

**Time** 10.00 am      **Public Meeting?** YES      **Type of meeting** Licensing  
**Venue** Online Meeting

## Membership

**Chair** Cllr Alan Bolshaw (Lab)  
**Vice-chair** Cllr Obaida Ahmed (Lab)

### Labour

Cllr Rita Potter  
Cllr Greg Brackenridge  
Cllr Keith Inston  
Cllr Anwen Muston  
Cllr Zee Russell  
Cllr Milkinderpal Jaspal  
Cllr Asha Mattu

### Conservative

Cllr Jonathan Crofts

Quorum for this meeting is three Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Donna Cope, Democratic Services Officer  
**Tel/Email** Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk  
**Address** Democratic Services, Civic Centre, 1st floor, St Peter's Square,  
Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	<b>Apologies for absence</b>
2	<b>Declarations of interest</b>
3	<b>Minutes of previous meeting (Pages 3 - 4)</b>
4	<b>Matters arising</b>
5	<b>Minutes - 29 June 2020 - Statutory Licensing Sub-Committee (Pages 5 - 10)</b>
6	<b>Minutes - 28 July 2020 - Statutory Licensing Sub-Committee (Pages 11 - 14)</b>

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Committee

Minutes - 8 July 2020

## Attendance

### Members of the Statutory Licensing Committee

Cllr Alan Bolshaw (Chair)  
Cllr Rita Potter  
Cllr Greg Brackenridge  
Cllr Keith Inston  
Cllr Anwen Muston  
Cllr Zee Russell  
Cllr Jonathan Crofts

### Employees

Donna Cope	Democratic Services Officer
Sarah Hardwick	Senior Solicitor
Jaswinder Kaur	Democratic Services Manager
Chris Howell	Commercial Regulation Manager
Greg Bickerdike	Section Leader Licensing
Lorraine Jones	Section Leader Licensing
Alison Stephens	Senior Food and Consumer Safety Officer

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## Part 1 – items open to the press and public

*Item No.*    *Title*

- 1 Apologies for absence**  
Apologies were received from Councillor Milkinderpal Jaspal and Councillor Obaida Ahmed.
- 2 Declarations of interest**  
There were no declarations of interest.
- 3 Minutes of previous meeting**  
Resolved:

That the minutes of the meeting of the Statutory Licensing Committee held on 27 May 2020 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

There were no matters arising.

5 **Minutes - 13 May 2020 - Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 13 May 2020 be confirmed as a true record and signed by the Chair.

6 **Minutes - 20 May 2020 - Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 20 May 2020 be confirmed as a true record and signed by the Chair.

7 **Minutes - 3 June 2020 - Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 3 June 2020 be confirmed as a true record and signed by the Chair.

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 29 June 2020

## Attendance

### Members of the Statutory Licensing Sub-Committee

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

### Premises Licence Applicant

Erastus Ndi	Applicant
Ese Adams-Aliu	Solicitor

### Responsible Authorities

Elaine Moreton	Licensing Authority
Emma Waites	Environmental Health
Gurjinder Bans	Public Health
Neil Aston-Baugh	West Midlands Fire Service

### Employees

David Abel	Solicitor
Debra Craner	Licensing Section Leader
Jas Kaur	Democratic Services Manager (Host)
Donna Cope	Democratic Services Officer

*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, provided an outline of the application. She reported that shortly before the Hearing an application to transfer the premises licence had been submitted by the Applicant but was incomplete.

Mr Ese Adams-Aliu, Solicitor representing the Applicant, confirmed that the summary provided was accurate but questioned why the application to transfer the premises licence was incomplete.

Debra Craner, Section Leader Licensing, explained that the application did not specify which floor of the premises was to be transferred and that a box certifying the Applicant was over 18 had not been ticked.

The Chair sought legal advice on the matter, and it was agreed that as the issues were minor the hearing would continue and the Applicant would submit a complete transfer application during a break in the proceedings.

The Chair invited the Applicant to present the application.

Mr Ese Adams-Aliu, Solicitor representing the Applicant, did so as per Appendix 1 of the report. He stated that his client had worked closely with the Responsible Authorities throughout the application process and had made amendments to their application following mediation with West Midlands Police.

