



# Licensing Sub-Committee

## Minutes - 2 July 2014

### Attendance

**Chair** Cllr Alan Bolshaw (Lab)

#### Labour

Cllr Bishan Dass  
Cllr Rita Potter

#### 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.

**2        Declarations of Interest**

There were no declarations of interest.

**3        Licensing Act 2003 - application for a premises licence in respect of African Village, 179 Stafford Street, Wolverhampton**

In attendance

For the premises

Mr S Aguh                -        Applicant  
Mrs S Aguh               -        Co-owner

Responsible Authorities

WPC Lisa Davies       -        West Midlands Police  
Andrew Clarke         -        Environmental Health (Commercial)  
Elaine Moreton         -        Licensing Authority

The chair introduced the parties and outlined the procedure to be followed at the meeting.

The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance.

Mrs Aguh outlined the application for a premises licence, advising the Sub-Committee of similar premises in Birmingham and Coventry. She advised that they were not familiar with the concept of a Cumulative Impact Zone and had used a number of Temporary Event Notices to judge whether a venue promoting African culture and food would work in Wolverhampton.

Responding to questions, Mrs Aguh indicated that there had been ten temporary events over a period of twelve months and that the only problems related to noise due to the bass level of the music which had now been rectified. There had only been one incident involving the police, when the call had been made by the premises when they had problems with one individual they did not wish to gain entry.

At this juncture the responsible authorities outlined their representations. WPC Davies advised that suggested amendments to the operating schedule had been agreed, in principle, with the applicant on 4 June and would be content for the licence to be granted subject to these conditions. She indicated that there had been no incidents involving the Police in regard to the premises in Birmingham and Coventry. During the period of questioning, Mrs Aguh indicated that she had been consulting with companies supplying door supervision staff, and was concerned that she might not always be able to employ a female member of staff. The Section Leader (Licensing) suggested that the licence could include a condition that the Police

Licensing Unit be advised in the event that a female supervisor could not be employed. WPC Davies indicated her acceptance of this suggestion, indicating that it should be possible to meet the requirement in the majority of cases.

Andrew Clarke advised that the representations of Environmental Health (Commercial) had been made due to the lack of information on the initial application. He indicated that four noise complaints had been received, officers had attended but none could be substantiated. He would be content for the licence to be granted subject to the inclusion of the proposed conditions in regard to the prevention of public nuisance licensing objective.

Elaine Moreton advised that the Licensing Authority had suggested that the applicant submit a new premises licence application because of the material changes to the licence. She indicated that she had consulted with the applicant regarding the capacity which should be restricted to 60.

The Section Leader (Licensing) advised that the applicant would be recommended to surrender the current licence should the new application be granted.

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 at his point 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 a particular person.

#### **5 Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the application for a premises licence and the Solicitor advised them of the options to them in determining the application.

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

The parties returned to the meeting and the Solicitor outlined 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 African Village, 179 Stafford Street, Wolverhampton. They have listened to the arguments of those who have spoken at this hearing, both for and against the application.

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 that the presumption of non-grant has been rebutted.

Having considered the views of all concerned, the Sub-Committee have decided that the premises licence should be granted, subject to the following conditions agreed between the applicant, West Midlands Police, Environmental Health Commercial and Licensing Authority, for inclusion in the operating schedule:

Prevention of Crime and Disorder

- A CCTV system with recording equipment shall be installed and maintained at the premises.
- CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to where public have access and the immediate vicinity outside the premises.
- Images and recordings to be downloaded in a suitable format and provided to any member of a responsible authority upon request and without undue delay.
- Images and recordings must be of evidential quality, must indicate the correct time and date and be kept for at least 31 days.
- All staff to be trained to use the CCTV system and at least one member of staff to be on duty who is trained to download the systems images should any member of a responsible authority make a request.

An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate the incident must be reported to the West Midlands Police. The incident log book shall be produced to a member of a responsible authority upon request.

All staff shall receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation. This training shall be documented and shown to a member of a responsible authority upon request.

To ensure compliance with 'Challenge 25', a refusals book will be maintained where any sale of alcohol is refused to persons who present themselves to be underage.

No person who is drunk or disorderly shall be allowed access or to be allowed to remain in the premises.

Documentation shall be maintained of refusals of sales of alcohol to persons presenting as being intoxicated.

There shall be no new admissions to the premises after 0200 hours.

A radio link system shall be employed at the premises and used for contact with other premises in Wolverhampton and the main Wolverhampton camera facility. This system shall be kept in good working order and monitored by a responsible member of staff.

Any door supervisor employed at the premises shall wear high-visibility attire (tabards/jackets, that have a highly reflective colour that is easily discernible from

any background) and should use an electronic wand/glove or other electronic searching device in their searching process.

