

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 15 June 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Gillian Wildman

Cllr Rashpal Kaur

Responsible Authorities

Sgt Gemma Turner – West Midlands Police

Employees

Debra Craner – Licensing Section Leader

Bankole Thomas – Solicitor

Donna Cope - 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 items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

4 Licensing Act 2003 - Application for a Personal Licence

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. She outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader Licensing, outlined the report regarding an application for a Personal Licence, which had been circulated to all parties in advance of the meeting. The Applicant confirmed that the information contained within the report was accurate.

The Chair invited the Applicant to make her submission.

The Applicant did so. She detailed the circumstances that led to her convictions and explained how she had turned her life around. She stated that she deeply regretted what she had done and was not a bad person.

The Applicant requested that the Sub-Committee received a character reference. The Sub-Committee agreed to the request (copy filed with these minutes).

The Chair afforded all parties present the opportunity to question the Applicant in relation to her submission. The Applicant responded to questions asked and elaborated further on how her life had changed since the offence. She acknowledged the severity of what she had done and stated that she wanted to better herself.

The Chair invited West Midlands Police (WMP) to make representations. Sgt Gemma Turner did so as per Appendix 5 of the private report and supplementary documents. She stated that the Applicant had relevant

offences for which the rehabilitation period had not been completed and that to grant the application would undermine the Licensing Objectives. She stated that West Midlands Police had no confidence in the Applicant and requested that the application be refused.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. No questions were asked.

The Chair invited all parties present to make their final address.

No final statements were made.

Bankole Thomas, Solicitor, provided legal guidance to Members and reminded them of their available options.

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 Sub-Committee adjourned at 11.00 hours.

The Hearing reconvened at 12.24 hours.

All parties were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

The Licensing Sub-Committee had considered the evidence presented and had regard to the application, the representations made, guidance issued under Sections 120 (4) 5 (a), (6), 7(a), 7 (b) & 182 of the Licensing Act 2003 along with the Council's own licensing policy and received detailed counsel from its Legal Adviser.

In the circumstances and in accordance with Section 120 of the Licensing Act 2003 the Licensing Sub-Committee decided to refuse the application for a Personal Licence as it was not considered appropriate for the promotion of the Prevention of Crime and Disorder Licensing Objective.

The decision can be appealed to the Magistrates Court within 21 days from receipt of the decision. In the event an appeal is lodged and dismissed by the Court the Council will apply for its incurred legal costs arising from its defence of the decision being appealed.