

# Licensing Sub-Committee

## Minutes - 23 November 2016

### Attendance

**Chair** Cllr Alan Bolshaw (Lab)

#### Labour

Cllr John Rowley

#### Conservative

Cllr Patricia Patten

### Employees

Sarah Hardwick  
Joanne Till  
Will Humphries  
Mike Hooper

Senior Solicitor  
Section Leader (Licensing)  
Environmental Health  
Democratic Services Officer

*Item No.*     *Title*

**1        Apologies for absence**

There were no apologies for absence.

**2        Declarations of interest**

There were no declarations of interest.

**3        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.

**4        Licensing Act 2003 - Review of a Premises Licence in respect of Guvy's Newsagent, 163 Springfield Road, Wolverhampton, WV10 0LQ**

Consideration of this item was conducted in private session.

**5        Break 12:00 - 13:00**

The Sub-Committee broke for lunch.

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

Following lunch, the meeting resumed in public session.

**7        Licensing Act 2003 - Application for a New Premises Licence in respect of Pizza Donnini, 11 High Street, Bilston, Wolverhampton, WV14 0EH (13:00 - 14:00)**

An application had been made by Ms K. Eskandari for a Premises Licence Holders in respect of Pizza Donnini, 11 High Street, Bilston, Wolverhampton WV14 0EH.

The Section Leader (Licensing) provided an outline of the application and drew attention to an error in the report – the map attached as part of Appendix 3, which was supposed to detail Bilston's Cumulative Impact Zone (CIZ), showed the wrong area. Correct maps were tabled for all parties.

Ms Eskandari confirmed that the report (with replacement map) and the summary provided by the Section Leader (Licensing) was accurate.

Mr P. Burke of PMB Licensing, on behalf of and accompanied by the applicant, presented the application, stating the following:

- Ms Eskandari had run Pizza Donnini for 7 years and there had been no concerns raised with regard to her character or the business;
- Prior to becoming the proprietor of the business, Ms Eskandari had spent 15 years as a support worker (P3 Social Exclusion) for people with drug and alcohol related issues;
- The application had been submitted primarily to provide the business with a point of difference, a unique selling point, on the Just Eat website/app. Alcohol would be sold only online and would not be available for sale or collection on site;
- The applicant had met with the Police prior to submission of the application. The Police had assisted with the wording to be included in the application and were happy for it to be submitted;
- Similarly, the applicant had met with the Council's Environmental Health prior to submission of the application and had agreed conditions with them relating to issues raised;
- With regard to the concerns raised by Ward Councillors in relation to the consumption of alcohol on the streets and of the potential for increased anti-social behaviour, neither of those would be realised as alcohol would not be served on site, it would only be sold as part of deliveries;
- Alcohol would only be sold as an addition to food orders to be delivered, making it unlikely that anyone living within the CIZ, and therefore the vicinity of the shop, would utilise the service;
- The applicant and her delivery drivers had received training on how to deal with awkward or aggressive customers. Delivery drivers would refuse to provide alcohol to customers that were abusive, drunk or failed to show identification;
- It would be stated on Just Eat that on delivery of orders including alcohol the customer would have to show identification that matched up to the cardholder that placed the order. If it could not be provided, the alcohol would not be handed over;

In response to questions from the Sub-Committee, Mr Burke and Ms Eskandari stated the following:

- The premises currently operated as a takeaway and small restaurant with 4 tables. Trading hours in operation were until 11pm;
- If an aggressive person demanded alcohol with a food order in-store it would be refused. Alcohol would not be available for sale on site nor advertised on site;
- Alcohol would not be on view in the shop;
- Customers would be able to order whatever alcohol they chose to. If it was not in stock, there were a number of 24 hour supermarkets close by which staff would purchase it from;
- The sale of alcohol was very much on a trial basis and there was no guarantee that it would be successful;
- Alcohol would only be available with orders made through Just Eat and not via the telephone;
- Orders would only be made to residential addresses as the delivery address had to match the address of the cardholder;

- The business had taken orders through Just Eat for around 6 years. That meant that information regarding problematic customers was available if required;
- Deliveries were generally made within a 4-5 mile radius with Bushbury being the most popular destination for delivery;
- Due to the nature of delivery services, CCTV was not available as it would be in an off-licence. However, delivery drivers were safeguarded by the aforementioned training that they received. Deliveries including alcohol would be made in two stages, with the food being provided first to allow the driver to evaluate the customer. If they felt that it was not appropriate to provide the alcohol they would say that they had been unable to bring it. It was also worth noting that two delivery drivers were Security Industry Authority (SIA) registered and that only specific drivers would be allowed to deliver orders including alcohol in the early stages of the trial;
- The good reputation of the business had been hard-earned and was key to its success. The applicant would do her utmost to protect that reputation and ensure that, for example, families would continue to dine in the restaurant;
- Staff had experienced aggressive behaviour in the past but it was usually from the same regular customers and would focus on complaints about the food;
- The business had not received requests that they sell alcohol from customers but the business of delivering alcohol to home addresses was a developing market

No questions were asked nor objections made by W. Humphries, Environmental Health.

