

M I N U T E S

meeting: **LICENSING SUB-COMMITTEE**

date: **7 MARCH 2012**

PRESENT:-

Councillor Dass (Chair)
Councillors Claymore and Davis

OFFICERS IN ATTENDANCE:-

L Banbury, Democratic Support Officer	- Delivery (Governance)
C Parr, Licensing Manager	- Education and Enterprise (for urgent item only)
S Hardwick, Senior Solicitor	- Delivery (Governance)
E Moreton, Section Leader, Licensing	- Education and Enterprise

OFFICER ALSO IN ATTENDANCE:-

L Moses-Copeman (in the capacity of observer and with the approval of the parties involved in the individual cases)

Wolverhampton
City Council



PART I - OPEN ITEMS

Absence of Chair at Commencement of Meeting

212 The Chair had contacted the Democratic Support Officer indicating that he would be delayed. Councillor Claymore, Vice-Chair therefore assumed the Chair.

Declarations of Interest

213 No interests were declared.

Exclusion of Press and Public

214 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.

PART II - EXEMPT ITEMS

Review Prior to Renewal of a Private Vehicle Driver's Licence (Appendix 27)

 The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report. On a point of clarification the Officer advised that, in regard to the conviction dated December 2011, the information from the DVLA had confirmed that 6 penalty points had actually been awarded against the driving licence.

 Mr Warsop was in attendance at the meeting, in connection with the review prior to renewal of his Private Hire Vehicle Driver's Licence and answered questions raised by Members of the Sub-Committee and Officers as appropriate.

 Mr Warsop was afforded the opportunity to make a final statement.

 All parties, with the exception of the City Council's Solicitor and Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make their decision.

 The Solicitor outlined the powers available to the Sub-Committee in determining the matter.

215 Resolved:-

That having carefully considered all the information contained in the Licensing Officer's report and the representations made at the meeting, the Sub-Committee consider that Mr N Warsop is a fit a proper person to hold a Private Hire Vehicle Driver's Licence, as such no further action will be taken on this matter and the renewal application is therefore granted. The decision is, however, subject to review by the Head of Service in three months time.

The parties returned and the Chair outlined the decision of the Sub-Committee. The parties then withdrew.

Arrival of Chair

216 Councillor Dass arrived at the meeting at this juncture and assumed the Chair.

Review Prior to Renewal of a Private Vehicle Driver's Licence (Appendix 28)

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report. The Officer advised that drivers were furnished with guidelines when their Licences were granted and with further copies on renewal. Such guidance included the requirement to notify the Licensing Authority of any convictions within 14 days.

Mr Ghafar was in attendance at the meeting, in connection with the review prior to renewal of his Private Hire Vehicle Driver's Licence and answered questions raised by Members of the Sub-Committee and Officers as appropriate.

The Licensing Officer advised the Sub-Committee that the knowledge training course would not have been a condition when Mr Ghafar initially applied for a Licence.

Mr Ghafar was afforded the opportunity to make a final statement.

All parties, with the exception of the City Council's Solicitor and Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make their decision.

The Solicitor outlined the powers available to the Sub-Committee in determining the matter.

217 Resolved:-

That having carefully considered all the information contained in the Licensing Officer's report and the representations made at the meeting, the Sub-Committee consider that Mr A Ghafar is a fit a proper person to hold a Private Hire Vehicle Driver's Licence, as such no further action will be taken on this matter and the renewal application is therefore granted. The decision is, however, subject to review by the Head of Service every three months for the next twelve months. Mr Ghafar is also recommended to attend and pass the knowledge training course within the next three months.

The parties returned and the Chair outlined the decision of the Sub-Committee. The parties then withdrew.

Application for a Private Vehicle Driver's Licence (Appendix 29)

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report.

Mr Akhtar was in attendance at the meeting, in connection with his application for a Private Hire Vehicle Driver's Licence and answered questions raised by Members of the Sub-Committee and Officers as appropriate.

Mr Akhtar was afforded the opportunity to make a final statement.

All parties, with the exception of the City Council's Solicitor and Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make their decision.

The Solicitor outlined the powers available to the Sub-Committee in determining the matter.

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Resolved:-

That having given careful consideration to all the information contained in the Licensing Officer's report and listened to the representations made by the applicant at the meeting, a Private Hire Vehicle Driver's Licence be granted to Mr Z Akhtar for a period of twelve months.

The parties returned and the Chair outlined the decision of the Sub-Committee. The parties then withdrew.

Application for a Private Vehicle Driver's Licence (Appendix 30)

The Chair introduced the Sub-Committee and Officers. The Section Leader (Licensing) then briefly outlined the report.

Mr Clayton was in attendance at the meeting, in connection with his application for a Private Hire Vehicle Driver's Licence and answered questions raised by Members of the Sub-Committee and Officers as appropriate.

Mr Clayton was afforded the opportunity to make a final statement.

All parties, with the exception of the City Council's Solicitor and Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make their decision.

The Solicitor outlined the powers available to the Sub-Committee in determining the matter.

218 Resolved:-

That having given careful consideration to all the information contained in the Licensing Officer's report and listened to the representations made by the applicant at the meeting, a Private Hire Vehicle Driver's Licence be granted to Mr J R Clayton for a period of twelve months.

The parties returned and the Chair outlined the decision of the Sub-Committee. The parties then withdrew.

Application to Review Premises Licence – The Castle, Wood End Road, Wednesfield, Wolverhampton

219 [In accordance with Section 100b(4) of the Local Government Act 1972, the Chair admitted this item as an urgent matter]

The Licensing Manager advised Members that an application had been made by a Ward Councillor, in conjunction with the Local Residents' Association, to review the Premises Licence for The Castle public house on the grounds of the prevention of public nuisance. The Premises Licence Holder had subsequently requested that the Licensing Authority facilitate a meeting with the applicants for the review with a view to addressing the concerns raised. A meeting had been held and was also attended by Environmental Health. The Premises Licence Holder had volunteered to have additional conditions placed on the Premises Licence operating schedule, which were accepted by the applicants for the review. The Licensing Act 2003 (Hearings) Regulations allowed for a hearing to be dispensed with provided that all parties agreed. All parties signed up to the following conditions at the meeting:-

1. When regulated entertainment is taking place, the amplified music will cease at 2330 hours. However, on up to eighteen occasions per year it may be extended to the hours permitted by the Licence provided that at least 24 hours notice has been given in advance to the Licensing Authority. In addition, regulated entertainment involving amplified music may be permitted on New Year's Eve for the hours authorised by the Licence.
2. A noise management plan will be undertaken by 31 March 2012 and this will be emailed to the Licensing Authority. The actions recommended by the noise management plan will be implemented at the Premises to apply when regulated entertainment in the form of amplified music takes place at the Premises.
3. If a Pubwatch scheme exists, the Designated Premises Supervisor will regularly attend these meetings.
4. The Designated Premises Supervisor will restrict the playing of football on the pub car park/garden area and place signs to this effect outside the Premises.

The Licensing Manager advised that No.4 above would not be easily enforceable. However, the following points were agreed to be actioned by the Premises Licence Holder:-

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- To restrict the playing of football on the pub car park/garden area and place signage to this effect outside the Premises.
- The noise management plan to be put in place by 31 March 2012.
- Premises Licence Holder to formally write to the Residents' Association, with a copy to the Licensing Authority, giving details of this agreement.

The Sub-Committee agreed that the above action negated the need for a formal review hearing and all three Members of the Licensing Sub-Committee signed a document endorsing the action outlined above.