Prevention of Public Nuisance

After 2200 hours on Friday and Saturday evenings, SIA registered door supervisors, one of which will be female, shall be employed at the minimum of 1:30 customers (or part thereof) at the premises.

A register shall be maintained of all persons engaged as door supervisors to include the name and SIA number of the staff and the time and date duties commenced and finished.

Noise and/or vibration shall not be allowed to emanate from the premises so as to cause a nuisance to nearby properties or residents.

All doors and windows should remain closed at the premises during regulated entertainment, except for access to and egress from the premises.

Protection of Children from Harm

All staff shall be trained in 'Challenge 25' and all appropriate ID checks shall be undertaken by all staff to ensure no sale of alcohol is made to underage persons.

In addition, the applicant has agreed to the following:

1. With regard to the provision of female SIA registered door supervisors – on occasions when a female door supervisor cannot be secured, the premises licence holder should inform the West Midlands Police Licensing Department.
2. Maximum capacity at the premises shall be 60.
3. The premises licence holder shall attend the Pub Watch scheme.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder and prevention of public nuisance 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 Licensing Act 2003 - application for a premises licence in respect of Cute Coffee Lounge, 72 School Road, Wolverhampton**

In Attendance

Premises

Mr R Leo - Applicant

Responsible Authorities

WPC Lisa Davies - West Midlands Police  
Charlotte Rose - Environmental Health (Commercial)  
Elaine Moreton - Licensing Authority  
Mr G Litton,  
Ms P Bell,  
Mr J Lloyd and  
Mr M Bellamy - Interested Parties

The chair introduced the parties and outlined the procedure to be followed at the meeting.

The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance.

Mr Leo outlined his application indicating that the original application had covered more hours than would actually be required and it was unlikely that the premises would be open beyond 2000 hours.

The Sub-Committee were advised that the applicant had met with the West Midlands Police, Environmental Health (Commercial) and the Licensing Authority, and he had signed up to proposed conditions. Copies were circulated to the Sub-Committee members at the meeting.

Responding to questions, Mr Leo indicated that he leased only part of the former public house building and this included a hairdressing salon. He indicated that alcohol sales would be for on the premises only. However, it was clarified that a condition would be required to allow customers to take home a re-sealed and partly drunk bottle of wine if necessary. It was noted that, should the applicant require to extend the hours of the licence on any occasion he would apply for a Temporary Event Notice, adding that music would be for background purposes only.

The responsible authority representatives were content that the proposed conditions would be sufficient to promote the licensing objectives and agreed to withdraw their objections. The interested party representatives, having now been advised of the details of the amended application had no objections to the licence.

All parties were afforded the opportunity to make closing statements.

## 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 at his point 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 a particular person.

## 10 **Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the application for a premises licence and the Solicitor advised them of the options to them in determining the application.

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

The parties returned to the meeting and outlined the decision of the Sub-Committee as follows

12 **Announcement of decision**

The Sub-Committee have taken note of all the written concerns raised in respect Cute Coffee Lounge, 72 School 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 the premises licence should be granted as applied for, subject to the modifications/conditions agreed between the responsible authorities and the applicant as follows:

Conditions agreed between the Licensing Authority and the applicant on 9 June 2014

- The hours for sale/supply of alcohol on the premises to be:

Sunday to Thursday	1000 to 2230 hours
Friday and Saturday	1000 to 2300 hours
  
- The hours for sale/supply of alcohol off the premises to be:

Sunday to Thursday	1000 to 2230 hours
Friday and Saturday	1000 to 2300 hours
  
- Only patrons ordering table meals, seated refreshments and/or services shall be permitted to purchase alcohol for supply off the premises.
  
- The hours for recorded music to be:

Monday to Sunday	1000 to 2230 hours for indoors only
------------------	-------------------------------------
  
- The hours applied for live music and late night refreshment to be removed from the operating schedule entirely.
  
- Opening hours to be:

Sunday to Thursday	0800 to 2300 hours
Friday and Saturday	0800 to 0000 hours

Conditions agreed between the West Midlands Police and the applicant on 5 June 2014

Prevention of Crime and Disorder

To ensure compliance with 'Challenge 25', a refusals book will be maintained where any sale of alcohol is refused to persons who present themselves to be underage.

An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate the incident must be reported to the West Midlands Police. The incident log book shall be produced to a member of a responsible authority upon request.

Protection of Children from Harm

All staff shall be trained in 'Challenge 25' and all appropriate ID checks shall be undertaken by all staff to ensure no sale of alcohol is made to underage persons.

For clarification, reference to children being allowed to attend the premises after 2300 hours at section N of the application is deleted from the 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 prevention of public nuisance 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.