The Chair afforded all parties present the opportunity to question Mr Ese Adams-Aliu in relation to his submission.

In response to questions asked, Mr Ese Adams-Aliu outlined his understanding of the Cumulative Impact Zone and discussed his client's proposals in relation to security, planning permission, noise nuisance, and fire safety.

*The Sub-Committee adjourned at 13.15 hours for a short break*

*The Hearing reconvened at 13.30 hours.*

The Chair invited the Licensing Authority to make representations. Elaine Moreton, Section Leader Licensing, did so as per Appendix 4 of the report.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. No questions were asked.

The Chair invited Environmental Health to make representations. Emma Waites, Senior Officer, Food and Consumer Safety, did so as per appendix 5 of the report.

The Chair afforded all parties present the opportunity to question Environmental Health in relation to its submission. No questions were asked.

The Chair invited Public Health to make representations. Gurjinder Bans, Senior Public Health Specialist, did so as per appendix 7 of the report.

The Chair afforded all parties present the opportunity to question Public Health in relation to its submission. No questions were asked.

The Chair invited the West Midland Fire Service to make representations. Neil Aston-Baugh, Fire Safety Officer, did so as per Appendix 6 of the report.

The Chair afforded all parties present the opportunity to question West Midland Fire Service in relation to its submission. Neil Aston-Baugh responded to questions asked.

The Chair invited all parties present to make their final address.

Neil Aston-Baugh, Emma Waites, Elaine Moreton and Mr Ese Adams-Aliu, all made a final statement.

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

*The Sub-Committee adjourned at 14.00 hours.*

*The Hearing reconvened at 14.39 hours.*

Councillor Bolshaw, Councillor Crofts, Councillor Inston, the 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 Solicitor.

Resolved:

The Statutory Licence Sub-Committee had taken note of all written concerns raised in respect of the application for a premises licence for First Class Lounge, 6 School Street, Wolverhampton WV1 4LR. They had listened to the arguments of those who had spoken at the hearing, both for and against the application.

The Sub-Committee heard from the Applicant and his representative that:

1. The Applicant had worked hand-in-glove with the Police and with all Responsible Authorities.
2. West Midlands Police as Responsible Authority had not submitted relevant representations in response to the application however, the Applicant had met with them and following talks the Applicant had submitted a re-worded Section to the Operating Schedule.

The Sub-Committee heard from the Licensing Authority as Responsible Authority that:

1. The premises were situated within a Cumulative Impact Zone (CIZ) and therefore there was a rebuttable presumption of non-grant unless the Applicant could demonstrate through their operating schedule or with supporting evidence that the operation of the premises would not add to the cumulative impact already experienced.
2. There was concern for the promotion of the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm Licensing Objectives as there was insufficient information within the initial application (operating schedule) to show how the Applicant would promote and address all four Licensing Objectives and therefore not have an adverse effect on them.
3. Previously, the Applicant had submitted applications for temporary events which had been returned to the Applicant as void. Therefore, the Licensing Authority was concerned that the Applicant had insufficient understanding of his legal and licensing obligations.
4. The Licensing Authority had concerns that the presumption of refusal created by the CIZ had not been rebutted in the operating schedule submitted by the Applicant.

The Sub-Committee heard from Environmental Health as Responsible Authority that:

1. There was concern for the promotion of the Prevention of Public Nuisance Licensing Objective especially given the proposed housing development near to the premises.
2. Concerns were raised regarding noise nuisance and the lack of sound proofing measures and soundproofing materials used at the venue.

The Sub-Committee heard from West Midlands Fire Service as Responsible Authority that:

1. There were a number of fire safety concerns including, plastic wall panels to first floor which were a fire hazard, the number of patrons at 220 could lead to overcrowding and that no risk assessment or other requested documents had been provided despite the Applicant's promise to do so.

The Sub-Committee heard from Public Health as Responsible Authority that:

1. The Applicant had failed to provide evidence which rebutted the presumption of non-grant for the Prevention of Crime and Disorder, Public Nuisance and Public Safety Licensing Objectives.
2. There were no policies in place regarding drinks promotions or discounted drinks at the venue.

