

# Statutory Licensing Sub-Committee

Minutes - 18 September 2023

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Gillian Wildman

Cllr Rashpal Kaur

### Applicant for Review – Environmental Health

Emma Waites

Senior Officer

Emma Caddick

Service Manager

Bernadette Tranter

Local Resident / Interested Party

### Premises Licence Holder:

Piers Warne

Solicitor

Wayne Parkes

Designated Premises Supervisor

Bruce Wakeling

Spirit Pub Company

Asa Charlton

Spirit Pub Company

David Turner

Local Resident / Interested Party

Ray Giles

Local Resident / Interested Party

### Responsible Authorities

Greg Bickerdike

Licensing Authority

### Other Persons / Interested Parties:

Angela Malia

Colin Malia

Katie Lamedica

Andrew Moores

Terry Dicken

### Officers:

Debra Craner

Licensing Team Leader

Dave Abel

Solicitor

Donna Cope

Democratic Services Officer

Jacob Stokes

Democratic Services Officer

Paul Dosanjh

Service Manager - Trading Standards & Licensing Act

Jas Kaur

Democratic Services Manager

*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 Review of a Premises Licence in respect of Pheasant Inn, Wood End Road, Wolverhampton, WV11 1YQ**

An application for a review of a Premises Licence in respect of The Pheasant Inn, Wood End Road, Wolverhampton, WV11 1YQ had been received from The City of Wolverhampton Environmental Health Department as a Responsible Authority.

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, Licensing Section Leader, provided an outline of the application. Emma Waites, Senior Officer for Environmental Health (Applicant), confirmed that the summary was accurate.

The Chair invited Environmental Health to present their application. Emma Waites, Senior Officer, did so as per Appendix 3 of the report and Supplementary Agenda Pack 1. She stated that mediation had taken place between herself and the Premises prior to the Hearing and a number of amendments to the Premises Licence had been agreed. These amendments could be found at pages 109 – 111 of the Supplementary Agenda Pack 1.

The Chair afforded all parties present the opportunity to question the Applicant in relation to her submission. Emma Waites, Senior Officer, provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Piers Warne, Legal Representative for the Premises Licence Holder, did so as per Supplementary Agenda Pack 2. He confirmed that the Premises had successfully mediated with Environmental Health and noted that West Midlands Police had withdrawn their representations.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to their submission. Mr Piers Warne responded to

questions asked and accepted that on occasions noise at the premises had been loud. In response to a question for Environmental Health, Emma Waites confirmed that since the noise limiter had been installed at the premises no noise complaints had been received.

The Chair invited the Licensing Authority to make representations. Greg Bickerdike, Licensing Manager, did so as per Appendix 4 of the report and Supplementary Agenda Pack 2. He stated that the Licensing Authority fully supported the mediation between Environmental Health and the Premises and were happy with the agreed proposals.

The Chair invited all parties present to question the Licensing Authority in relation to his submission. No questions were asked.

The Chair invited all Interested Parties to make their representations.

Angela Malia, Colin Malia, Katie Lamedica, Andrew Moores, Terry Dicken, and David Turner spoke in support of the Premises. In summary they stated that:

- The premises had improved greatly since Wayne Parkes (Designated Premises Supervisor) and his partner had taken over.
- All problematic customers had been barred.
- Noise from the premises was not that bad and reports had been blown out of proportion.
- The pub was a safe place and was being unfairly targeted.
- A neighbouring pub was responsible for the noise nuisance.

Bernadette Tranter, Interested Party, spoke in support of the Review Application. In summary she stated that:

- She could not stand the noise.
- She did not want the pub to close, she just wanted peace.
- Her house was up for sale because of the noise.
- Loud bass music could be heard in her home every Friday, Saturday, and Sunday.

The Chair invited all parties present to question the Interested Parties in relation to their submissions. Bernadette Tranter responded to a question asked and confirmed that noise had not been an issue since the noise limiter had been installed at the premises. She noted that her neighbours were not in attendance as they feared the repercussions but clarified that she would not describe Wayne Parkes as a bully.

The Licensing Sub-Committee acknowledged the bravery it had taken for the Interested Parties to attend the Hearing and stated that the noise issues from the Premises should have been resolved beforehand.

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

Greg Bickerdike, Piers Warne and Emma Waites made final statements.

David Abel, Solicitor, provided legal guidance to Members and reminded them of their available options.

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

The Sub-Committee adjourned at 11.45 hours.

The Hearing reconvened at 13.22 hours.

All parties returned to the meeting, and the Chair confirmed the decision of the Sub-Committee.

The decision was summarised by the Solicitor and the full Decision Notice would be sent out to all parties within 5 working days.

#### Resolved

An application was made by The City of Wolverhampton Environmental Health Department as a Responsible Authority on 28 July 2023 for a review of the Premises Licence in respect of The Pheasant Inn, Wood End Road, Wolverhampton, WV11 1YQ, on the grounds that actions at the premises undermined the Licensing Objective of the Prevention of Public Nuisance.

Relevant representations had been received from the Licensing Authority and West Midlands Police, as Responsible Authorities, and from Other Persons (Interested Parties).

At the hearing on the 18<sup>th</sup> September 2023 to review the Premises Licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made.

Having considered all the representations and having regard to the Licensing Objectives, the Statutory Licensing Sub-Committee found that in order to promote the Licensing Objectives the Premises Licence of The Pheasant Inn should be amended as stated in the agreed Mediation Document.

An appeal may be made to the Magistrates' Court against the decision, by the Applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of the written notice of decision.