

**NOTTINGHAM CITY COUNCIL**

**SPECIAL LICENSING PANEL**

**RECORD OF PROCEEDINGS**

1. **Date of hearing** - 20 March 2014
2. **Panel** - Councillor Brian Grocock (Chair)  
- Councillor Mohammed Ibrahim  
- Councillor David Smith
3. **Legal advisor** - Ann Barrett
4. **Note taker** - Mark Leavesley
5. **Application type** - Review
6. **Applicant** - Mr Malcolm Turner, Deputy Head of Legal services, for and on behalf of the Chief Constable of Nottinghamshire Police

**7. Premises under review and Premises Licence Holder**

The Loft Bar  
217 Mansfield road  
Nottingham  
NG1 3FS

Premises Licence number - 037793

Premises Licence Holder - Salihul Kwaji Samas / Mr Steven Maxwell

**8. Parties present**

(1) For the Applicant

Mr Michael Griffiths - Counsel for Nottinghamshire Police, accompanied by:  
Helen Guest – Senior Licensing Enforcement Officer, City Division;  
Sergeant 1083 Bradley;  
Sergeant 3101 Shaw;  
Constable 2805 Stables;  
Constable 1799 Hardwick;  
Constable 2912 Cobb;  
Constable 2397 Stevens;  
Allister Thorn – Principal Environmental Health Officer, Nottingham City Council.

(2) For the License Holder - None

**9. Parties not present and reason why**

- (1) Mr Salihul Kwaji Samas - Did not give any reason for not attending but it was noted that an application to transfer the licence to Steven Maxwell had been made since the Review application was served.

- (2) Mr Steven Maxwell – Mr Maxwell was to be treated as the premises licence holder with effect from 18 March 2014 under the transfer application. Mr Maxwell's solicitors had written to the Panel indicating that he had only recently found out that the review hearing was listed for 20 March and was unavailable to attend. The letter also contained a request that the hearing be adjourned (see below).

**10. Applications and decisions on ancillary issues eg requests for adjournments, determinations whether to proceed in absence, directions etc**

A letter dated 19 March 2014 from Fraser Brown Solicitors, who represented Mr Maxwell, was placed before the Panel. This outlined that Mr Maxwell was the owner of the premises and had recently applied for a transfer of the licence to have immediate effect. Under section 43(1) of the Licensing Act 2003 (The Act) the Premises Licence therefore currently had effect as if Mr Maxwell were the premises licence holder. The letter requested an adjournment of the review hearing and outlined various discussions which had been held with the police and, amongst other things, indicated that:

- in the interest of fairness the hearing should not proceed as Mr Maxwell had not had sight of the police evidence and there had been no time for the solicitors to take proper instruction;
- the premises were currently closed and would remain so at least until a new application made by Mr Maxwell for a completely different type of operation had been determined;
- there was no risk of the licensing objectives being further undermined if an adjournment was granted.

Mr Griffiths on behalf of the Police indicated that this was a matter for the Panel as to whether it was in the public interest to adjourn the hearing. The Act was silent as to what should happen when an application to transfer a licence is made after a review application has been lodged and there may be circumstances where the existing licence had become so tainted by previous activities and breaches that it would be right for the review to continue even in the light of new applications. The Police had served the additional papers on Mr Maxwell's solicitors as soon as the transfer application had been made and they were in a position to proceed with the hearing of the review application if the Panel determined to proceed.

The Panel concluded that it was in the public interest to adjourn the hearing under Regulation 20 of the Hearings Regulations to give Mr Maxwell the opportunity to consider the material put forward by the Police and to attend. Whilst no criticism was to be made of the Police (who had served the documentation as soon as Mr Maxwell applied to transfer the licence) there was a requirement for a fair hearing which included the right for parties to know the case against them. It was noted that the bundle of evidence had only been served on Mr Maxwell's solicitor on 18 March and that he had not had the opportunity of showing that to his client or taking instructions.

Unlike with Summary Reviews, there was no specific deadline within which the Panel had to reach a determination on this Review and it did not appear that the licensing objectives would be undermined by the grant of an adjournment in this case given that the premises were closed and likely to remain so.

The hearing was therefore adjourned provisionally to 15 April 2014.

**Signed:** Councillor Grocock (Chair)  
**Dated:** 20 March 2014