

Statutory Licensing Sub-Committee

Minutes - 13 May 2020

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)

Cllr Keith Inston

Cllr Jonathan Crofts

Premises Licence Applicant

Erastus Ndi

Ese Adams-Aliu

Applicant

Solicitor

Responsible Authorities

Elaine Moreton

Emma Waites

Michelle Smith

Neil Aston-Baugh

Licensing Authority

Environmental Health

Public Health

West Midlands Fire Service

Employees

Sarah Hardwick

Debra Craner

Jas Kaur

Donna Cope

Chris Howell

Senior Solicitor

Licensing Section Leader

Democratic Services Manager (Host)

Democratic Services Officer

Commercial Regulation Manager (Observing)

Item No. Title

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Premises Licence in respect of First Class Lounge, 6 School Street, Wolverhampton, WV1 4LR

An application for a Premises Licence in respect of First Class Lounge, 6 School Street, Wolverhampton, WV1 4LR was considered following representations received from the Licensing Authority, Environmental Health, West Midlands Fire Service and Public Health.

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, outlined the application and stated that since the agenda had been published it had been discovered that the premises, 6 School Street, Wolverhampton, WV1 4LR, already had two existing premises licences in place. She confirmed that one licence was for the ground floor of the premises and was held by Mr Erastus Ndi, the Applicant. The other licence was for the first floor and was held by a third party.

The Chair requested legal advice on how to continue in light of the new information. Sarah Hardwick, Senior Solicitor, explained the options available to the Sub-Committee.

The Chair invited the Applicant to discuss the existing premises licences.

Mr Ese Adams-Aliu, Solicitor representing the Applicant, stated that the holder of the first floor licence was willing to surrender the licence and that his client wished to continue with the hearing.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Senior Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 10.24 hours.

The Hearing reconvened at 10.49 hours.

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

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

Resolved:

In accordance with The Licensing Act 2003 (Hearings) Regulations 2005 the Statutory Licensing Sub Committee decided to adjourn the hearing to a specified date, that being 29 May 2020, in the public interest.

The reason for adjournment was as follows:

The Statutory Licensing Sub-Committee accepted that paragraph 8.19 of the s182 Guidance provided that there was nothing in the 2003 Act which prevented an application being made for a premises licence at premises where a premises licence was already held. However, whilst the Act was silent on this point it did make provision for transfer and surrender of a licence.

The Licensing Sub-Committee considered that, in principle, it would be possible to hear the application today on the basis that, in the event the application was granted, a condition could be applied to any resulting licence that any pre-existing licence be surrendered. However, the Licensing Sub-Committee noted that the existing licence for the first floor was not held by the applicant, he therefore had no control over that licence and was not in a position to offer a condition undertaking that the licence would be surrendered.

Therefore, the Sub-Committee decided that there would be a short adjournment which should allow the surrender of the existing first floor licence in accordance with provisions contained within section 28 Licensing Act 2003.