

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 1 July 2021

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Keith Inston

Cllr Rita Potter

Applicant

Atif Afzal

Adrian Curtis

Solicitor

West Midlands Police

Aimee Taylor

Detective Constable Sarah Evans

Officers

Sarah Hardwick

Donna Cope

Debra Craner

Senior Solicitor

Democratic Service Officer

Section Leader Licensing

Members of the Statutory Licensing Sub-Committee

Cllr Rashpal Kaur (observing)

Cllr Wendy Dalton (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 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 paragraphs 1 and 7 of Schedule 12A to the Act.

4 Licensing Act 2003 – Application to Vary a premises licence to specify an individual as Designated Premises Supervisor for Alisha Supermarket, 116-126 Steelhouse Lane, Wolverhampton, WV2 2AW

An Application to Vary a premises licence to specify an individual as Designated Premises Supervisor for Alisha Supermarket, 116-126 Steelhouse Lane, Wolverhampton, WV2 2AW was considered following representations received from West Midlands Police.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

Debra Craner, Section Leader Licensing provided an outline of the application. Mr Adrian Curtis, Solicitor, representing the Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present their application. Mr Adrian Curtis did so on behalf of his client.

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

No relevant questions were asked.

The Chair invited West Midlands Police to make representations.

Aimee Taylor, West Midlands Police, did so as per Appendix 4 of the report and the supplementary agenda pack.

The Chair invited all parties present to question West Midlands Police in relation to its submission.

No questions were asked.

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

Mr Adrian Curtis and West Midlands Police made a final statement.

Sarah Hardwick, Senior Solicitor, stated that the Licensing Sub-Committee should disregard submissions not disclosed by West Midlands Police until the day of the hearing. The reason was that the Hearing Regulations provide that the Licensing Sub-Committee may take into account information produced before the hearing or, with consent of all other parties, at the hearing. The Solicitor for the applicant did not consent to the information disclosed on the day of the hearing being used.

Councillor Page, Councillor Potter, 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 11.59 hours.

The Hearing reconvened at 12.30 hours.

Councillor Page, Councillor Potter, 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:

The Statutory Licensing Sub-Committee had taken note of all the written concerns in respect of the application to vary a premises licence to specify an individual as Designated Premises Supervisor for Alisha Supermarket, 116-126 Steelhouse Lane, Wolverhampton, WV2 2AW and had listened to the arguments of those who had spoken at the hearing, both for and against the application.

Section 39 of the Licensing Act 2003 provided that applications to vary a person specified as a Designated Premises Supervisor may only be rejected if it was considered appropriate for the promotion of the Prevention of Crime and Disorder Licensing Objective.

The Licensing Sub-Committee were not able to consider the impact of the application on the Protection of Children from Harm licensing objective as this was not relevant under s39 LA 2003.

The Licensing Sub-Committee had disregarded submissions made by West Midlands Police. The reason was that the information had been disclosed on the morning of the hearing. Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005 provided that the Licensing Sub-Committee may take into account information produced before the hearing or, with consent of all other parties, at the hearing. The

Solicitor for the applicant did not consent to the information disclosed on the day of the hearing being used.

However, the Licensing Sub-Committee did consider sufficient evidence was before them and were satisfied that to grant the application would undermine the Prevention of Crime and Disorder Licensing Objective. The application was therefore refused.

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