

MINUTES

meeting: **LICENSING SUB-COMMITTEE**

date: **28 MARCH 2012**

PRESENT:-

Councillor Dass (Chair);
Councillors Inston and Mrs Patten

OFFICERS IN ATTENDANCE:-

- R Edge - Principal Officer (Licensing), Regeneration Division, Education and Enterprise Directorate
- R Marshall - Solicitor, Governance Services, Delivery Directorate
- C W Craney - Democratic Support Officer – Democratic Support Officer, Governance Services, Delivery Directorate

OBSERVERS:-

- A Chonk - Licensing Assistant, Regeneration Division, Education and Enterprise Directorate
- A Lynch - Licensing Assistant, Regeneration Division, Education and Enterprise Directorate

Wolverhampton
City Council



PART I - OPEN ITEMS
(Open to the Press and Public)

Apologies for Absence

216 No apologies for absence were received.

Declarations of Interest

217 No declarations of interests were made in relation to the matters under consideration at the meeting.

Licensing Act 2003 Police Objection to Temporary Event Notices for Gorgeous, 34-36 School Street, Wolverhampton WV1 4LF (Appendix 32)

218 In Attendance:-
S Keasey - Applicant and Designated Premises Supervisor
M Dawson - Solicitor for Applicant
Inspector S Thomas West - West Midlands Police
PC N Holt - West Midlands Police
PC S Williams – West Midlands Police

The Chair, Councillor Dass, introduced the Sub-Committee and Officers and outlined the procedure to be followed at the meeting. R Edge, Principal Officer (Licensing), Regeneration Division, Education and Enterprise Directorate, then outlined briefly the report together with the proposed reasons for the refusal of the Temporary Event Notices, namely the Objection Notice received from the Chief Officer of Police advising that he was satisfied that allowing the premises to be used in accordance with the Temporary Event Notices would undermine the prevention of crime and disorder licensing objective.

Mr Keasey presented his case which included circulating a bundle of documents for consideration by the Sub-Committee and he responded to questions raised by Members of the Sub-Committee and Officers as appropriate. Mr Keasey responded to the various questions raised by Members of the Sub-Committee, the responsible authority (West Midlands Police) and Officers. He also offered concessions in relation to the operating hours of the function of the car park of the premises and the maximum capacity of that part of the event.

PC Holt outlined the representations made by West Midlands Police and was supported by Inspector S Thomas West. PC Holt and Inspector Thomas West responded to questions raised by Members of the Sub-Committee, the applicant and Officers.

Mr Keasey outlined his response to the objection and answered questions raised by the Sub-Committee and Officers as appropriate. Mr Keasey was afforded the opportunity to make a final statement. All parties, with the exception of the City Council's Solicitor and the Democratic Support Officer, then withdrew from the meeting to enable the Sub-Committee to make its decision.

Exclusion of Press and Public

219

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
(Press and Public Excluded)

Deliberation and Decision

220

The Sub-Committee discussed the issues which had been raised during consideration of the Temporary Event Notices.

The Solicitor advised it of the options available in determining the applications.

Re-Admission of Press and Public

221

Resolved:-

That the press and public be re-admitted to the meeting.

PART 1 – OPEN ITEMS
(Open to the Public and Press)

Announcement of Decision

222

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

Having had regard to the Objection Notice of the Chief Officer of West Midlands Police, being a letter sent to Wolverhampton City Council on 20 March 2012 and having carefully considered the representations made by both parties at the Hearing, the Sub Committee was not satisfied that a Counter Notice should be issued in accordance with Section 105(3) of the Licensing Act, 2003, as it is not considered necessary for the promotion of the prevention of Crime and Disorder Licensing objective. The event scheduled for 8 April 2012 is therefore permitted on the terms applied for, but subject to strict compliance with the Action Plan presented by the applicant at the meeting and concessions offered to include to a reduction in the hours of the event on the car park at the premises from 14:00 -23:00 (as detailed in the application) to 14:00 – 21:00 and also to a reduction in the maximum capacity of people allowed to attend the event from 499 (as detailed in the application) to 399 subject to the capacity specified

in the existing Licence (200) not being exceeded inside the premises. The applicant need to agree with the Council's Licensing Section the manner in which the control of overall numbers will be undertaken.

The Chief Officer of Police had a right of appeal against the he Magistrates' Court within 21 days from the date of notification of the decision but no appeal could be brought later than 5 working days before the day on which the event period began.