

Licensing Sub-Committee

30 September 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 Bishan Dass (Lab)

Labour

Cllr Keith Inston

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

Copies of other agendas and reports are available from:

Website www.wolverhampton.moderngov.co.uk1
Email 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 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Licensing Act 2003 - Application for a new Premises Licence in respect of House of India, 25 Market Street, Wolverhampton
[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 premises licence.

2.0 Background

2.1 An application has been received on 9 July 2015 from Slater's Bars Ltd, for premises licence in respect of House of India, 25 Market Street, Wolverhampton WV1 3AG and a copy of the application is attached at Appendix 1

2.2 The premises are in St Peters ward and a location plan is attached at Appendix 2.

2.3 The application is in respect of regulated entertainment, and the sale/supply of alcohol on the premises, and late night refreshment; the precise detail of what has been applied for can be found within the operating schedule of the application of the application.

2.6 The House of India is situated within the Cumulative Impact Zone. A copy of the policy and area which it covers is attached at Appendix 3.

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

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

2.8 The following have all made relevant representations and are objecting to the grant of this application citing the Cumulative Impact Policy and the licensing objectives:

- West Midlands Police
- Licensing Authority
- West Midlands Fire Service

Copies of their representations are attached at Appendices 4 - 6

2.9 The applicant, and all those who have made representations have 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 City Centre 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 25 Market Street, Wolverhampton WV1 3AG, which is within the City Centre 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/17092015/W]

5.0 Human Rights and Equalities Implications

5.1 This report has human rights implications for both the applicants and the residents from the local neighbourhood. Refusal of a licence may have financial implications for a licensee's business and livelihood whereas granting a licence 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.

5.3 The Public Sector Duty of the Equality Act 2010 also requires the Council to pay due regards (i.e. eliminate discrimination, harassment and victimisation; advance equality of opportunity and foster good relations), in any decisions it undertakes

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 customers using the premises.

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**APPLICATION FOR A PREMISES
LICENCE TO BE GRANTED
UNDER THE LICENSING ACT 2003**

Wolverhampton
City Council



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 ROHIT KUMAR SAHARAN
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>HOUSE OF INDIA</u> <u>1ST AND 2ND FLOOR</u> <u>25 MARKET STREET</u> <u>CITY CENTRE</u>		<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED 30 APR 2015 LICENSING </div>	
Post town <u>WOLVERHAMPTON</u>	Postcode <u>WV1 3AG</u>		
Telephone number at premises (if any)	<u>01902 716418</u>		
Non-domestic rateable value of premises	<u>£ 14000</u>		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SAHARAN			First names ROHIT KUMAR.		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		582 PARKFIELD ROAD WOLVERHAMPTON			
Post town WOLVERHAMPTON		Postcode WU4 6EZ			
Daytime contact telephone number		07577459419.			
E-mail address (optional)					

Date received: 30/4/15
 Amount: £190.00
 Cash Cheque
 No. []
 No: LLC/35003967
 Issued by: AC

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

A restaurant located on the First floor and second floor.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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)

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

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films 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 exhibition of films</u> (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events 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			<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)
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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

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						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)			
Thur						
Fri						
			<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)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	02:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10:00	02:00			
Wed	10:00	02:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	02:00			
Fri	10:00	02:00	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)		
Sat	10:00	02:00			
Sun	10:00	02:00			

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			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed			<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)		
Thur			<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)		
Fri					
Sat					
Sun					

I

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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	23:00	02:00			
Tue	23:00	02:00			
Wed	23:00	02:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	02:00			
Fri	23:00	02:00			
Sat	23:00	02:00			
Sun	23:00	02:00			
			<u>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</u> (please read guidance note 5)		

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 checked="" 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	10:00	01:30						
Tue	10:00	01:30						
Wed	10:00	01:30						
Thur	10:00	01:30				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)		
Fri	10:00	01:30						
Sat	10:00	01:30						
Sun	10:00	01:30						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	ROHIT KUMAR SAHARAN
Address	582 Parkfield Road Parkfields Wolverhampton
Postcode	WV4 6EL
Personal licence number (if known)	PER 2495
Issuing licensing authority (if known)	Wolverhampton City Council

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).

L

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	06:00	02:00	<p>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)</p>
Tue	06:00	02:00	
Wed	06:00	02:00	
Thur	06:00	02:00	
Fri	06:00	02:00	
Sat	06:00	02:00	
Sun	06:00	02:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

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

HEALTH + SAFETY Req^s upheld.

b) The prevention of crime and disorder

WE INTEND TO HAVE CCTV. TRAIN STAFF HOW TO DEAL WITH DISTURBANCES SHOULD THEY OCCUR. AFTER 12 MONTHS WE WILL REVIEW THE SECURITY SITUATION.
WE WILL TRY AND CONTROL ANY SUCH PROBLEMS PEACEFULLY. WE WILL WORK CLOSELY WITH POLICE IF/WHEN NECESSARY.

c) Public safety

COMPLETE FIRE SYSTEM WILL BE INSTALLED. HEALTH + SAFETY REGULATIONS WILL BE UPHELD.
IF SOMEONE IS INTOXICATED UPON ENTRY – ENTRY WILL BE REFUSED, FOR SAFETY OF MEMBERS OF THE PUBLIC, WITHIN THE RESTAURANT.

d) The prevention of public nuisance

SAME AS ABOVE. NOISE SUCH AS MUSIC IN THE RESTAURANT WILL NOT BE HIGH, ESPECIALLY NOT TO BE HEARD BY OTHER NEIGHBOURS.

