

Statutory Licensing Sub-Committee

Minutes - 17 November 2022

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)

Cllr Rashpal Kaur

Cllr Anwen Muston

Premises Licence Applicant

Julian Serban Iliescu

Valintin Gavrilă

Florentina Gavrilă

Edith Lake

Diamond Club Ltd

Diamond Club Ltd

Diamond Club Ltd

Agent

Responsible Authorities

Sgt Steph Reynolds

Kayley Nixon

Greg Bickerdike

Nilusha Sahni

Sarah Gee

West Midlands Police

West Midlands Police

Licensing Authority

Public Health

Environmental Health

Employees

Debra Craner

Angela Bernard

Donna Cope

Licensing Section Leader

Solicitor

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 new Premises Licence in respect of Diamond, 2 Skinner Street, Wolverhampton, WV1 4LD

An application for a Premises Licence in respect of Diamond, 2 Skinner Street, Wolverhampton, WV1 4LD was considered following representations received from West Midlands Police, the Licensing Authority, Public Health and Environmental Health.

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 Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader Licensing and Compliance provided an outline of the application. Ms Edith Lake, Agent representing the Applicant, Diamond Club Ltd, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Ms Edith Lake did so as per Appendix 1 of the report. She stated the following:

1. Her client had held a number of Temporary Event Notices at the Premises.
2. The previous Premises Licence Holder would have no involvement with the premises whatsoever.
3. All members of staff would receive appropriate training.
4. Her client was dedicated to the business and had signed a 14-year lease on the property.
5. Her client had successfully mediated with the Licensing Authority, West Midlands Police and Environmental Health.

The Chair afforded all parties present the opportunity to question Ms Lake and her client in relation to her submission. Ms Lake and Mr Valintin Gavrila, proposed Designated Premises Supervisor, responded to questions asked. Mr Gavrila stated that the previous Premises Licence Holder had no involvement with the premises at all but still received regular payments for the property lease.

The Chair invited the Licensing Authority to make representations. Greg Bickerdike, Licensing Manager, did so as per Appendix 4 of the report. He stated that he had

mediated with the Applicant and agreed a number of conditions, but since hearing their submission he was concerned that the previous Licence Holder was benefitting financially from the premises whilst being wanted by the police

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

The Chair invited West Midlands Police (WMP) to make representations. Kayley Nixon did so as per Appendix 7 of the report. She stated that WMP had initial concerns regarding the application but had successfully mediated with the Applicant and agreed conditions.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Sgt Steph Reynolds responded to questions asked and confirmed that the previous Premises Licence Holder was not wanted by the police.

The Chair invited Environmental Health to make representations. Sarah Gee, Senior Officer - Food and Health and Safety, did so as per Appendix 5 of the report. She stated that Environmental Health had initial concerns regarding the application but had successfully mediated with the Applicant.

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. Nilusha Sahni, Senior Public Health Specialist did so as per Appendix 6 of the report. She stated that she was happy with the agreed conditions but was concerned that the previous Premises Licence Holder was benefitting financially from the premises.

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

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

Greg Bickerdike and Edith Lake made final statements.

Angela Bernard, Solicitor, provided legal guidance to Members and reminded them of their available options.

Julian Serban Iliescu, Valintin Gavrilă, Florentina Gavrilă, Edith Lake, Sgt Steph Reynolds, Kayley Nixon, Greg Bickerdike, Nilusha Sahni, Sarah Gee and Debra Craner withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 12.17 hours.

The Hearing reconvened at 14:20 hours.

Julian Serban Iliescu, Valintin Gavrilă, Florentina Gavrilă, Edith Lake, Sgt Steph Reynolds, Kayley Nixon, Greg Bickerdike, Nilusha Sahni, Sarah Gee and Debra Craner re-joined the meeting.

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

Resolved:

Members of the Statutory Licensing Sub-Committee considered the written and spoken representations from the Applicant, West Midlands Police, the Licensing Authority as Responsible Authority, Public Health and Environmental Health in relation to the Cumulative Impact Policy and relevant Licensing Objectives.

