



Licensing Sub-Committee

Minutes – 11 October 2013

Attendance

Members of the Sub-Committee

Cllr Mark Evans (chair)
Cllr Alan Bolshaw (agenda items 1-4)
Cllr Keith Inston
Cllr John Rowley (agenda items 5-9)

Employees

Rob Edge	Section Leader (Licensing)
Jayne Freeman-Evans	Section Leader Environmental Health (Commercial)
Sarah Hardwick	Senior Solicitor
Linda Banbury	Democratic Support Officer

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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BUSINESS ITEMS

- Apologies for Absence**
There were no apologies for absence.
- Declarations of interest**
No interests were declared.

DECISION ITEMS

EXCLUSION OF PRESS AND PUBLIC

- Exclusion of press and public**
Resolved:
That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

Part 2 – exempt items, closed to the press and public

4. **Review of a Private Hire Vehicle Operator's Licence**

The chair welcomed everyone to the meeting, introductions were made and he outlined the procedure to be followed.

Elaine
Moreton/
Linda
Banbury

Mr Hussain was in attendance at the meeting in connection with the review of his Private Hire Vehicle Operator's Licence. He had telephoned the Democratic Support Officer earlier in the week, indicating that he wished the matter to be deferred as his legal representative was out of the country and was advised that he should attend the meeting to make the request to the Sub-Committee. He indicated at the meeting, however, that he was happy to represent himself.

The Section Leader (Licensing) then outlined the report, which had been circulated to all parties in advance of the meeting.

Responding to questions, Mr Hussain indicated that he had not been in the office on 12 July when the Licensing Manager had telephoned to advise him that the insurance policy covering a number of vehicles had been cancelled and had not been informed until 14 July when his brother, who was managing the base on that day, informed him of the call. The Section Leader (Licensing) produced a call log indicating that the Licensing Manager had telephoned Mr Hussain's mobile phone and the call had lasted 1 minute 25 seconds. Mr Hussain was unclear as to the extent of information his brother had relayed to him in connection with the Licensing Manager's call, and indicated that there was a lot of background noise from the base at the time. He added that he had not telephoned the Licensing Authority the following day as the vehicles in question had been collected at 8am that morning. He accepted that it was his responsibility to ensure that the vehicles had the appropriate insurance, but was reliant upon the information given to him.

At this juncture the Section Leader (Licensing) and Mr Hussain withdrew from the meeting and the Sub-Committee discussed the issues which had been raised during consideration of the licence review. The Solicitor advised them of the options open to them in determining the application.

The parties returned and the Chair advised Mr Hussain of the following decision, which was based on the details in the report of

the Licensing Officer and representations made by the operator at the meeting:

Resolved:

That, based on the evidence received the Sub-Committee are satisfied that Mr Tahir Hussain is not a fit and proper person to hold a Private Hire Vehicle Operator's Licence in accordance with Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 and have therefore decided to revoke his licence in accordance with the following provisions of the Act:

Section 62(1)(b) any conduct on the part of the operator which appears to the council to render him unfit to hold an operator's licence, and

Section 62(1)(d) any other reasonable cause

The applicant has a right of appeal against the above decision, to the Magistrates' Court, within 21 days of receipt of written notice of this decision.

Part 1 – items open to the press and public

5. Licensing Act 2003 – Review of a premises licence in respect of Villiers Arms, 5 Villiers Square, Bilston, Wolverhampton

In attendance

For the premises

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Applicant for Review

Jayne Freeman-Evans

and Mike Briscoe - Environmental Health (Commercial)

Mr and Mrs Edwards

and Mr Nicholls - Witnesses for the review applicant

Responsible Authority

Elaine Moreton - Licensing Authority

The chair introduced the parties and outlined the procedure to be followed at the meeting. The Premises Licence Holder/Designated Premises Supervisor, Mr J Denston, failed to attend the hearing and the Sub-Committee agreed to hear the matter in his absence.