e) The protection of children from harm

*YOUNG CHILDREN TO BE ACCOMPANIED BY ADULTS,
NO GAMBLING OF ANY KIND ALLOWED ON PREMISES.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- 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 4 – Signatures (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.**

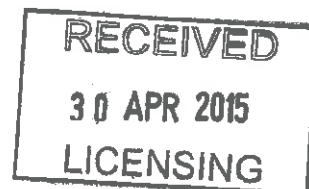
Signature *	
Date	30/5/15
Capacity	Applicant

For joint applications, signature of 2nd applicant 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	29/04/15
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

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



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The screenshot shows a web browser window with the following elements:

- Browser Interface:** Includes a toolbar with back, forward, and search buttons, an address bar showing 'about:blank', and a menu bar with 'File', 'Edit', 'View', 'Favorites', 'Tools', and 'Help'. Below the menu bar are several open tabs, including '2fa', 'Agresso Your personnel in...', 'Google', 'Home - My UNI-form', 'Lexis®Library Homepage', 'National Training Event a...', and 'Personalise Your Web Bro...'. The browser's status bar at the bottom shows the system clock as 08:50 on 23/09/2015.
- Map Content:** A detailed street map of Wolverhampton. A red dot is placed on Market Street, with a callout box containing the text: **House Of India 25A Market Street Wolverhampton West Midlands WV1 3AG**. Other labeled streets include King Street, Queen Street, Castle Street, Castle Yard, Dudley Street, and Market Street. Landmarks such as 'Bank', 'Works', 'Mander Centre', 'Police Station', and 'Shelter' are also marked. Various utility symbols like 'TCBs', 'LB', 'PH', and 'EI Sub Sta' are scattered throughout the map.
- City Council Information:** On the right side of the map, the Wolverhampton City Council logo is displayed. Below it, the text reads: *House of India*
25 Market Street. Further down, the council's contact information is listed: Wolverhampton City Council, Asset Management, Civic Centre, St Peters Square, Wolverhampton, WV1 1RL. At the bottom right, it states: Plan Produced 23.9.2015, Scale 1:1,250.

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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.

From: Elaine Moreton
Sent: 29 May 2015 14:09
To: Rob Edge
Subject: RE: PRE1272 House of India, 1st & 2nd Floor, 25 Market Street, City Centre, WV1 3AG- New Premises Licence Application

The Licensing Authority is making formal representations to the above application for a premises licence as the premises falls within the city centre CIZ and there is a rebuttable presumption that the application will be refused unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives. The Licensing Authority is currently in consultation with the applicant in order to clarify and address the steps the applicant is proposing to promote the licensing objectives.

Should the applicant agree to amend his operating schedule following mediation I will forward this to you.

Regards

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

E-mail: Elaine.Moreton@wolverhampton.gov.uk
Wolverhampton City Council

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From: WV Licensing [mailto:wv_licensing@west-midlands.pnn.police.uk]
Sent: 28 May 2015 13:40
To: Anita Chonk
Subject: RE: PRE1272 House of India, 1st & 2nd Floor, 25 Market Street, City Centre, WV1 3AG- New Premises Licence Application

Dear Anita

Thank you for your email informing us of the deferred date for the application process relating to the above.

Please note we are currently working in mediation with the client for the premise.

As this House of India currently sits within the CIZ city centre area, Police make representations in relation to crime and disorder at the location of the proposed premise.

Kind Regards

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

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Fire Service Headquarters
 99 Vauxhall Road, Birmingham B7 4HW
 @WestMidsFire #RTB

Fire Safety Centre, Vauxhall Road, Birmingham, B7 4HW

For the Attention of Ellaine Moreton

licensing@wolverhampton.gov.uk

Date: 2 June 2015
 Your Ref:
 Our Ref: 7M378LJP/LICI4R/SM/AMH
 Tel No: 0121 380 7500
 Please ask for: Shaun Messer

Dear Sir/Madam

Licensing Act 2003

**House of India, 1st and 2nd Floor, 25 Market Street, City Centre, Wolverhampton
 WV1 3AG**

I refer to the application for a **premises licence** made in respect of the above premises.

The relevant areas of the premises have been inspected and I have to inform you that the fire precautions relating to the application are insufficient to adequately promote the licensing objective "Public Safety".

The Fire Authority hereby makes representation to the **grant** in this instance due to the reasons detailed below:

The second floor has only one emergency escape route and the travel distance from the furthest point on the second floor to the final exit on the ground floor is approx 25 metres. The maximum allowance for this type of normal risk for only one exit route is 18 metres.

The frontage of the second floor had a section of normal glass framed windows to let in light and is a viewing point to the outside. This is set back overlooking the front area of the first floor, the window set was not of the same fire resisting quality as the wall and would therefore not stand up to the same amount of heat and smoke resistance as the rest of the building.

The main stairway is of wooden construction to both floors, although the underside of the stairway was not inspected at the time of the visit, it must be emphasized that the stairway must be under drawn with suitable fire resisting material.

The representation will not be withdrawn until this Authority is satisfied that the fire precautions relating to the application are of such a standard to adequately promote the Public Safety licensing objective. Should any required works be completed prior to the date of any hearing, the applicant must inform the Fire Authority at least 5 days before that hearing in order for an inspection to be carried out to determine if the representation can be withdrawn.

Mobile No: 07973 810315 Email: shaun.messer@wmfs.net



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www.wmfs.net

Should you require any further information regarding this matter please contact me at the address given above.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. Messer', written in a cursive style.

Shaun Messer
Fire Safety Inspector