The City of Wolverhampton Council had five Special Policies or Cumulative Impact Zones (CIZ's)

Within the City of Wolverhampton Council's Statement of Licensing Policy, Cumulative Impact was defined as the potential impact upon the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.

The special policy would only be overridden in exceptional circumstances. The effect of this special policy was that applications for new premises licences within the area which were likely to add to the existing Cumulative Impact, would be refused following relevant representations. This presumption could be rebutted by the applicant if they could show that their application would have no negative Cumulative Impact.

The Sub-Committee were satisfied that the Cumulative Impact applied and that the application for a new premises licences was likely to add to the existing Cumulative Impact unless the Applicant could rebut the presumption of non-grant and show that their application would have no negative Cumulative Impact. Whilst it was accepted that the original Police objections had been addressed, and that the proposed opening hours and hours for the sale of alcohol had been reduced, the steps that the Applicant had taken and the Applicants proposal's as contained in the operating schedule submitted, fell short of what would be required to rebut the presumption of refusal as mandated by the CIZ.

The Sub-Committee had considered the views of all concerned together with all relevant information before them and were not satisfied that sufficient evidence had been provided by the Applicant to show that their application would have no negative Cumulative Impact. The Licensing Sub-Committee's decision was therefore to refuse the application.

The reasons for this were as follows:

The Applicant had failed to demonstrate that the operation of the venue would not add to the existing cumulative impact of problems within the area and that there

would be no negative cumulative impact on one or more of the Licensing Objectives. The concerns of the Responsible Authorities had not been resolved. The Fire Service had not received a risk assessment in respect of the premises and the Environmental Health Department had real concerns on noise nuisance adversely impacting upon the nearby proposed housing development. The Sub-Committee were of the view that none of the concerns raised by the Responsible Authorities had been sufficiently met and that the proposals submitted by the Applicant were severely lacking in detail. The approach taken by the Applicant was indicative of a lack of experience and understanding of what was required to meet the Licensing Objectives.

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

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 28 July 2020

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw  
Cllr Jonathan Crofts  
Cllr Anwen Muston

### Applicant

Duncan Craig  
Daniel Szkwarek  
Monika Duda

Barrister  
The Polish Shop Cash and Carry Ltd  
The Polish Shop Cash and Carry Ltd

### West Midlands Police

WPC Michelle Churm  
Aimee Taylor

### Officers

Anita Chonk  
Donna Cope  
Robert Marshall  
Chris Howell

Licensing & Compliance Officer  
Democratic Services Officer  
Solicitor  
Commercial Regulation Manager (observing)

*Item No.*    *Title*

**1        Apologies for absence**

Apologies were received from Debra Craner, Section Leader Licensing.

**2        Declarations of interest**

There were no declarations of interest.

**3        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 items of business as they involve the likely disclosure of exempt information falling within paragraph 7 of Schedule 12A to the Act.

**4        Licensing Act 2003 - Application for a transfer of a premises licence in respect of Drink Buster, Unit 8 Crossways Shopping Centre, Wolverhampton Road, Heath Town, Wolverhampton, WV10 0QB**

An application for a transfer of a premises licence in respect of Drink Buster, Unit 8, Crossways Shopping Centre, Wolverhampton Road, Heath Town, Wolverhampton, WV10 0QB was considered following representations received from West Midlands Police.

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

Anita Chonk, Licensing and Compliance Officer provided an outline of the application. Mr Duncan Craig, Barrister representing the Applicant, Polish Shop Cash and Carry Ltd, confirmed that the summary provided was accurate.

The Chair invited the Applicant to present their application.

Mr Duncan Craig did so on behalf of the Applicant. He referred to the Revised Guidance issued under section 182 of the Licensing Act 2003, Paragraph 8.102, and stated that the representations submitted by West Midlands Police (WMP) were just hear say and did not constitute exceptional circumstances. He further stated that the intelligence logs provided by WMP were unsubstantiated allegations that had not been scrutinised or upheld.

Mr Craig highlighted that the Home Office (Immigration Enforcement) had not objected to the application and there was no evidence from any other authority, such as Trading Standards or HMRC, to support the information submitted by WMP.

