

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 28 April 2022

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Keith Inston

Cllr Anwen Muston

Premises Licence Applicant

Mr Mohammed Ali

Responsible Authorities

Neil Aston-Baugh

West Midlands Fire Service

Other Persons

Cllr Paul Birch

Gary Wood

Employees

Debra Craner

Donna Cope

Jas Kaur

Dave Abel

Section Leader Licensing

Democratic Services Officer

Democratic Services Manager

Solicitor

Observers:

Cllr Rashpal Kaur

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 Shisha Point, Sunbeam Street, Wolverhampton, WV2 4LA

An application for a Premises Licence in respect of Shisha Point, Sunbeam Street, Wolverhampton, WV2 4LA was considered following representations received from West Midlands Fire Service and Other Persons.

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.

The Chair reminded all parties that the initial Hearing on Thursday 14 April 2022, had been adjourned so that Members of the Sub-Committee could conduct a site visit in order to assess the layout of the balcony. That site visit had now been conducted and consideration of the Application could resume.

Debra Craner, Section Leader Licensing, provided an outline of the application. Mr Mohammed Ali, Applicant, confirmed that the summary was accurate.

The Chair invited Other Persons to make representations. Councillor Paul Birch did so as per Appendix 4 of the report. He stated that the premises was not suitable for the proposed business and that access and egress via a fire escape was neither safe nor compliant.

The Chair invited all parties present to question Councillor Birch in relation to his submission. No questions were asked.

Dave Abel, Solicitor and Legal advisor to the Sub-Committee, reminded Members that they could only consider the application in relation to the Licensing Objectives under the Licensing Act, and not as enforcement action under any other legislation.

The Chair invited Other Persons to make representations. Gary Wood did so as per Appendices 5 - 6 of the report and stated that:

- The postcode on the application form was incorrect.
- There were issues with the fire exit.
- There were parking issues at the premises.
- The applicant did not have use of the car park opposite.
- Planning permission should not have been granted.

Dave Abel, Solicitor and Legal advisor, confirmed that the address of the premises was correct and stated again that planning issues could not be considered by the Licensing Sub-Committee.

The Chair invited all parties present to question Mr Wood in relation to his submission. No questions were asked.

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

Councillor Paul Birch, Neil Aston-Baugh and Mr Ali made a final statement, and Dave Abel, Solicitor, provided legal guidance to Members.

Councillor Page, Councillor Muston, 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 13.34 hours.

The Hearing reconvened at 14:07 hours.

Councillor Page, Councillor Muston, 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 Licensing Sub-Committee listened carefully to all of the representations made by those attending and carefully considered the paperwork placed before them. They also had regard to the guidance issued by the secretary of state under section 182 of the Licensing Act 2003 and Wolverhampton Council's Licensing Policy Statement.

The Application was made individually by Mr Mohamed Ali and relates to the provision of late night refreshment between the hours of 11.00pm and 2.30 am, performances of dance between the hours of 5.00pm and 2.00am, and the playing of live and recorded music between the hours of 5.00pm and 2.00am at the above premises which will be open between the hours of 5.00pm and 03.00am seven days a week. The premises operates as a Shisha Lounge and representations to the Application were received from West Midlands Fire Service, Councillor Paul Birch of Blakenhall Ward, and members of the public.

The steps that may be taken by the Sub-Committee on an Application for a Premises Licence are to:

- a) Grant the Licence subject to Conditions.
- b) Exclude a licensable activity to which the Application relates from the scope of the licence.
- c) To refuse to specify a person as a Premises Supervisor.
- d) To Reject the application

The Sub-Committee had originally convened on the 14 April 2022 when proceedings had commenced. The Committee at that time heard from West Midlands Fire Service that they had entered into mediation with the Applicant who provided a written undertaking which satisfied their concerns. The Committee listened to conflicting versions regarding the structure of the balcony and the location of the premises. The Committee therefore adjourned the hearing to conduct a site visit at the premises.

The Hearing re-convened at 1.00pm on Thursday 28 April 2022. Everyone present at the initial hearing attended the reconvened hearing.

The Committee heard from all of those attending and considered the written representations before them.

At the hearing which took place at 1.00pm on 28 April 2022 the Licensing Sub-Committee resolved to Grant the Licence subject to Conditions in respect of Shisha Point, Sunbeam Street, Wolverhampton, WV2 4LA.

The Application was granted in the terms sought with the following Conditions:

1. The Provision of late night refreshment will be between 18.00 to 03.00 each day.
2. The playing of Recorded Music will be between 17.00 to 2.00 each day.
3. Live music will be between 17.00 to 2.00 each day
4. Performances of dance will be between 17.00 to 2.00 each day.
5. Smoking will only take place outside the building within the designated smoking area.
6. No one under 18 years of age will be allowed on the premises.
7. A Challenge 25 policy will be put in place regarding the sale of tobacco or tobacco products.
8. A refusals book will be kept in respect of all attempts to buy tobacco or tobacco products and will contain sequential pages and be available to any Responsible Authority on request.
9. CCTV will be operational at the premises during all opening times and recordings will be made immediately available to West Midlands Police or to any responsible officer of Wolverhampton Council upon request. Recordings will be kept for 31 days.

Conditions 5 to 9 above are implemented with regard to furthering the Licensing Objectives of Public Safety and the Prevention of Children from Harm given that smoking will be taking place outside the premises and these Conditions were voluntarily proposed by the Applicant who stated the intention to co-operate with all parties in upholding the Licensing Objectives.

The Licensing Sub-Committee took the view that the implementation of conditions which were agreed between the parties were necessary and proportionate to uphold the Licensing Objectives. The Sub-Committee also clarified that their decision was made solely on the furthering of the Licensing Objectives and not as enforcement action under any other legislation.

There is a Right of Appeal available to all parties to the local Magistrates Court within 21 days from receipt of this letter should they feel aggrieved by this decision.