

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 29 April 2020

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Keith Inston
Cllr Jonathan Crofts

Premises Licence Applicant

Mr Kuljinder Pahal
Mr Jagdip Pahal
Mr Leo Charalambides – Barrister

Responsible Authorities

Elaine Moreton Licensing Authority
Emma Waites Environmental Health

Other Persons

Cllr Paul Birch

Employees

Richard Phillips Senior Solicitor
Debra Craner Licensing Section Leader
Jas Kaur Democratic Services Manager (Host)
Kirsty Tuffin Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

The Chair stated that in 2018, he served as a member of the Planning committee when the planning application for the premises had first been considered. He had no longer been a member of the planning committee and served only one year.

Additionally, Cllr Inston had also been a member of the planning committee that considered the original planning application. Councillor Inston remained on the Planning Committee and was now Chair of the Planning committee. Legal advice had been taken and the Chair and Councillor Inston had been satisfied that they had not been pre-determined and would approach the application on its own merits in line with the Statement of Licensing Policy, the Licensing Act 2003 and the guidance under the act. In addition to any relevant representations.

3 Licensing Act 2003 - Application for a Premises Licence in respect of Rose Garden Banqueting Hall, 295 Parkfield Road, Wolverhampton, WV4 6ED

An application for a Premises Licence in respect of Rose Garden Banqueting Hall, 295 Parkfield Road, Wolverhampton, WV4 6ED was considered following representations received from the Licensing Authority, Environmental Health, Planning, West Midlands Police, Councillor Paul Birch and Other Persons.

Jaswinder Kaur, Democratic Services Manager, welcomed all parties to the hearing and explained that the meeting would be conducted in line with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. She invited all parties to introduce themselves and all parties did so.

The Chair welcomed all parties to the hearing and outlined the procedure to be followed. All parties confirmed that they understood the procedure.

Debra Craner, Section Leader Licensing, provided an outline of the application. She advised that the premises had been situated within the CIZ and that the Applicant had mediated with West Midlands Police. Copies of the mediation were attached at appendix 11. Mr Leo Charalambides, Barrister on behalf of the applicant, confirmed that the summary provided was accurate.

The Chair invited the Applicant to present the application.

Mr Leo Charalambides, on behalf of the Applicant, did so as per Appendix 1 of the report. He advised that the following changes had been made to the application to address the concerns raised in the Responsible Authorities and Other Persons representations:

1. The licence will include neither the Provision of Late-Night Refreshments nor the Provision of Boxing or Wrestling Entertainments;
2. The opening hours of the premises shall be 10:00 to 23:00 hours;
3. The licensable hours shall be 11:00 to 23:00 hours on all days;
4. The licence shall only apply to the ground floor of the venue, specifically excluding the first-floor area;

He advised the Committee that mediation had occurred between the Applicant and Environmental Health and queried if Committee Members had sight of the mediation documents. Kirsty Tuffin, Democratic Services Officer, confirmed that all mediation documents had been circulated to Committee Members prior to the hearing and copies of these would be published on the Council website following the hearing.

The Chair afforded all parties present the opportunity to question the Applicant and their representative in relation to its submission.

Mr Leo Charalambides responded to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton, Section Leader Licensing, did so as per Appendix 4 of the report. She requested that consideration be given to a reduction in licensable hours to allow for a 'drinking up' period, all other representations centring on compliance with planning consent now having been complied with.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. Mrs Elaine Moreton responded to questions asked.

The Chair invited Environmental Health to make representations. Emma Waites, Senior Officer – Food and Consumer Safety, did so as per appendix 7 of the report. She confirmed that mediation had taken place between Environmental Health and the Applicant and no longer had concerns regarding the application.

The Chair afforded all parties present the opportunity to question Environmental Health in relation to its submission. Emma Waites responded to questions asked.

The Chair invited Other Persons to make representations. Councillor Paul Birch did so as per appendix 8 of the report. He raised concerns regarding noise pollution, parking issues and possible affects that it may have had on the Phoenix Centre next door to the premises.

The Chair afforded all parties present the opportunity to question Other persons in relation to its submission. Councillor Paul Birch responded to questions asked.

The Chair invited all parties present to make their final address. Councillor Paul Birch, Mrs Elaine Moreton, Mr Leo Charalambides all made a final statement.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, Richard Phillips and Kirsty Tuffin withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 12:42 hours.

The Hearing reconvened at 13:16 hours.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, Richard Phillips and Kirsty Tuffin re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Solicitor.

Resolved:

The Statutory Licensing Sub-Committee have taken note of all written concerns raised in respect of the application for a premises licence for Rose Garden Banqueting Hall, 295 Parkfield Road, Wolverhampton, WV4 6ED. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

The Licensing Sub-Committee have considered the written and spoken representations from the Applicant, West Midlands Police, the Licensing Authority, Environmental Health, Planning, Councillor Paul Birch and other members of the Public. The Licensing Authority had confirmed that the application is for premises in a CIZ.

The Licensing Sub-Committee have heard from the Applicant, West Midlands Police and Environmental Health that conditions of licence have been successfully agreed along with a specific drugs policy and a noise prevention and event dispersal policy.

The Licensing Authority requested that consideration be given to a reduction in licensable hours to allow for a 'drinking up' period, all other representations centring on compliance with planning consent now having been complied with.

Councillor Paul Birch made representations about noise pollution, parking issues, light pollution and mentioned the possible effects on the NHS Phoenix Centre next door.

The Licensing Sub-Committee are satisfied that the Cumulative Impact Policy applies to these premises and that therefore there is a rebuttable presumption of non-grant.

In considering all of the submissions and all of the circumstances of the application, the legislation and the s182 guidance, the Licensing Sub-Committee are satisfied that the Applicant has rebutted the presumption of non-grant through its proposed operating schedule and the proposed conditions and those set out below.

The Licensing Sub-committee's decision is to grant the licence pursuant to the application as applied for, subject to the below amendments as conditions to the licence:

1. The licence will include neither the Provision of Late Night Refreshments nor the Provision of Boxing or Wrestling Entertainments;
2. The opening hours of the premises shall be 10:00 to 23:00 hours;
3. The licensable hours shall be 11:00 to 23:00 hours on all days;

4. The licence shall only apply to the ground floor of the venue, specifically excluding the first floor area;
5. The licence shall include those conditions agreed between the Applicant and West Midlands Police commencing at Page 61 of the Agenda Pack, along with a condition that the specific drugs policy is complied with and it shall also form an addendum to the licence;
6. The licence shall include those conditions agreed between the Applicant and Environmental Health on 28 April 2020, along with a condition that the specific Noise Prevention and Event Dispersal Policy is complied with and shall also form an addendum to the licence;
7. That the Noise Prevention and Event Dispersal Policy shall include specific provision for the winding down process the premises shall use; and
8. On any occasion where 250 or more people are in attendance, there shall be a minimum of 2 SIA registered door staff employed.

It is considered by the Licensing Sub-Committee that the aforementioned conditions should be attached in support of the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm licensing objectives.

Finally, such conditions as are specified on/or are consistent with the Operating Schedule will be attached to the Licence, together with any mandatory conditions as required by the Licensing Act 2003.

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

A copy of the written decision would be forwarded to all parties.