

Licensing Sub-Committee

Minutes - 17 December 2015

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Ian Claymore

Conservative

Cllr Patricia Patten

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.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a premises licence in respect of House of India, 25 Market Street, Wolverhampton (10 am)

In Attendance

For the Premises

Mr S Hamblett – Solicitor
Mr R K Saharan – applicant

Responsible Authorities

WPC Lisa Davies – West Midlands Police
Elaine Moreton – Licensing Authority

The Chair introduced the parties and outlined the procedure to be followed at the hearing. The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance.

Mr Hamblett outlined the application for a premises licence on behalf of the applicant and in so doing drew attention to the operating schedule, advising that areas of concern on behalf of the Responsible Authorities had been rectified following

mediation. It was noted that the West Midlands Fire Service had no objections to this application. A discussion ensued regarding the hours the premises would be open to the public. Mr Hamblett indicated that the applicant would be happy to revise the closing time to 0230 hours.

At this juncture WPC Davies outlined the representations made by the West Midlands Police. She drew attention to the numerous visits made to the premises and indicated that she believed the conditions in operating schedule, agreed with the Responsible Authorities in June, would fully promote the licensing objectives. Elaine Moreton, on behalf of the Licensing Authority, concurred with this view.

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 Sub-Committee's decision as follows:

7 Announcement of decision

The Sub-Committee has taken note of all the written concerns raised in respect of House of India, 25 Market Street, Wolverhampton and has listened to the arguments of those who have spoken at this hearing.

The Licensing Sub-Committee is satisfied that the Cumulative Impact Policy applies to these premises. It is further satisfied that the applicant has provided sufficient evidence to illustrate that the premises will not add to the cumulative impact already experienced and that the presumption of non-grant has been re-butted.

Therefore, having considered the views of all concerned, the Sub-Committee has decided that the application for a premises licence is granted as applied for, subject to the opening hours being reduced to between 0600 to 0230 hours Monday to Sunday.

Finally, mandatory conditions required by the Act will be attached to the Licence.

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

8 **Licensing Act 2003 - Application for a premises licence in respect of the Co-operative Store, Griffiths Drive, Ashmore Park, Wolverhampton (11.30 am)**

In Attendance

For the Premises

Mr R Arnot – Solicitor

Mr J Harrison – Co-operative Group Food Ltd

The Chair introduced the parties and outlined the procedure to be followed at the hearing. The hearing was adjourned for ten minutes to give the Other Persons time to arrive. The other parties had not arrived by 11.40 am so the hearing commenced and the Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance. A revised copy of Appendix 1 was circulated at the meeting as the printed version was incomplete. It was noted that the applicant had brought to the attention of the Licensing Authority the fact that the application had not been advertised in the local press. It had been agreed therefore to run the consultation period for a further twenty eight days.

Mr Arnot outlined the application for a premises licence for a retail unit, which it was anticipated would open in July 2016. A copy of the company's training procedures had been circulated to all parties in advance of the hearing. He pointed out that the onus was on those making the objections to prove that the premises would lead to problems in the local area. Responding to a question, he advised that the planning permission restricted the opening hours to between 0700 and 2300 hours.

9 **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.

10 **Deliberations and decision**

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

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

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

12 **Announcement of decision**

The Sub-Committee has taken note of all the written concerns raised in respect of Ashmore Park Co-operative Store, Griffiths Drive, Ashmore Park, Wolverhampton and has listened to the arguments of those who have spoken at this hearing for the application.

Having considered the views of all concerned, the Sub-Committee has decided that the application for a premises licence is granted as applied for.

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.