

Statutory Licensing Sub-Committee

Minutes - 21 December 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Rashpal Kaur

Cllr Gillian Wildman

Applicant

Mr Ravi Chopra

Tracey Dayanik

Sonia Gill

Premises Licence Holder

Local Resident

Local Resident

Responsible Authorities

Kayley Nixon

West Midlands Police

Employees

Debra Craner

Ronald Sempebwa

Jacob Stokes

Section Leader – Licensing and Compliance

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 - Temporary Event Notice in respect of Canalside,
Castlecroft Lane, Wolverhampton, WV3 8JU**

An Objection Notice for a Temporary Event Notice in respect of Canalside, Castlecroft Lane, Wolverhampton, WV3 8JU had been 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. She 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 report. She advised the Sub-Committee that West Midlands Police had submitted supporting information and that this was included in the Supplementary Agenda Pack.

The Chair invited the Applicant to present their application. Mr Ravi Chopra, Premises Licence Holder, did so as per Appendix 1 of the report. He stated that he was happy for West Midlands Police to view the premises' CCTV and was trying his hardest to keep his neighbours happy.

The Chair afforded all parties present the opportunity to question Mr Chopra in relation to his submission. Mr Chopra responded to questions asked.

Tracey Dayanik, a neighbour in support of the premises, stated that the Premises Licence Holder had established a committee for residents to express their concerns and that the premises was a family establishment. She stated that she had never heard noise emanating from the premises.

The Chair afforded all parties present the opportunity to question Ms Dayanik in relation to her submission. Ms Dayanik responded to questions asked.

The Chair invited West Midlands Police to present their Objection Notice. Kayley Nixon, West Midlands Police, presented the grounds for the Objection Notice, as per Appendix 3 and the Supplementary Agenda Pack.

She stated that West Midlands Police were seeking an Objection Notice as CCTV footage obtained from the premises had shown that a number of breaches had occurred. She stated that the Premises Licence Holder had failed to uphold the Licensing Objectives.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Kayley Nixon responded to questions asked.

Ronald Sempebwa, Solicitor, provided legal guidance to the Sub-Committee and reminded them of their available options.

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

Mr Chopra made a final statement.

All 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.

The Sub-Committee adjourned at 11.05 hours.

The Hearing reconvened at 11.53 hours.

All parties returned to the meeting, and the Chair confirmed the decision of the Sub-Committee.

The decision was read out in full by the Solicitor, who stated that the Decision Notice would be sent out to all parties in writing within five working days.

Resolved:

Having had regard to the Objection Notice served in accordance with Section 104 of the Licensing Act 2003, as amended, the Statutory Licensing Sub-Committee are satisfied that a counter-notice should be issued in accordance with Section 105(2)(b) & (3) of the Licensing Act 2003 as it is considered appropriate for the promotion of the Licensing Objectives, namely the Prevention of Crime and Disorder and Protection of Children from Harm.

AND NOTICE is given that the reasons for this decision are as follows:

West Midlands Police raised formal representations in relation to the Late TEN application relating to Canalside, Castlecroft Lane, Wolverhampton, WV3 8JU. The application was to temporarily permit the following licensable activities on 31.12.2023 to 01.01.2024 for the sale of alcohol on the premises, provisions of regulated entertainment and late-night refreshments.

West Midlands Police were aware of breaches of the Premises Licence Conditions at Canalside and believe there is significant risk to undermine the following Licensing Objectives, if this late TEN was granted.

Protection of Children from Harm

CCTV footage received from the premises following an event on 4 November 2023 showed evidence of a child in the premises after 21:00 hours, which is in breach of

the Premises Licence Conditions. No evidence was provided at the hearing to support the assertions made by the Premises Licence Holder for this.

Prevention of Crime & Disorder

a) Further, the CCTV was only made available after three visits from the Licensing Authority, in breach of the Licensing Conditions. The Premises Licence Holder is required to ensure it is made available without undue delay to the Police or any other Responsible Authority.

b) Once viewed, the CCTV had clearly been edited (only showing footage from 22:58-23:10 hours and the from midnight). This raised concerns about what had been removed. The premises are required to have a properly calibrated CCTV system in place.

c) There was a failure to notify West Midlands Police within 7 days of the pre-booked event on 4 November 2023, in breach of the Premises Licence Conditions.