

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 8 August 2019

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Alan Bolshaw  
Cllr Asha Mattu  
Cllr Anwen Muston

### West Midlands Police

WPC Michelle Churm  
WPC Erina Morris  
Aimee Taylor (observing)

### Officers

Elizabeth Gregg  
Sarah Hardwick  
Donna Cope

Senior Licensing & Compliance Officer  
Senior Solicitor  
Democratic Service Officer

*Item No. Title*

**1 Apologies for absence**

Apologies were received from Mr John Gooden - Premises Licence Holder and Applicant.

**2 Declarations of interest**

There were no declarations of interest.

**3 Licensing Act 2003 - Application to Vary a Premises Licence to specify an individual as Designated Premises Supervisor for Lyme Kaye, 66 Worcester Street, Wolverhampton, WV2 4LQ**

An Application to Vary a Premises Licence to specify an individual as Designated Premises Supervisor for Lyme Kaye, 66 Worcester Street, Wolverhampton, WV2 4LQ had been received from John Patrick Gooden.

The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed they understood the procedure.

The Chair reported that on 7 August 2019, the day before the Hearing, the Applicant, Mr John Patrick Gooden, had written to Democratic Services requesting an adjournment. The Chair presented the Applicant's reasons for the adjournment request and sought legal advice on the matter.

Sarah Hardwick, Senior Solicitor and legal advisor for the Sub-Committee, confirmed that the Sub-Committee had power under The Licensing Act 2003 (Hearings) Regulations 2005 paragraphs 11 and 12 to extend time and therefore adjourn the matter to a specified date and that it was the Sub-Committee's decision whether to grant or refuse the request. She stressed however, that the Applicant must be given a fair hearing and that the opposing party, West Midlands Police, must not be prejudiced by the decision made.

The Chair asked West Midlands Police their view on the Applicant's request for an adjournment and PC Michelle Churm stated that she needed to discuss the request with her colleagues.

*The Sub-Committee adjourned at 10.15 hours.*

*The Hearing reconvened at 10.20 hours.*

PC Churm stated that she and her colleagues believed that by adjourning the Hearing public safety would be compromised as there would be the potential for further crime and disorder to take place at the premises.

The Licensing Sub-Committee considered the submission from PC Churm and resolved to refuse the Applicant's request to adjourn the Hearing.

Elizabeth Gregg, Senior Licensing and Compliance Officer, provided an outline of the application.

The Chair invited West Midlands Police to present their representations.

PC Churm, West Midlands Police, did so as per Appendix 2 of the report.

The Chair invited all parties present to question PC Churm in relation to her submission. PC Churm and PC Morris provided responses to questions asked.

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

PC Churm presented a summary on behalf of West Midlands Police.

All interested parties, with the exception of the Senior Solicitor and the Democratic Service 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 in full 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 Lyme Kaye Wine Bar and Grill, 66 Worcester Street, Wolverhampton and had listened to the arguments of those who had spoken at the Hearing.

Section 39 of the Licensing Act 2003 provides 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 Sub-Committee had considered written evidence only from the Applicant as he was not in attendance, and his application to adjourn and extend time under the Hearing Regulations was refused.

The Sub-Committee heard from the West Midlands Police that:

1. There had been a number of breaches of licence conditions and violent offences at the premises to include a stabbing which occurred inside the premises on 8 June 2019. Following this incident, the premises had failed to notify West Midlands Police of this stabbing which was a breach of licence conditions.
2. On 8 June at 02:34 West Midlands Police attended the premises and witnessed the Applicant acting as door security when he was not SIA authorised.
3. In addition, a condition of licence provides that there is a strict last entry time for new customers of 02:00 and customers were clearly being allowed into the premises when the police had attended at 02:34.

4. The Applicant had applied to be DPS with immediate effect so therefore he had been in control since 1 July 2019 when the application had been received by the authority.
5. Since becoming DPS the following had occurred:
  - a. 6/7/19 – Police and other agencies attended the premises and were subject to disturbing chanting from the DJ and patrons on the dance floor.
  - b. 21/7/19 – WMP attended the premises to be informed that the door staff had been told to admit customers until 03:00.
6. Prior to becoming DPS the Applicant had been integral to the running of the premises and had been actively involved in this prior to the 1 July 2019 when other issues had occurred.

The Licensing Sub-Committee were satisfied that to grant the application would undermine the Prevention of Crime and Disorder Licensing Objective. The application was therefore refused.

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