

Licensing Sub-Committee

Minutes - 13 September 2016

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr John Rowley
Cllr Anwen Muston

Conservative

Employees

Leonie Woodward
Elaine Moreton
Mike Hooper
Parpinder Singh
Joanne Till

Lead Lawyer
Section Leader – Licensing
Democratic Support Officer
Public Health Development Officer
Section Leader – Licensing

Item No. *Title*

1 Apologies for absence

There were no declarations of interest.

2 Declarations of interest

There were no declarations of interest.

3 Exclusion of the Press and Public

Resolved

That the press and public be excluded.

4 Licensing Act 2003 - Application for a Variation to a Premise Licence - Drinks Express, 64 Chapel Ash

An application had been made by Mrs Hardip Kaur and Mr Rajit Singh, the Premises Licence Holders, in respect of Drinks Express, 64 Chapel Ash, Wolverhampton WV3 9TT.

The Section Leader (Licensing) provided an outline of the variation application, drawing attention to an administrative error in the report – the premises were in Park Ward, not St. Peter's. Mrs Kaur confirmed that the summary was accurate.

The applicants presented their application. The request to extend the sale of alcohol for an additional 4 hours, until 3am, on Thursday, Friday and Saturday had been made due to demand from existing customers, including local brewery staff, and following requests to deliver goods after hours. Currently, people were travelling to a 24 hour off-licence in Penn Fields to purchase alcohol after 11pm. The applicants felt that the extended hours would allow their business to reach its full capacity, not just through the sale of alcohol but of other goods as well.

The applicants stated that they had not had any issues with littering in the vicinity of the shop nor any trouble. A declaration had been signed following consultation with the Police for the store to have SIA registered door staff. 24 hour CCTV cameras were already in operation and recordings were retained for 30 days. There was also an incident book on site. Overall, the applicants felt that they had been very good licence holders with no problems stemming from the sale of alcohol from their premises.

The Sub-Committee questioned the Licence holders on their application, with the latter providing the following responses:

They had deemed that there was demand for the additional opening hours as a high number of customers had been requesting it for a long time. Both the brewery and many takeaway outlets were located in the vicinity of the premises and many people wanted to be able to purchase a couple of beers after work or to take home with their food. It was accepted that when a previous request for extended hours, around 6-7

years ago, was refused there had been alcohol related issues in the area. However, since the removal of a nearby bus stop those problems had been eradicated. In addition, if a customer appeared to be drunk they would not be served alcohol.

The Police had never been called to the premises. The only time they had visited was to erect a poster regarding a mental health matter.

They were not aware of any anti-social behaviour (ASB) in the vicinity of the shops during its opening hours. They had also consulted local takeaways with regard to such issues occurring after 11pm but they had been assured that there were no such problems.

There had been incidences of ASB at the nearby bus shelter but since it had been removed two years ago such issues no longer existed.

The Section Leader – Licensing referred to a meeting between herself, the Licensing Manager, the Council's ASB Team and the Licence Holders 4 years previous in which issues were raised regarding people being sold single cans of alcohol. Mrs Kaur replied that drunk people were no longer served alcohol and that they knew the local people with alcohol related issues. She added that she believed that the ASB Officer was happy with the measures they had taken.

The Section Leader – Licensing asked the Premises Licence Holders if they believed that serving late night alcohol to people returning home from pubs or clubs could increase the potential for alcohol related ASB or criminal activity, why they had not requested to open late between Sunday and Wednesday, to clarify the requests they had received from the general public and local takeaway owners and to explain why they needed to sell alcohol during the extended opening hours. Mrs Kaur reiterated that they did not serve drunk people and added that it should be recognised that we now live in a 24 hour society. She knew that not all customers had already been drinking as a large percentage drove there. They had received many requests from customers to sell alcohol after 11pm and an offer from a local takeaway owner to purchase the shop. It was expected that post 11pm sales would be evenly split between alcohol and other items but they could see no reason why responsible people should not be served alcohol.

The Public Health Development Officer asked the Premises Licence Holders how they could know whether or not the customers that purchased alcohol would drink it in the streets throughout the night rather than go home. Mrs Kaur said that it was down to making a judgement call. West Park was closed at night and she should be able to serve customers that are not drunk.

Councillor Hardacre, Ward Member for Park Ward, asked the Premises Licence Holders if they themselves would be present during the extended hours, if they knew the working definition of the term drunk and disorderly, the percentage of customers that had requested late night alcohol sales, whether or not money was their key concern and whether or not there were incidences of ASB in Chapel Ash. Mrs Kaur provided the following responses. Either herself or her husband would always be present during the extended hours while the other looked after their children. They were able to identify drunk people through their loud and unruly behaviour. They estimated that around 60% of their customers had requested later hours. Of course

maximising income was a key concern, as it would be to any business, but the key issue should be that there had never been any issues with their role as Licence Premises Holders. There were no ASB concerns in the vicinity of the shop, even the church and Barclays bank were now free of people hanging around there.

