

M MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **9 MAY 2012**

PRESENT:-

Councillor Dass (Chair) and Clarke

OFFICERS IN ATTENDANCE:-

L Banbury	-	Democratic Support Officer, Delivery
R Edge	-	Section Leader (Licensing), Education and Enterprise (for agenda item 5)
S Hardwick	-	Senior Solicitor, Delivery (for agenda item 3)
E Moreton	-	Section Leader (Licensing), Education and Enterprise (for agenda item 3)
L Moses-Copeman	-	Solicitor, Delivery (for agenda item 5)

Wolverhampton
City Council



PART 1 – OPEN ITEMS

Declarations of Interest

260 No interests were declared.

Exclusion of Press and Public

261 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.

PART II - EXEMPT ITEMS

Application for a Private Hire Vehicle Driver's Licence (Appendix 50)

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

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

Mr Sherezi 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.

262 Resolved:-

That a Private Hire Vehicle Driver's Licence be granted to Mr S N A S Sherezi for a period of twelve months, subject to a satisfactory medical report and his passing the driving ability and knowledge tests.

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

PART 1 – OPEN ITEMS

**Licensing Act 2003 – Application for a Premises Licence
Pearl of India, 33 Princess Street, Wolverhampton (Appendix 51)**

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In Attendance

Objectors

WPC N Holt &

PC S Williams

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West Midlands Police

The Chair outlined the procedure to be followed at the meeting. The applicant had failed to attend the previous hearing held on 18 April 2012. The Section Leader (Licensing) had rung the applicant, Mr Rahim, in regard to this meeting and had been advised that he intended to withdraw the application for a Premises Licence and did not intend to be present. It was therefore agreed to hear the matter in Mr Rahim's absence.

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

The Police representatives advised that they had been impressed with the very comprehensive application and had been prepared to recommend the granting of the Premises Licence, subject to an additional condition in respect of the CCTV provision. They were concerned, however, that the applicant had failed to attend the scheduled hearings.

Exclusion of Press and Public

264

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

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

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

Re-Admission of Press and Public

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

PART I - OPEN ITEMS

Announcement of Decision

- 267 All parties returned to the meeting room and the Solicitor outlined the decision of the Sub-Committee as follows:-

The Sub-Committee has taken note of all the written concerns raised in respect of the Pearl of India, 33 Princess Street, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing.

Having listened to the views of all concerned the Sub-Committee have decided that, as the applicant has failed to attend the Sub-Committee for a second time and as the Premises is within the Cumulative Impact Zone, there is a presumption of refusal. The applicant has not provided any evidence which rebuts this presumption and the application for a Premises Licence is therefore refused.

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