

# M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **22 NOVEMBER 2011**

## **PRESENT:-**

Councillor Claymore (Chair)  
Councillor Clarke

## **APOLOGIES FOR ABSENCE:-**

An apology for absence was submitted on behalf of Councillor Mrs Patten

## **OFFICERS IN ATTENDANCE:-**

L Banbury	-	Democratic Support Officer, Delivery
L Cross	-	Principal Solicitor, Delivery
R Edge	-	Section Leader (Licensing), Education and Enterprise

**Wolverhampton**  
City Council



**PART 1 – OPEN ITEMS**

**Licensing Act 2003 – Application for a Premises Licence  
Low Level Station, Sun Street, Wolverhampton (Appendix 55)**

135

In Attendance

For the Premises

Mr V Basir	-	Applicant
Mr M Bates	-	Architect
Mr M Sidhu		
Mr J Singh		
Mr P Gunter		
and Mr B Parker	-	Acoustic Specialists

Responsible Authorities

Mr N Aston-Baugh	-	West Midlands Fire Service
Mrs J Freeman-Evans	-	Food & Environmental Safety Service

The Chair introduced the Sub-Committee and all parties were introduced to the meeting. He then outlined the procedure to be followed at the meeting. No declarations of interest were made by the Members.

The Section Leader (Licensing) briefly outlined the report submitted to the meeting and circulated to all parties in advance. Copies of voluntary additions and amendments to the operating schedule, agreed between the applicant and Food and Environmental Safety Services, were circulated to Members prior to the meeting.

At this juncture the applicant was afforded the opportunity to state his case. Mr Bates, on behalf of the applicant, advised that the application, attached at Appendix 1 to the Licensing Officer's report was self explanatory.

All parties were afforded the opportunity to question the applicant and his representatives.

At this juncture, Mr Aston-Baugh drew attention to the technical issues outlined at Appendix 4 of the Licensing Officer's report. He indicated that he was not seeking additional conditions on the Licence as the issues outlined were covered by fire safety legislation; the applicant had signed up to the voluntary undertaking and had presented revised plans. Mrs Freeman-Evans referred to the additions and amendments to the operating schedule, which had been agreed with the applicant.

All parties were afforded the opportunity to question the Responsible Authorities' representatives.

All parties were given the opportunity to make a final statement.

**Exclusion of Press and Public**

- 136 Resolved:-  
That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from consideration of the items of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within paragraph 3 of Schedule 12A to the Act (Information relating to the business affairs of particular persons) is likely to be disclosed.

All parties, with the exception of the City Council's Solicitor and the Democratic Support Officer, withdrew from the meeting at this point.

**PART II - EXEMPT ITEMS**

**Deliberations and Decisions**

- 137 The Sub-Committee discussed the issues which had been raised during the presentation of the application for a Premises Licence.

The Solicitor advised them of the options open to them in determining the application.

**Re-Admission of Press and Public**

- 138 Resolved:-  
That the press and public be readmitted to the meeting.

**PART I - OPEN ITEMS**

**Announcement of Decision**

- 139 All parties returned to the meeting room and the parties were advised of the decision of the Sub-Committee as follows:-

The Sub-Committee have taken note of all the written concerns raised in respect of the application for a Premises Licence for Low Level Station, Sun Street, Wolverhampton.

The Sub-Committee have listened to the arguments of those who have spoken at the hearing, both for and against the application. They have also considered the additional issues raised at the hearing by the Food & Environmental Safety Service and the West Midlands Fire Service in respect of issues of environmental noise and fire safety.

Having considered the views of concerned, the Sub-Committee have decided that the application (as amended by the applicant's voluntary undertaking to the West Midlands Fire Service) be granted, subject to the conditions agreed with the Food & Environmental Safety Service, which are necessary to promote the prevention of public nuisance licensing objective.

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.

**Exclusion of Press and Public**

140 Resolved:-

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from consideration of the item of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within paragraph 3 of Schedule 12A to the Act (Information relating to the business affairs of particular persons) is likely to be disclosed.

**Licensing Act 2003 – Application for a Personal Licence (Appendix 56)**

141 In Attendance  
Applicant

Mr S T Whittall (accompanied by two members of his family)

Objector

Inspector P Affron - West Midlands Police

The Chair introduced the Sub-Committee and all parties were introduced to the meeting. He then outlined the procedure to be followed at the meeting. No declarations of interest were made by the Members.

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

At this juncture Mr Whittall outlined his application and in so doing, advised that the incident outlined in the police objection was a domestic incident that had taken place in 2007. He indicated that he was young and 'stupid' at that time, that he now had family responsibilities and a job offer in the licensing trade and if the Premises Licence was granted he would not do anything to jeopardise the chance he had been given.

All parties were afforded the opportunity to question Mr Whittall.

At this juncture, Inspector Affron outlined the objection of the West Midlands Police. He advised that the objection had been made as a matter of principle, in view of the fact that Mr Whittall's conviction would not become spent until July 2012 and was not based on any personal knowledge of the applicant.

All parties were afforded the opportunity to question Inspector Affron.

Mr Whittall and Inspector Affron were given the opportunity to make a final statement.

All parties, with the exception of the City Council's Solicitor and the Democratic Support Officer, withdrew from the meeting at this point. The Solicitor advised the Sub-Committee of the options available to them in determining this matter.

The parties returned and the Chair outlined the decision of the Sub-Committee as follows:-

Having considered carefully the submissions of the West Midlands Police and Mr S T Whittall, the Sub-Committee considers that the Personal Licence should be granted, as it is felt that the applicant has demonstrated that he no longer has a propensity to offend and that the individual circumstances in this case are exceptional and compelling. The Sub-Committee considered that the risk to the public is limited, such to justify the granting of a Licence.

All parties have a right of appeal to the Magistrates Court within 21 days of receipt of this decision.