

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Minutes - 6 July 2021

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)
Cllr Keith Inston
Cllr Rita Potter

Premises Licence Holder

Leo Charalamabides
Carl Moore
Davinder Dhillon

Barrister from Kings Chambers.
Licensing Consultant
Premises Licence Holder

Applicant for Review

Charlotte Rose
Dave Abel

COVID Business Compliance, Environmental Health
Solicitor

Responsible Authorities

Sgt Steph Reynolds
Francesca Anderson
Amitabh Singh
Michelle Smith
Laura Wallace

West Midlands Police
Solicitor for West Midlands Police
Licensing Authority
Public Health
Public Health (observing)

Officers

Elizabeth Gregg
Robert Marshall
Donna Cope
Jas Kaur

Senior Licensing Officer
Solicitor
Democratic Services Officer
Democratic Services Manager

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 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Rocket Pool Inn, Rocket Pool Drive, Bradley, Wolverhampton, West Midlands, WV14 8BH

An application for a Review of a Premises Licence in respect of Rocket Pool Inn, Rocket Pool Drive, Bradley, Wolverhampton, West Midlands, WV14 8BH had been received from the Service Lead – Covid Business Support within Environmental Health.

The Chair welcomed all parties to the hearing and members of the Sub-Committee introduced themselves. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

Elizabeth Gregg, Senior Licensing and Compliance Officer provided an outline of the application. She reported that since the agenda had been published, a further supplementary agenda had been circulated, containing additional information.

The Senior Licensing and Compliance Officer further reported that since the review application had been submitted, applications to transfer the premise licence and vary the Designated Premises Supervisor had been received.

David Abel, Solicitor representing the Service Lead – Covid Business Support (applicant for review) confirmed that the summary was accurate.

Leo Charalamides, Solicitor representing the Premises Licence Holder, enquired whether West Midlands Police had submitted any further representations other than what was detailed in Appendix 4 of the agenda pack.

Elizabeth Gregg, Senior Licensing and Compliance Officer, confirmed that West Midlands Police had not submitted any further representations or supporting evidence.

Leo Charalamides, Solicitor representing the Premises Licence Holder, advised the Sub-Committee that the police therefore had no evidence to rely on and as he and his client had not given consent for them to submit further evidence during the Hearing, they were not allowed to do so.

The Chair invited the Licencing Authority to confirm whether they agreed with the supplementary mediation documents submitted by Environmental Health.

Amitabh Singh, Section Leader Licensing, confirmed that he had seen the mediation documents and agreed to them.

The Chair invited Public Health to confirm whether they agreed with the mediation documents submitted by Environmental Health.

Michelle Smith, Principle Public Health Specialist, confirmed that she also agreed to the mediation documents.

The Chair outlined the situation and stated that all parties except for West Midlands Police had agreed to the mediation documents submitted by Environmental Health. He invited West Midlands Police to explain their position regarding the hearing.

Francesca Anderson, Solicitor representing West Midlands Police, stated that the police were not in a position to withdraw their representations as they did not agree with the proposed mediation documents from Environmental Health. She stated that they wanted to continue with the Hearing and sought revocation of the premises licence, or a suspension for a period of three months pending the outcome of the transfer application.

Robert Marshal, Solicitor, reminded West Midlands Police that the transfer and variation of DPS applications were a separate matter entirely and would be considered through the appropriate channels. He asked her to clarify their position with regards to the review application and why they didn't agree to the mediation documents.

Francesca Anderson, Solicitor representing West Midlands Police, stated that the premises had been ineffectively managed by the previous Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS), and the current PLH was not a suitable person.

In response to this, Leo Charalamides, Solicitor representing the Premises Licence Holder, stated that West Midlands Police had provided no evidence at all whereas Environmental Health had provided evidence which all other parties had considered and agreed to. He further stated that the police could not bring new evidence to the Hearing.

Councillor Page, Councillor Potter, 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 10.22 hours.

The Hearing reconvened at 11.02 hours.

Councillor Page, Councillor Potter, 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 Senior Solicitor.

Resolved:

An application was made by Charlotte Rose, Service Lead – Covid Business Support within Environmental Health as Responsible Authority, for a review of the premises licence in respect of Rocket Pool Inn, Rocket Pool Drive, Bradley Wolverhampton WV14 8BH.

At the hearing, the Licensing Sub-Committee carefully considered all representations received, listened to those who spoke at the hearing, and considered all the evidence presented.

The Sub-Committee heard and read that the Applicant had agreed terms with the Premises Licence Holder's representative that were acceptable to both the Premises Licence Holder and the Applicant.

The Sub-Committee heard and read representations from all the Responsible Authorities that supported the review. Public Health and the Licencing Authority confirmed that they had seen the terms that had been agreed between the Applicant and Premises Licence Holder, and on the basis of the terms agreed, they had no further objections.

West Midlands Police expressed objection to the new Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) being proposed as part of the agreed terms. The Sub-Committee advised the Police that consideration of the new PLH and DPS did not come within the remit of the hearing. The only purpose of the hearing was to consider the review of the licence which had been brought by the Applicant, and to use the powers given to the Sub-Committee by Section 52 of the Licencing Act 2003. The Police submitted that the premises had been ineffectively managed, the new PLH was not suitable, and the licensing objectives had been undermined. The Police provided no evidence to support their submissions.

Therefore, based upon the evidence presented and having regard to the application, the relevant representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy, the Sub-Committee decided to:

- A) Modify the conditions of the Licence by incorporating the agreed terms and conditions attached to the Decision Notice and
- B) Removal of the Designated Premises Supervisor.

The decision was considered appropriate and proportionate action for the promotion of the public safety licensing objective.

Written notice of the determination would be given to the holder of the licence, the applicant, and any other person who made relevant representations.

An appeal may be made to the Magistrates' Court against the decision, by the applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

[NOT PROTECTIVELY MARKED]