He scrutinised the intelligence provided by WMP and stated the following:

- The Applicant held a licence with the Alcohol Wholesaler Registration Scheme (AWRS) and was therefore subject to regular checks from HMRC.

- None of the premises owned by the Applicant sold cigarettes so it was highly unlikely they were selling illicit cigarettes.
- There were no illegal workers at any of the Applicant's premises and there was a list of employees and their NI numbers to prove this.
- The Applicant did not sell products unfit for human consumption and their restaurant had a 5 Star hygiene rating.
- Immigration Enforcement had never visited any of the Applicant's premises as they had no concerns or reasons to do so.
- None of the premises owned by the Applicant had been subject to a premises licence review.
- The telephone numbers referred to within the intelligence logs were not the Applicants.
- The intelligence logs had never been investigated; one log gave no premises address details, and another referred to a premise that was not owned by the Applicant.
- Some intelligence logs were from six years ago.
- The Applicant had been a successful business owner for over a decade.
- The Applicant was extremely upset by the allegations and utterly refuted the claims.

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

Mr Duncan Craig and the Applicant responded to questions asked.

The Chair invited West Midlands Police to make representations.

PC Michelle Churm did so as per Appendix 2 of the report and additional Supplementary Packs. She referred to the Revised Guidance issued under Section 182 of the Licensing Act 2003, Paragraph 8.101, and stated that WMP had objected to the application in exceptional circumstance as they believed that granting the application would undermine the Prevention of Crime and Disorder Licensing Objective.

She stated that Drink Buster, Unit 8 Crossways Shopping Centre, Wolverhampton Road, Heath Town, Wolverhampton, WV10 0QB was within the CIZ and that WMP had a duty to raise their concerns regarding the application. She stated that three of the intelligence logs all related to illicit tobacco and that two of those were received last year. PC Churm further stated that the Police relied on intelligence received from phone calls and were concerned that the Applicant and/or employees were committing crimes.

The Chair queried the location of the premises, Drink Buster, and Anita Chonk, Licensing and Compliance Officer confirmed that the premises was not within the CIZ.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission.

PC Churm responded to questions asked. She stated that other than the details regarding the underage alcohol sales offence in 2015, WMP had no further evidence

to support the intelligence logs. She confirmed that the caution was the sole criminal sanction given to the Applicant and that the intelligence regarding Kefirek could be discredited as that premises was not linked to the Applicant.

The Chair invited all parties present to make their final address.

PC Churm, Mr Duncan Craig and the Applicant made final statements.

All interested parties, with the exception of the Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out by the Solicitor.

Resolved:

The Statutory Licence Sub-Committee had taken note of all the written concerns in respect of the application to transfer the premises licence in respect of Drink Buster, Unit 8 Crossways Shopping Centre, Wolverhampton Road, Heath Town Wolverhampton, WV10 0QB. They had listened to the arguments of those who had spoken at the hearing, both for and against the application.

The application was made pursuant to Section 42 of the Licensing Act 2003. Section 44 deals with the determination of the application stating that the application was to be rejected if the Sub-Committee considered it appropriate for the promotion of the Prevention of Crime and Disorder Licensing Objective.

The Sub-Committee had considered both oral representation and written evidence from the Applicant, West Midlands Police and the Applicant's Representative. Within their submission, West Midlands Police had produced a number of intelligence logs.

Having considered all the evidence before them the Sub-Committee determined that if the transfer, as applied for, was granted, the Licencing Objective of the Prevention of Crime and Disorder would not be undermined. Therefore, the Sub-Committee's decision was to grant the application as applied for.

The factors considered by the Sub-Committee were as follows:

- None of the premises owned by the Applicant had been subject to a licence review.
- The premises did not fall within the CIZ as stated by West Midlands Police in their written objections.
- There were no concerns that the Applicant was involved in modern day slavery.
- There was insufficient evidence to support the Police intelligence reports.
- The criminal sanction of a caution against the Applicant in 2015.

The Solicitor advised that all parties had a right of appeal to the Magistrates' Court within 21 days of receipt of this decision.