

Attendance

Chair Cllr Alan Bolshaw

Sub-Committee Members

Cllr Rita Potter
Cllr Wendy Thompson

Employees

David Abel	Senior Legal Executive
Dereck Francis	Democratic Services Officer
Chris Howell	Licensing Manager
Johnathon Lloyd	Licensing Officer (Observer)

Responsible Authorities

Matthew Leak	Health Improvement officer
Elaine Moreton	Section Leader - Licensing
PC Michelle Churm	West Midlands Police
Parpinder Singh	Senior Public Health Specialist

Premises Licence Applicant

Mr Jalal Said	Applicant
Mr Alex Abdelaal	Friend
Mr Alex Leese	Architect

Item No. *Title*

1 Apologies for absence

No apologies were received for the meeting.

2 Declarations of interest

There were no declarations of interests.

3 Licensing Act 2003 –Application for a Premises Licence in respect of The Cave Lounge, Frederick Street, Wolverhampton, West Midlands, WV2 4DU

An application for a Premises Licence in respect of The Cave Lounge, Frederick Street, Wolverhampton, West Midlands, WV2 4DU was considered following representations received from Public Health, Licensing Authority and West Midlands Police.

The Chair led round-table introductions and outlined the procedure to be followed.

Chris Howell, Licensing Manager, provided an outline of the application. By way of clarification he reported that the representations letter from West Midlands Police in respect of The Cave Lounge referred to the premises being allowed A5 usage. This was an error, the premise had A3 usage which precluded the premises being used as a shisha bar. Mr Alex Abdelaal on behalf of the applicant, Mr Jalal Said confirmed that the summary was accurate.

The Chair invited the applicant to present the application. Mr Alex Abdelaal on behalf of the applicant did so.

Mr Paul Leese, the applicant's Architect arrived during Mr Alex Abdelaal's presentation. The Authority had not received prior notification that Mr Leese would be attending the hearing to support the application. Following advice from the Council's Solicitor, the Chair asked all parties present whether they were happy to give consent for Mr Leese to speak in support of the application during the meeting. All parties presented gave their consent.

The Chair afforded all parties present the opportunity to question the applicant in relation to his submission. Mr Alex Abdelaal provided responses to questions asked.

The Chair invited West Midlands Police to make representations. PC Michelle Churm did so.

The Chair invited all parties present to question West Midlands Police in relation to its submission. PC Churm provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Elaine Moreton, Section Leader - Licensing, did so.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. The Section Leader - Licensing provided responses to questions asked.

The Chair invited Public Health to make representations. Parpinder Singh, Senior Public Health Specialist did so.

The Chair invited all parties present to question Public Health in relation to its submission. The Senior Public Health Specialist provided responses to questions asked.

The Chair invited all parties present to make their final address and Mr Alex Abdelaal made a closing statement on behalf of the applicant during which he confirmed that there would be no smoking inside the premises.

All interested parties, with the exception of the Council's Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

That the Licensing Sub-Committee listened carefully to all of the representations made by those attending and carefully considered the paperwork placed before them. They also had regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and Wolverhampton Council's Licensing Policy Statement.

The Application was made individually by Mr Jalal Ahmad Said and Mr Ahmed Hassan and related to the provision of late night refreshment and the playing of recorded music at the above premises between the hours of 18.00 and 04.00. The premises operates as a Shisha lounge and objections to the application were received from the Public Health department of Wolverhampton Council on the grounds of public safety, from the Licensing Authority of Wolverhampton Council on the grounds that the application does not address all of the licensing objectives and from the Partnerships and Licensing Department of West Midlands Police also on the grounds of public safety.

The steps that may be taken by the Sub-Committee on an application for a premises licence are to:

- a) Grant the licence subject to conditions.
- b) Exclude a licensable activity to which the application relates from the scope of the licence.
- c) Refuse to specify a person as a premises supervisor.
- d) Reject the application

At the hearing which took place at 10.00am on the 21st August 2018 the Licensing Sub-Committee resolved to grant the licence subject to conditions in respect of the Cave Lounge.

The application was granted in the terms sought with the following conditions:

1. The provision of late night refreshment will be between 18.00 to 03.00 each day.
2. The playing of recorded music will be between 18.00 to 03.00 each day.
3. Smoking will only take place outside the building within the designated smoking area.
4. No one under 18 years of age will be allowed on the premises.
5. A Challenge 25 policy will be put in place regarding the sale of tobacco or tobacco products.
6. A refusals book will be kept in respect of all attempts to buy tobacco or tobacco products and will contain sequential pages and be available to any Responsible Authority on request.

Conditions 3 to 6 above are implemented with regard to furthering the Licensing Objectives of Public Safety and the Prevention of Children from harm given that smoking will be taking place outside the premises and these Conditions were voluntarily proposed by the Applicant who stated the intention to co-operate with all parties in upholding the Licensing Objectives.

The Licensing Sub-Committee took the view that the implementation of robust conditions which were agreed between the parties were necessary and proportionate to uphold the Licensing Objectives. The Sub-Committee also clarified that their decision was made solely on the furthering of the Licensing Objectives and not as enforcement action under any other legislation.

There is a Right of Appeal available to all parties to the local Magistrates Court within 21 days from receipt of this letter should they feel aggrieved by this decision.

(NB: The meeting was adjourned during 12.05 pm to 12.30 pm for lunch)