnessed the occupants park up and go into the pub. It is unsafe turning into Blackburn Avenue from the island and it is unsafe trying to pull off your own drive. The increase in seats by an extra 22 will only make the parking issue worse. (I attach photos of problems myself and neighbours currently experience with parking)

I am also concerned that if the additional drinking area is allowed the area around the pub will become a gathering place and will attract youths, people can buy off-sales and will be able to drink it on full view outside the pub, this may lead to anti-social behaviour generally associated with pubs and alcohol. Customers will not stay in the area intended as it is far too small in reality they will be sitting on the wall, standing at the front of the pub and be on full view to the local community and visible from our homes.

The premises is in close proximity to a park, school, church and nursery therefore children will be walking immediately passed the frontage and may be subjected to possible drunken behaviour, smoke and bad language, all the things that as a parent I am trying to protect my children from. Groups of people can be very intimidating for passers-by and also gives the area a bad reputation.

The pub originally was trying to attract a particular type of customer however with the success of the business it actually attracts a wide range of customers both young and old, groups of people and holds private parties, all of which add up to an increase in noise, litter, smokers and parking.

People who go to pubs are obviously going to be socialising and noisy which increases when alcohol is taken, the noise from the outside drinking area will be heard from our homes impacting on our quality of life, we will not be able to sit in our gardens without having noise from the pub.

The overall appearance of the road will be ruined by the activity outside the pub, what was once a quiet road would become a hive of activity unwelcomed by the people that actually live there, the owners don't live on site so have no regard for the people that do. Our homes will be devalued as a result.

This application has provoked a great deal of concern from neighbours who believed that they were protected by Planning and Licensing conditions originally applied, this application has caused a great deal of stress and uncertainty as if allowed will have a detrimental effect on our day to day lives.

I would also like confirmation as to whether they would need Planning permission for this additional outside drinking area.

I would also like to know if any Members of the Licensing Sub-Committee who frequent the pub will declare an interest as I feel this would affect the decision of the Sub-Committee.

It is the intention that either myself or one of my neighbours will speak at the Licensing Sub-Committee therefore could you please advise me of the date this application will be heard.

Yours sincerely,

Mrs Vicky Moulding

Parking problems in Blackburn Avenue



Cars parked outside my house

2A, Blackburn Avenue,
Claregate,
Wolverhampton,
WV6 9JN.

Tel (H) 01902 747711
(W) 01902 555484

19th July 2013.

Licensing Section,
Education & Enterprise,
Wolverhampton City Council,
Civic Centre,
St Peter's Square,
Wolverhampton
WV1 1DA.

Dear Sir / Madam,

Objection to Licence Application at 2 Pendeford Avenue, Wolverhampton WV6 9EF

I wish to object to the granting of an Alcohol licence at the above address. I am very sensitive to this application because I live within 30 metres of the location. My kitchen window looks out onto the premises. Due to planning restrictions, smokers will be standing outside on the south side, where they will be able to watch me washing up or mowing my front lawn. I shall have no privacy.

There is bound to be anti-social behaviour with any drinks premises – noise, shouting, "banter", car doors banging at night, traffic and parking problems, litter and smoke fumes. People are not meant to take drinks outside, but it is inevitable that some will. They will put them on the wall, then knock them off, there will be broken glass on the pavement. All in all, lots of nuisance.

Claregate is a pleasant area for people to bring up their families. There is a good junior school in Chester Avenue, off Blackburn Avenue, although there are traffic problems so the more parents who walk their children to and from school the better. Children also make their way to the local shops and playing fields, and parents have felt it safe to let young children do this unaccompanied.

If the licence is granted, parents will be nervous of letting their children have to pass drinkers and smokers. If any child is subjected to unwanted remarks then this will affect them and put them off going past the corner on their own. The planning restriction (rightly refusing a rear beer garden) means smokers being at the front, creating an environment that may expose children to harm.

There is also an issue about public safety and the potential for crime and disorder, because of the close proximity of the premises to the Claregate pub. It is likely that there will be drinkers migrating between the two pubs late at night. This will affect the safety and security of pedestrians and householders between the two pubs. The bus stops which I use are located between these two pubs, so I could find myself face to face with drunken pedestrians obstructing my way home.

I therefore object to the application on the basis of the four licencing objectives –
prevention of crime and disorder public safety
prevention of public nuisance and protection of children from harm.

Yours faithfully,



Neil Evans.



Objection to Hale to the Ale

Dear Mr Edge

I understand that the above Hale to the Ale pub in Claregate has applied to have their licence changed and have also requested out door drinking to the side of the building.

I live in Blackburn Avenue not too far away from the pub and must stress that I object to having the side of the building for outside drinking. It is far too small an area. I walked past the pub last Saturday and noticed that their customers were not only sitting in the small area but we're also standing on the pathway, if this is a regular occurrence it is going to be a public nuisance to neighbours and pedestrians. The parking has already increased along Blackburn Avenue during opening hours. This is causing obstruction to traffic and pedestrians by Claregate Island.

Kind regards

Elaine Russell

Hail to the Ale – Variation of licence

I wish to make formal representations to the variation application [Hail to the Ale] under the licensing objectives of Crime & Disorder and the Prevention of Public Nuisance.

These conditions were added to the licence at a sub-committee hearing [August 2013], for a very good reason – it was to prevent the potential for problems caused by noise nuisance/disturbance outside of the venue.

Currently there are many issues in relation to noise and parking problems, and although I am aware that the parking cannot be addressed by licensing committee, the noise of the numerous cars parked adjacent to the premises are an issue.

I also have concerns about glasses being broken on the footpath. This is a high footfall area with parents walking their children to the local school and parks as well as dog walkers walking to the park

I assume the next stage will be to apply to extend the opening hours and to change the rear garden into a beer garden

I strongly request that the conditions remain on the licence, and the premises licence holders shows due consideration to their neighbours.

Regards

[REDACTED]

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**APPENDIX 7
REPRESENTATIONS**

IN SUPPORT OF THE APPLICATION

APPENDIX

Mark Hewitt
77 Burland Avenue
Tettenhall
Wolverhampton
WV6 9JG
hewittmark@hotmail.com
07768 108723
3rd July 2015

Licensing Services
Reception 14
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1DA

Dear Licensing Services,

I am writing with regards to the application the Hail to the Ale micropub (2 Pendeford Avenue, Claregate, Wolverhampton, WV6 9EF) has made to be allowed an outside seating area. I am afraid I cannot find a reference number for this on the council website.

As a local resident, I would like to register my support for this application. The Hail to the Ale pub has been a most welcome addition to Claregate and, to the best of my knowledge, has not been the source of any untoward noise or disturbance in the nearly two years since it opened.

Taking note of the pub's hours of opening and its specialised offering of real ale as opposed to lagers, it attracts a more mature, discerning, customer that would not be typically associated with causing any disturbance for neighbours. Given this, the pub's track record, and its responsible owners I feel an outside seating area would not likely cause any problems for local residents.

I hope you will consider the application favourably,

Kind regards,

Mark Hewitt