

Licensing Sub-Committee

Minutes - 7 October 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Ian Claymore
Cllr Keith Inston

Conservative

Employees

Linda Banbury
Rob Edge
Sarah Hardwick

Democratic Support Officer
Section Leader - Licensing
Solicitor

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

Councillor Bolshaw drew attention to the death of Councillor Bert Turner on 6 October, who would be deeply missed by the community he had served for many years. The thoughts of those present at the meeting were with his family at this sad time.

2 Declarations of interest

Councillor Inston declared a non-pecuniary interest in the application for a premises licence in regard to Wolverhampton Grammar School and withdrew from the meeting prior to consideration of this matter.

3 Licensing Act 2003 - Application for a premises Licence in respect of Alisha Supermarket, 116-126 Steelhouse Lane, Wolverhampton

In Attendance

For the Premises

Mr D Hardy - Licensed Trade Legal Services (on behalf of the applicant)
Mr J S Uppal – involved with detailed plans for the premises

Responsible Authorities

Donna Hulme – Licensing Authority

The Chair introduced the parties and outlined the procedure to be followed at the hearing.

Rob Edge, Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting.

Mr Hardy presented the application for a premises licence on behalf of the applicant as the family were on holiday. He advised that the family were experienced retailers with three other premises outside Wolverhampton. He added that they had investigated the demographics of the area prior to submission of the application and assured the Sub-Committee that there would be no deliveries to the premises between 8 and 10 am or between 3 and 5 pm. The applicant would do everything possible to minimise any disruption to the local community.

Mr Hardy and Mr Uppal responded to questions raised by the Sub-Committee and other parties as appropriate.

On a point of clarification the Section Leader (Licensing) advised that, should the Sub-Committee be minded to grant the licence, the section of the operating schedule relating to the promotion of the public safety licensing objective was not enforceable in its present form as there was no timescale for the works to be completed. Following discussion, Mr Hardy advised that his client would be happy for a condition to be included requiring the work to be completed prior to operating under the premises licence.

Donna Hulme, on behalf of the Licensing Authority, advised that following mediation between the Responsible Authority and the applicant, agreement had been made to amend the operating schedule to include the conditions outlined at page 23 of the document pack circulated in advance of this hearing.

Other Persons who had made representations had not attended the meeting.

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

4 Exclusion of press and public

Resolved:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the application.

6 **Re-admission of press and public**

The parties returned to the meeting and were advised of the decision of the Sub-Committee as follows:

7 **Announcement of decision**

The Sub-Committee have taken note of all the written concerns raised in respect of Alisha Supermarket, 116 Steelhouse Lane, 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 application for a premises licence should be granted as applied for, subject to the following conditions:

1. Condition agreed between the Licensing Authority, as Responsible Authority, and the applicant
 - No sale of single cans/bottles of beer, lager or cider with an ABV or 6.5 or above to be sold (for clarity the word beer has been added)
 - DPPO (Designated Public Place Order) notice provided by the Licensing Authority shall be displayed prominently on the premises visible from outside the store, advising that Police have powers to seize alcohol.

2. The premises will have a fire alarm and the fire fighting equipment will be covered by a maintenance contract. Both emergency lighting and smoke detectors are also to be installed. All works shall be completed prior to operating the premises licence.

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.

8 **Exclusion of press and public**

Resolved:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

9 **Licensing Act 2003 - Application for a Premises Licence in respect of Wolverhampton Grammar School, Compton Road, Wolverhampton**

In Attendance

For the Premises

Mrs P Rudge – Bursar, Wolverhampton Grammar School

The Chair introduced the parties and outlined the procedure to be followed at the hearing. Copies of one of the representation letters from an Other Person were circulated as the version in the agenda pack was difficult to read.

Rob Edge, Section Leader (Licensing) outlined the report circulated to all parties in advance of the meeting. In doing so, he advised that representations had been received from a local councillor and the Whitmore Reans PACT, but were out of time. He further advised that the blue notice displayed on the premises in accordance with the application procedure indicated that the deadline for receipt of relevant representations was 10 September 2015. However, the press notice referred to a deadline date of 11 September, although the official deadline was actually 10 September. As no one had been prejudiced by this and the statutory timeframes had been met, the application for a premises licence was deemed properly made. Mrs Rudge advised that approximately one dozen notices had been displayed around the premises in view of the size of the property.

At this juncture, Mrs Rudge outlined the application for a premises licence, advising that the School had held a premises licence since 2005 when the Licensing Act 2003 had come into force. Various Temporary Event Notices (TENs), to which no objections had been made, had been used on occasions when alcohol was to be sold. The School had been advised that a new application should be submitted, rather than a variation because of the decision to include alcohol sales and that, primarily, the licence would be used to serve beer/wine during the fifteen minute interval during plays/concerts or for dinners and fund raising events. The premises were also utilised by the Wolverhampton Symphony Orchestra and for weddings. It was not intended to change the type and number of functions to be held, but it was believed that the new premises licence would enable the School to properly promote the licensing objectives. In regard to parking, planning permission had been granted for twenty extra parking spaces on the main school site.

Responding to questions, Mrs Rudge advised that:

- there would be no alcohol sales to a pupil of the school irrespective of whether they were 18 years of age;
- additional internal CCTV was to be installed;
- this application relates to the main school site only (The Section Leader (Licensing) clarified that the Arts & Drama building would need to be subject to an independent premises licence application as it was an entirely separate building. It could however be decided to current the current licence and apply for a licence covering the whole school);
- she agreed that Section L relating to the opening hours should be amended to read – 0800 – 0000 hours;
- with regard to external lettings, the School would ensure that occupancy levels were complied with, the services on site supervisors would be provided if

necessary and an insistence on the employment of SIA door supervisors if deemed necessary, and

- the sale of alcohol would be ancillary to any school functions.

Other Persons who had made relevant representations had not attended the hearing.

10 **Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the application

11 **Announcement of decision**

The Sub-Committee have taken note of all the written concerns raised in respect of Wolverhampton Grammar School, Compton Road, 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, in promoting the four licensing objectives, the application for a premises licence should be granted as applied for, subject to the following modification:

Opening hours – Monday to Sunday – 0800 to 0000 hours

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.

12 **Re-admission of press and public**

The parties returned to the meeting and were advised of the decision of the Sub-Committee as follows: