



# Licensing Sub-Committee

20 May 2015

**Report Title**

**Licensing Act 2003 – Application for an Expedited Summary Review of a Premises Licence in respect of Evo Spirit, 65 High Street, Bilston, Wolverhampton WV14 0HH.**

**Interim Steps Hearing – Following Representations by the Premises Licence Holder.**

**Wards Affected**

Bilston

**Accountable Strategic Director**

Tim Johnson, Place

**Originating service**

Licensing Services

**Accountable officer(s)**

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**Recommendation for action or decision:**

The Licensing Sub-Committee is required to consider the representation from Mr Permjit Singh Dhillon the Premises Licence Holder, against the interim steps applied to the premises licence following on from the application by West Midlands Police for an Expedited Summary Review of the above Premises Licence.

## 1.0 Purpose of Report

1.1 The Licensing Sub-Committee is required to consider the representation from Mr Permjit Singh Dhillon the Premises Licence Holder, against the interim steps applied to the premises licence following on from the application by West Midlands Police for an Expedited Summary Review of the above Premises Licence.

## 2.0 Background

2.1 The current premises licence is attached at Appendix 1.

## 3.0 Expedited Review Application

3.1 An application was received from the Chief Officer of Police for West Midlands on 14 May 2015 for a review of the premises licence in respect of Evo Spirit, 65 High Street, Bilston, Wolverhampton. WV14 0HH. The premises are situated in the Bilston ward and a location plan is attached at Appendix 2.

3.2 A copy of the review application is attached at Appendix 3. The Chief of Police has to give a certificate stating that in his opinion the premises are associated with serious crime or disorder or both. Supporting evidence is detailed within the review application.

3.3 All papers have been properly served.

3.4 The applicant for review, and the Premises Licence Holder, have both been invited to attend the review hearing.

3.5 A Licensing Sub-Committee hearing was held on 15 May 2015 to determine the interim steps to be applied to the Premises Licence pending the full review hearing. The licensing sub-committee resolved to suspend the Premises Licence as the interim step.

## 4.0 Legal Implications

4.1 The licensing Authority must consider the application for the review under Section 53A of the licensing act.

4.2 The Licensing Sub-Committee is asked to determine the review under Section 53B.

4.3 The Sub-Committee must consider what steps (if any) should be taken to secure the promotion of the licensing objectives. The four licensing objectives are:

4.4 The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

4.5 The steps that may be taken by the Sub-Committee are:

- (a) Modify the conditions of the licence;
- (b) Exclude sale of alcohol
- (c) Remove the designated premises supervisor;
- (d) Suspend the licence

4.6 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement. [SH/14052015/X.]

## 5.0 **Human Rights and Equalities Implications**

5.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.

5.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

## 6.0 **Financial Implications**

6.1 Councillors agreed fees and charges for this function on 26 February 2014; the fees are based on a cost recovery basis. There is no fee for the application of a Review, and there are no financial implications arising from this report. [TK/13022014/Q]

## 7.0 **Environmental Implications**

7.1 This report has environmental implications in that there is a potential for disturbance caused by patrons using the premises and nuisance caused by litter and waste originating from the premises

[RESTRICTED]