In response to a question from S. Hardwick, Senior Solicitor, Ms Eskandari confirmed that there was no intention to extend the opening hours of the shop beyond 11pm and that deliveries would continue to be made through to the early hours of the morning.

In response to questions from J. Till, Section Leader (Licensing), Mr Burke and Ms. Eskandari stated the following:

- The business would be happy for a condition to be added to the licence to require the use of the incident refusal book which was already being utilised;
- Identification tests were included in the information packs that Ms Eskandari provided to all trainees.

All parties were invited to make their final submissions to the Sub-Committee.

No further submissions were made by W. Humphries, Environmental Health.

Mr P. Burke said that such business enterprise was becoming commonplace. The applicant had taken measures to consult with the Police ahead of submitting the application and enough information had been provided to show that it wouldn't impact upon the CIZ. Mr Burke then provided the Chair with a copy of the driver training information that Ms. Eskandari provided to all employees.

Ms Eskandari, Mr Burke, J. Till and W. Humphries left the room to allow the Sub-Committee to determine the matter.

All parties were invited back to the meeting (W. Humphries did not return) and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Senior Solicitor.

Resolved:

that the Sub-Committee have taken note of all of the written concerns raised regarding the application for a Premises Licence in respect of Pizza Donnini, 11 High Street, Bilston, Wolverhampton, including the representations of those that spoke at the Hearing.

The Sub-Committee are satisfied that the Cumulative Impact Policy applies to these premises. They are further satisfied that sufficient evidence has been provided by the applicant to illustrate that the premises will not add to the cumulative impact already experienced and the presumption of non-grant has been rebutted.

Therefore, having considered the views of all concerned, the Sub-Committee have decided that the application, as applied for, is granted subject to the following conditions:

1. Conditions agreed between the applicant and Environmental Health (Commercial) as follows:
  - The Designated Premises Supervisor (DPS) shall ensure that noise levels arising from the premises do not cause a nuisance to nearby residents;
  - At the end of each day's trading, a litter pick should take place in the immediate vicinity of the premises to remove any litter associated with the premises;
  - Clear notices will be displayed at all points where customers leave the shop requesting they do not congregate outside the premises, so as not to cause a nuisance in terms of noise and/or litter;

This Operating Schedule to replace the Operating Schedule submitted in Section M (d) the Prevention of Public Nuisance in the application dated 4 October 2016.

That the following be removed from Section 18 a):

- 'The DPS shall ensure that noise levels arising from the premises including the building, smoking areas. In the event that noise levels are such that disturbances are caused to occupiers of nearby residential premises, appropriate action shall be taken to stop the disturbances. The DPS shall provide a telephone number for local residents to call in the event of disturbances and shall liaise with the Licence Holder, residents and Environmental Health as necessary to prevent public nuisance. A record of all complaints about noise disturbances shall be kept, with details of actions taken to resolve them. The Licensee or DPS shall ensure that a written agreement is made with reputable taxi companies to ensure that when taxis pick up and drop off customers from the licensed premises noise from these vehicles does not cause a nuisance to local residents. Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the Licensee/DPS. Notices shall be displayed within the

licensed premises for customers to view giving details of taxi companies to use.

- Signage displaying to customers to “Respect local residents, please leave quietly” to be on display around the location and especially the exit.’
2. The sale of alcohol is only permitted when an order has been placed with an online provider and a residential address is given and confirmed for delivery. The address should match that of the cardholder making payment and the cardholder must take delivery of the alcohol following provision of satisfactory identification;
  3. Delivery drivers will always carry and complete refusals books where the sale of alcohol is refused.

It is considered by the Sub-Committee that the above conditions should be attached in support of the Prevention of Public Nuisance and the Prevention of Crime and Disorder Licensing Objectives.

Finally, such conditions as are specified on or are consistent with your Operating Schedule will be attached to your licence and any mandatory conditions required by the Act.

8 **Licensing Act 2003 - Application for a Variation of a Premises Licence in respect of Hollybush, 494 Penn Road, Penn, Wolverhampton - DEFERRED**

This matter had been deferred in advance of the meeting and would be considered by the Licensing Sub-Committee on 2 December 2016.