The Chair asked the applicants if they were the Designated Premises Supervisors (DPS) of any other stores and, if so, had there been any cause for concern there with regard to ASB. Mrs Kaur said that they ran the Merridale Supermarket, that it closed at 9 pm and that there had been no examples of ASB either there or at the off-licence next door.

The Sub-Committee considered a representation from the Section Leader – Licensing, who stated that her initial concern had been in regard to why the applicants had only requested the extended hours for three nights of the week. In her view, the Operating Schedule was not sufficient to meet the necessary obligations but the Licensing Authority would concur with the views of the Police should they be satisfied with the conditions regarding Security Industry Association (SIA) accredited door staff. Ms Moreton also suggested that the Panel could form an additional condition, in line with the conditions agreed in consultation with the applicant in 2012, to restrict sales of single cans of alcohol.

The Chair asked Ms Moreton what the role and/or the impact of SIA staff would be. Ms Moreton replied that such security would help towards the prevention of crime and disorder and ASB as well as safe from harm objectives.

The Sub-Committee considered a representation from Parpinder Singh, Public Health Development Officer who said that his concerns had been appeased with regard to issues of crime and disorder. However, the city was currently suffering from soaring levels of alcohol related crime, hospital admissions and mortality rates and Mr Singh could not see why the hours that alcohol was available for purchase should be extended. He felt that people should go home after a takeaway and, to ensure that they are in a better state of mind when buying alcohol to be consumed at home, they should purchase it prior to consuming alcohol whilst out.

Sergeant J. Flanagan arrived at the meeting at 10:25am. All parties agreed that he could observe the meeting but not take part in proceedings.

The Sub-Committee considered a representation from Councillor M. Hardacre, Park Ward Member, which included crime figures from March-June 2016 for both Chapel Ash and for a 200 metre radius of the premises. Councillor Hardacre's key objections centred around the potential effects that extended availability of alcohol could have on the many vulnerable people residing in the area, on ASB, public nuisance and crime levels and the potential for setting a precedent for late licences.

Joanne Till, Section Leader – Licensing, asked if Councillor Hardacre had statistics detailing the key times that crimes took place in the area. The Public Health Development Officer said that, from data received from West Midlands Police and hospitals, most crimes were committed between 2am - 4am.

All parties were afforded the opportunity to make closing statements.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved:

That, having carefully considered the submissions of the Applicant, West Midlands Police, Public Health and the Licensing Authority, the Sub-Committee reject the application for a variation to the Premises Licence in respect of Drinks Express, 64 Chapel Ash, Wolverhampton, WV3 9TT as it is considered appropriate for the promotion of the prevention of crime and disorder in that extra opening hours of four hours on each of Thursday, Friday and Saturday would increase public nuisance as well as have an effect on public safety.

5 **Application for a Private Hire Driver Licence (11.30)**

The Chair made introductions and outlined the procedure to be followed during the meeting.

Elaine Moreton, Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically paragraph 5.1.12(a) (Violence). The conviction would not be clear of the guidelines until October 2019.

The Applicant (MR), accompanied by Mr M. Sarfraz, Manager of Blueline Cars of Birmingham who MR had been working for at the time, confirmed that the information contained within the report was accurate.

In reference to the relevant conviction, Mr Sarfraz, on behalf of MR, provided a detailed account of the incident which led to it. He added that he had no concerns regarding the character of MR. MR stated that he was really sorry that the incident occurred and emphasised that he had a clean driving licence and that the relevant conviction was the only time that he had been in trouble with the Police.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved

That, having considered all of the information presented to the meeting, both written and oral, the Licensing Sub-Committee was not satisfied that the Applicant (MR) was a fit and proper person to hold a Private Hire Driver's Licence and accordingly the application was refused.

The Applicant (MR) has a right of appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of receipt of the decision.

6 Application for a Private Hire Driver Licence (12.00)

The Chair made introductions and outlined the procedure to be followed during the meeting.

Elaine Moreton, Section Leader – Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee in accordance with Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, specifically paragraph 5.1.3(b) – Major Traffic Offences.

The Applicant (ML), accompanied by Mr S. Ali, Director of 247 Cars, confirmed that the information contained within the report was accurate.

Mr Ali stated that the applicant had approached 247 Cars in January 2016 as he sought employment. He had found ML to be open and honest and would not hesitate to offer him employment. ML said that he had been 22 years old at the time of the relevant offence. He had since matured, had not been in trouble with the Police since and held a clean driving licence.

All parties, with the exception of the Solicitor and Democratic Support Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee.

Resolved

That, having considered all of the information presented to the meeting, both written and oral, the Licensing Sub-Committee was not satisfied that the Applicant (ML) was a fit and proper person to hold a Private Hire Driver's Licence and accordingly the application was refused.

The Applicant (ML) has a right of appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of receipt of the decision.