

Licensing Sub-Committee

Minutes - 5 January 2016

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Bishan Dass

Conservative

Cllr Patricia Patten

Employees

Linda Banbury
Kevin O'Keefe
Rob Edge
Richard Phillips

Democratic Support Officer
Director of Governance
Section Leader - Licensing
Solicitor/Senior Solicitor

Item No. *Title*

1 Apologies for absence

There were no apologies for absence. However, the hearing was opened and adjourned until 10.30 am in order to make contact the applicant, who had failed to attend at the appointed time, and await his arrival.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for transfer of a Premises Licence in respect of Caspian Kebab & Pizza, 1 Broad Street

In Attendance

For the Premises

Mr M Ahmadei – Director, Caspian Kebab & Pizza Ltd

Miss S Ahmadei – Daughter of Mr M Ahmadei (acting as interpreter)

Responsible Authority

WPC L Davies – West Midlands Police

The Chair introduced the parties and outlined the procedure to be followed at the meeting.

The Section Leader (Licensing) outlined the report submitted to the meeting and circulated to all parties in advance.

Councillor Dass sought clarification as to the position of the applicant. Miss Ahmadei indicated that he was a Director of the Company and the Director of Governance confirmed that information on the Companies House website confirmed that the Company was incorporated in November 2015 with Mr A Ahmadei being the only registered director. Miss Ahmadei drew attention to problems experienced at the premises and specifically in connection with a window being broken by an intoxicated customer, as a result of which the police had been called. She further advised that her father had difficulty speaking English. She added that he was now aware that he needed to know how operate the CCTV system and was awaiting advice in this respect and the installation of a new system.

The applicant was asked a number of questions via his daughter and it appeared that he did not have knowledge of the four licensing objectives. She indicated that her father was currently seeking staff for the premises. She further confirmed that her father had attended an interview with WPC Davies and had been able to communicate in English and read and sign the written statement made, but that he felt nervous on some occasions and unable to select the correct words in English to make his points.

At this juncture, WPC Davies outlined the objection of the West Midlands Police, detailed at Appendix 2 to the Licensing Officer's report. She pointed out that, at the multi-agency visit on 26 September, neither the applicant nor the younger Mr Ahmadei, knew how to operate the CCTV system. A further visit was made in November; again both males in attendance could not operate the CCTV system and they were of the belief that it was the responsibility of the landlord. Only three days footage had been kept, contrary to the condition on the premises licence. The gentlemen could not quote any of the licensing objectives. She further advised that the applicant had attended a meeting at the Police Station in December and it was clear he did not understand his responsibilities; the inadequacies in the CCTV had not been rectified.

On a point of clarification, the Director of Governance indicated that the date on the transfer application must be incorrect and most likely should read November.

Concluding her submission, WPC Davies indicated that the Police had still not received the requested CCTV footage, that there were severe concerns regarding the applicant's suitability and it was believed that the transfer of the premises licence would undermine the licensing objectives.

Responding to questions, she advised that Broad Street was an important area for the Police and that CCTV was crucial to the safety of the public. She further advised that she had not been aware of the problems with the CCTV system until after the second multi-agency visit. The applicant's daughter clarified that he had been nervous at the multi-agency visits and had not therefore clarified his position, but felt better after the one to one interview with WPC Davies and had therefore disconnected the CCTV system, taken it to the Police Station and would now do everything asked of him in relation to the premises.

The parties were afforded the opportunity to make a closing statement.

4 Exclusion of press and public

Resolved:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the business affairs of particular persons.

5 Deliberations and decision

The Sub-Committee discussed the issues which had been raised during consideration of the transfer application.

6 Re-admission of press and public

The parties returned to the meeting and were advised of the decision of the Sub-Committee as follows:

7 Announcement of decision

The Sub-Committee has taken note of all the written concerns raised in respect of Caspian Kebab & Pizza, 1 Broad Street, Wolverhampton and has listened to the arguments of those who have spoken both for and against the application.

The Sub-Committee has also considered the additional issues raised at the hearing in respect of the lack of knowledge of the applicant of the Licensing Act and, in particular, the four licensing objectives.

Having considered the views of all concerned, the Sub-Committee has decided that the application for the transfer of the premises licence is refused.

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