The Licensing Sub-Committee heard from the Applicant's representative that:

- 1) The Applicant had put forward variations to their application to give greater detail and comply with the Licensing Objectives.
- 2) The Applicant had mediated with Licensing Authority, West Midlands Police, and Environmental Health and had agreed conditions which satisfied their concerns regarding the Prevention of Public Nuisance the Prevention of Crime and Disorder, Public Safety, and Protection of Children from Harm.
- 3) The application and Operating Schedule showed that the premises would have no negative Cumulative Impact and no potential impact upon the promotion of the Licensing Objectives.
- 4) Community contribution from this eastern European business would have a positive impact

The Licensing Sub-Committee heard from, Greg Bickerdike, Licensing Manager, that they had mediated with the Applicant and agreed proposed conditions that would be added to the Premises Licence, which satisfied their concerns regarding the Prevention of Public Nuisance, the Prevention of Crime and Disorder, Public Safety, and Protection of Children from Harm, subject to the approval of the Licensing Sub-Committee.

The proposed modification in the Operating Schedule was set out in the Supplementary Agenda Pack and would replace the original conditions with additional new conditions for furtherance of the Licencing Objectives.

The Licensing Sub-Committee heard from West Midlands Police that they now supported the application with the modified operating schedule setting out the additional conditions and changes. They stated it was a matter for the Sub-Committee regarding whether the Applicant had been able to rebut the presumption of non-grant and show that their application would have no negative Cumulative Impact.

The Licensing Sub-Committee heard from Environmental Health of their concerns, and they had also proposed variations which were included in the agenda pack.

The Licensing Sub-Committee heard from Public Health of their concerns in respect of the applicant's awareness of the local area and the criminal activity which had taken place at the premises.

Public Health stated that the premises in question was located within one of the most concerning geographical areas to Public Health. St Peter's had the highest risk out of all 20 wards within Wolverhampton when looking at key data sets. St Peter's had amongst the highest levels of deprivation across the city and the immediate vicinity was suffering several issues regarding deprivation and had alcohol misuse as a vital issue at the forefront.

The Sub-Committee considered all the evidence presented and had regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy.

The Sub-Committee were satisfied that the Cumulative Impact Policy applied to these premises and that therefore there was a rebuttable presumption of non-grant.

The Sub-Committee considered all the submissions before them, all the circumstances of the application, and s182 guidance, and were satisfied that sufficient evidence had been provided by the Applicant to show that their application would have no negative Cumulative Impact and that exceptional circumstances existed and therefore, the premises were an exception to non-grant under the Statement of Licensing Policy.

The Sub-Committee were satisfied that the Applicant had rebutted the presumption of non-grant through its proposed operating schedule and the proposed conditions set out in the supplementary agenda pack.

The Licensing Sub-Committee's decision was to grant the licence pursuant to the application as applied for, subject to the modification in the operating schedule as set out in the Supplementary Agenda Pack.

The Sub-Committee had on the balance of probabilities, found that to promote the Licensing Objectives the Application for a Premises Licence should be granted, for 6 months in accordance with section 18 of the Licensing Act 2003, with the following hours:

- Sunday to Wednesday:
The Opening Hours for these premises will be 18:00 to 24:00 (12 midnight)
The sale of alcohol will be from 18:00 to 23:30.
The provision of live music, recorded music, performance and dance and late-night refreshment will be 18:00 to 24:00 (12 midnight)
- Thursday to Saturday:
The opening hours for these premises will be 18:00 to 03.30am
The sale of alcohol will be 18:00 to 03:00 am
The provision of live music, recorded music, performance and dance and late-night refreshment will be 18:00 to 03:00am

It was considered by the Sub-Committee that the conditions were considered appropriate and proportionate and should be attached for the promotion and support of the Licensing Objectives.

Finally, such modifications as specified above were consistent with the Operating Schedule and would be attached to the Licence, together with any mandatory conditions as required by the Licensing Act.

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

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