



Licensing Sub-Committee

Minutes – 28 February 2014

Attendance

Members of the Sub-Committee

CLlr Alan Bolshaw (chair)
CLlr Rita Potter
CLlr John Rowley

Employees

Rob Marshall	Solicitor
Rob Edge	Section Leader (Licensing)
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

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

DECISION ITEMS

- 3. Licensing Act 2003 – Application for review of a premises licence in respect of Aibe Market, 165 Dudley Road, Wolverhampton**
In attendance
For the premises
Mr A Ahmed – Premises Licence Holder
Mr G Amar – former Premises Licence Holder
Applicant for review
Sarah Hardwick – Legal Representative
Elaine Moreton – Licensing Authority

The chair introduced the parties and outlined the procedure to be

followed at the meeting.

The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance. Mr Ahmed advised that his understanding of spoken English was not good. He had, however, read the report and confirmed that he understood it.

Sarah Hardwick outlined the application for review of the premises licence as detailed at Appendix 3 to the report of Licensing Services. She advised that council compliance officers had visited the premises the previous day and requested sight of training records, together with CCTV coverage for a period of 31 days. CCTV was only available for 20 days and the Premises Licence Holder did not appear to be aware of the necessity to maintain records. The Licensing Authority were of the opinion that the premises licence should be either revoked or suspended for a period of time.

On a point of clarification, the Section Leader (Licensing) advised that it was common practice in review cases where the licence had been transferred, for the former and current Premises Licence Holder to be invited to attend the meeting.

Responding to questions, Sarah Hardwick indicated that the current licensing conditions lacked detail and that there was no confirmation that they were being complied with. The lack of training records gave rise to increased potential for crime and disorder. The Licensing Authority had not been made aware of any complaints regarding underage sales of alcohol.

Mr Ahmed indicated that he was fully aware of the conditions on his licence and of his responsibilities regarding the sale of alcohol and had undertaken the relevant training three months previously. He believed that was not allowed to sell single cans of alcohol, although this was not a current condition on the premises licence. Mr Amar advised that he no longer had involvement with the premises but had advised Mr Ahmad of his responsibilities in regard to asking for ID etc.

All parties were afforded the opportunity to make closing statements.

4. **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

5. **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.

6. **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 solicitor outlined the decision of the Sub-Committee as follows:

An application has been made by the Licensing Authority for a review of the premises licence in respect of Aibe Market, 165 Dudley Road, 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:

In accordance with the amended guidance issued under Section 182 of the Licensing Act 2003, the premises have been used for criminal activity on 8 February 2013. In accordance with the guidance, the Licensing Sub-Committee must deter such criminal activity.

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On 27 February 2014 compliance officers visited the premises. 31 day CCTV footage was not available, thereby undermining the prevention of crime and disorder licensing objective. No training records were available, thereby undermining the prevention of crime and disorder licensing objective.

Based upon the above and having regard to the application and relevant representations made, the Sub-Committee have decided to suspend your licence for a period of three months.

The above action is considered necessary and proportionate for the promotion of the prevention of crime and disorder licensing objectives.

An appeal may be made to the Magistrates' Court against the decision, by the applicant and the holder of the premises licence within 21 days from the date of receipt of written notice of this decision.

The Sub-Committee further recommended that Mr Ahmed seek further advice and support in order to fully understand the practical responsibilities of his role as a Premises Licence Holder.

10. **Licensing Act 2003 – Application for variation to a premises licence in respect of Taj Palace, Adelphi House, Frederick Street, Wolverhampton**

In attendance

For the premises

Mr D Campbell – Legal Advisor

Mr Deol - Applicant

Objector

Sargeant K Whitehouse

and PC L Davies – West Midlands Police

The chair introduced the parties and outlined the procedure to be followed at the meeting.

The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance. Prior to the meeting the Sub-Committee had, at the request of Mr Campbell, been furnished with copies of Temporary Event Notices for events which took place 5 – 6 May and 25 August 2013. Copies of a letter sent from Mr Campbell to the Section leader (Licensing), together with case law relating to the 'Funky Mojoe' case.

Mr Campbell advised the Sub-Committee of a minor typographical

error in the variation application in that the supply of alcohol should read 2230 to 0200 hours.

Having been advised by the Council's solicitor in regard to the case law submitted, the Sub-Committee agreed that the hearing should continue.

On a point of clarification, PC Davies advised that an email had been sent to the premises outlining proposed licensing conditions and that this had been followed up with a phone call to Mr Campbell. A conversation had subsequently taken place between the Section Leader (Licensing) and Mr Campbell concerning the relevance of some of the proposed conditions only to the varied part of the licence.

Mr Campbell outlined the application to vary the premises licence, indicating that the Mr Deol had been involved with the premises for some thirteen years, during which time there have been no incidents of crime and disorder requiring police presence. The Sub-Committee were advised that the Premises Licence Holder carried out a risk assessment prior to every even and had agreed to provide appropriate door supervision and a 'Challenge 21' system. The Premises Licence Holder advised that the majority of functions were Asian weddings, in addition to some christenings, funeral wakes and charity functions. Bookings were made initially by telephone, followed by face to face discussions. It was a family business, which included Jak's café/bar. He further indicated that events rarely extended beyond 0030 hours. The Premises Licence Holder indicated his willingness to work closely with the Police to ensure there were no problems.

At this juncture, PC Davies outlined the Police representations detailed at Appendix 4 to the report of Licensing Services. She advised that the Premises Licence holder had agreed to the proposed licence conditions, with the exception of 'Challenge 25'. The Police believed that the lack of internal CCTV would not assist in promoting the licensing objectives. PC Davies drew attention to the police intervention arrangements in regard to a wake which they believed would be attended by known nominals, hence the request for prior notice of events. The Police acknowledged, however, that it would not be possible to provide 28 days' notice in respect of funeral wakes.

Responding to a question in regard to the redacted document provided for the meeting, PC Davies advised that the Police were

unable to provide additional information due to data protection regulations. The Police were not aware of any problems of underage drinking at the premises.

All parties were afforded the opportunity to make closing statements.

(Councillor Potter withdrew from the meeting at this point)

EXCLUSION OF PRESS AND PUBLIC

4. 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

5. Deliberations and decisions

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

6. 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 solicitor outlined the decision of the Sub-Committee as follows:

The Sub-Committee have taken note of all the written concerns raised in respect of Taj Palace, Adephi House, Frederick Street, Wolverhampton. They have listened to the arguments both for

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and against the application.

Having considered the views of all concerned, the Sub-Committee have decided that the variation be granted as applied for.

Such conditions as are specified on/or are³ 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.