

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 3 June 2020

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw
Cllr Jonathan Crofts
Cllr Keith Inston

Premises Licence Applicant

Shaun Keasey

Responsible Authorities

Elaine Moreton	Licensing Authority
Michelle Marie-Smith	Public Health
Emma Waites	Environmental Health

West Midlands Police

Sgt Steph Reynolds
PC Michelle Churm

Officers

Debra Craner	Section Leader Licensing
Richard Phillips	Senior Solicitor
Kirsty Tuffin	Democratic Service Officer
Jaswinder Kaur	Democratic Service Manager (Host)

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 a Premises Licence in Respect of Bogart's, 22-23 Queen Square, Wolverhampton, WV1 1TQ

An application for a Premises Licence in respect of Bogart's, 22-23 Queen Square, Wolverhampton, WV1 1TQ was considered following representations received from the Licensing Authority, Environmental Health, West Midlands Police and, Public Health.

Jaswinder Kaur, Democratic Services Manager, welcomed all parties to the hearing and explained that the meeting would be conducted in line with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. She invited all parties to introduce themselves and all parties did so.

The Chair welcomed all parties to the hearing and outlined the procedure to be followed. All parties confirmed that they understood the procedure.

Debra Craner, Section Leader Licensing, provided an outline of the application. She advised that the premises had been situated within the CIZ. She advised that West Midlands Police had submitted additional mediation documents between themselves and the applicant. Copies of the mediation could be found within the supplementary agenda pack.

Mr Shaun Keasey, the applicant, confirmed that the summary provided was accurate.

The Chair invited the Applicant to present the application.

Mr Shaun Keasey did so as per Appendix 1 of the report. He advised the following:

1. Mediation had occurred between himself and West Midlands Police and they had managed to agree on some conditions that could be found in the supplementary agenda pack.
2. He asked that a condition requiring female door staff be worded to include 'if practical'.
3. He had been an experienced operator.

The Chair invited all parties present the opportunity to question the applicant on their submission.

Shaun Keasey provided responses to the questions asked.

*The Sub-Committee adjourned for a short break at 12:01 hours.
The Hearing reconvened at 12:15 hours.*

The Chair invited West Midlands Police to make representations. Sgt Steph Reynolds did so as per appendix 4 of the report and the supplementary agenda pack. She confirmed that mediation had occurred between West Midlands Police and the applicant and some conditions had been agreed and could be found in the supplementary agenda pack.

The Chair invited all parties present the opportunity to question the West Midlands Police on their submission.

Sgt Steph Reynolds provided responses to the questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton did so as per Appendix 7.

The Chair invited all parties to question the Licensing Authority on their submission. No questions were asked.

The Chair invited Environmental Health to make representations. Emma Waites, Senior Officer - Food and Consumer Safety, did so as per appendix 6 of the report.

The Chair invited all parties to question Environmental Health on their submission.

Emma Waites provided to responses to all questions asked.

The chair invited Public Health to make representations. Michelle Marie-Smith, Principal Public Health Specialist, did so as per appendix 5 of the report.

The Chair invited all parties to question Public Health on their submission. Licensing Authority questioned Public Health in which Michelle Marie-Smith provided a response to.

The Chair invited all parties to make their final submissions.

West Midlands Police and the applicant both made final representations.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, Senior Solicitor and Democratic Services Officer withdrew from the meeting to enable the Sub-Committee to determine the matter.

*The Sub-Committee adjourned at 13:30 hours.
The Hearing reconvened at 14:05 hours.*

Councillor Bolshaw, Councillor Crofts, Councillor Inston, Senior Solicitor and Democratic Services Officer re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

The Statutory Licensing Sub-Committee have taken note of all written concerns raised in respect of the application for a premises licence for Bogart's, 22-23 Queen Square, Wolverhampton, WV1 1TQ. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

The Sub-Committee have considered the written and spoken representations from the Applicant, West Midlands Police, the Licensing Authority as Responsible Authority, Environmental Health as Responsible Authority and Public Health in relation to the Cumulative Impact Policy and relevant Licensing Objectives.

The Sub-Committee have heard from the Applicant that he is agreeable to many of the suggested conditions made by West Midlands Police. He said he was an experienced operator, that the premises would be a café/bar/pub and would look to target a niche area of the market with live music from performers rather than DJs. He raised concerns about some of the requirements the Police wanted to impose as conditions of the licence if granted.

West Midlands Police within their submissions confirmed they have mediated and agreed a number of additional conditions which are agreed with the Applicant but that they also wish for some conditions which are not agreed to be placed on the licence should it be granted. They drew the Sub-Committee's attention to the Council's Statement of Licensing Policy and the s182 guidance in relation to new applications for public houses in the Cumulative Impact Zone. They cautioned that they were not of the view that the Applicant had rebutted the presumption of non-grant, but that if the committee felt it had been overcome, that their draft conditions should be imposed.

The Licensing Authority set out their concerns regarding the paucity of information contained within the application and operating schedule which had for the most part been overcome in the discussion which had taken place during the Hearing. The Sub-Committee were also invited to consider whether the opening hours needed to be as long throughout the week on Sundays to Thursdays.

Environmental Health submitted concerns regarding noise nuisance, explaining that the ground floor of the Premises has planning permission to be a drinking establishment but that an application has also been granted for the conversion of the floors above into apartments. They set out their concerns with reference to the National Planning Policy Framework regarding noise nuisance and the WHO guidance on sleep disturbance. They object to the application unless the Applicant can demonstrate that suitable mitigation is in place to safeguard from noise nuisance.

Public Health have submitted that the application is for a premises within a Cumulative Impact Zone and that the application undermines the Licensing Objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety. The area had the highest level of alcohol induced problems across the City, the closing hours were excessive, and children should not be in licensed premises so late.

The Sub-Committee are satisfied that the Cumulative Impact Policy applies to these premises and that therefore there is a rebuttable presumption of non-grant.

In considering all of the submissions and all of the circumstances of the application, the legislation and the s182 guidance, the Sub-Committee are satisfied that the Applicant has rebutted the presumption of non-grant through its proposed operating schedule and the proposed conditions and those set out below.

The Sub-Committee's decision is to grant a licence pursuant to the application as applied for (with the exception of the sales off the premises application which the Applicant confirmed had been withdrawn) subject to the below:

The conditions set out on Pages 3 and 4 of the Supplemental Agenda Pack (the email of conditions from West Midlands Police to the Applicant) shall be conditions of the licence, subject to the following alterations:

1. The Applicant shall, in conjunction with Environmental Health, work towards the implementation of a Noise Management Plan;
2. There shall be no children permitted on the premises after 9pm and at all times shall be accompanied by a responsible adult;
3. Door staff shall be required to be present on any day the premises are open after 10pm from 10pm;
4. The requirement to notify the Police of any events to be held at the Premises shall only be in relation to DJ events;
5. Staff shall be trained in relation to Challenge 25, with those items highlighted in red on the email in relation to training, not forming conditions of licence; and
6. There shall be no condition relating to a requirement to preserve crime scenes.

It is considered by the Sub-Committee that the aforementioned conditions should be attached in support of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

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 as required by the Licensing Act.

All parties have a right of appeal to the Magistrates Court within 21 days of receipt of this decision.

A copy of the written decision will be forwarded to all parties.