No declarations of interest were made, however, Councillor Rowley advised that he knew Mr Denston in his capacity as Premises Licence Holder for another establishment, that he had not seen him

for twelve months and that this knowledge would not prejudice his judgement in the matter being considered today.

The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance. Environmental Health (Commercial) were of the belief that the business was not currently trading and would use the powers available to them to ensure that the property was secured.

At this juncture, Jayne Freeman-Evans outlined the application for review as detailed at appendix 3 of the Licensing Officer's report and, in so doing, indicated that a total of 42 complaints had been made over a period of 28 days. She advised that there was a typographical error in the review application and that the trading hours were those quoted in the Licensing Officer's report. Responding to questions, she advised that the review application had been served at the premises and the Premises Licence Holder's home address. The Premises Licence Holder had been advised that the fire doors should remain closed, but had responded that it was the customers who opened them and he was powerless to stop them

The Section Leader (Licensing) then outlined her representations in support of the review application.

At this point the residents who lived in close proximity to the premises and were attending on behalf of Environmental Health (Commercial) were afforded the opportunity to outline the noise nuisance problems they had suffered. In addition to the noise they had had bottles and other items thrown into their gardens. The problems were mainly experienced on Fridays and Saturday, but sometimes in the week. The majority of complaints to Environmental Health were in respect of the weekend. The residents had suffered noise nuisance after 2300 hours due to children playing on the bouncy castle in the beer garden having been there from the late afternoon.

EXCLUSION OF PRESS AND PUBLIC

6. Exclusion of press and public

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it

involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.
All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting at this point.

Part 2 – exempt items, closed to the press and public

7. Deliberations and decisions

The Sub-Committee discussed the issues which had been raised during consideration of the premises licence review and the Solicitor advised them of the options open to them in determining the application.

8. Re-Admission of Press and Public

Resolved:

That the press and public be readmitted to the meeting.

Part 1 – items open to the press and public

9. Announcement of Decision

The parties returned to the meeting and the chair outlined the decision of the Sub-Committee as follows:

Rob Edge/
Linda
Banbury

An application has been made by Environmental Health (Commercial) for a review of the premises licence in respect of the Villiers Arms, 5 Villiers Square, Bilston, Wolverhampton.

At this hearing to review the premises licence, the Licensing Sub-Committee have listened carefully to all representations made by the persons who have spoken at the hearing. They have considered all the evidence presented and have found the following facts:

1. A significant number of complaints have been received by the Council in regard to noise nuisance, some of which are after 2200 hours.
2. Noise emanating from inside the premises appears to be caused by the Premises Licence Holder not utilising the noise limitation equipment and leaving external doors open.

The above acts are in breach of the following current conditions of the premises licence:

1. 'All doors and windows to the premises to be kept closed during periods of regulated entertainment, except to allow for access/egress.'
2. 'No entertainment shall take place on the exterior part of the premises after 2200 hours and the beer garden shall be closed (for avoidance of doubt this condition shall prohibit the inflation and use of bouncy castles or similar after 2200 hours).'
3. 'The Premises Licence Holder shall install a noise limiter and set it at an appropriate level as advised by Environmental Health.'

Based upon the above and having regard to the application and relevant representations made, the Sub-Committee have decided to:

- a) Exclude regulated entertainment from the scope of the Licence permanently.
- b) Remove the Designated Premises Supervisor.

The Sub-Committee have also decided that deregulation of live music up to 2300 hours (As provided by the Live Music Act 2012) will not apply to these premises.

The above actions are considered necessary and proportionate action for the promotion of the prevention of public nuisance licensing objective.

Written notice of this determination will be given to the holder of the premises licence, the applicant for the review, any other persons who have made relevant representations and the Chief of Police.

An appeal may be made to the Magistrates' Court against the decision by the applicant for the review, the holder of the premises licence, or any other persons who have made relevant representations, within 21 days from the date of written notice of this decision.