

CITY OF
WOLVERHAMPTON
COUNCIL

Licensing Sub-Committee

5 January 2016

Report Title

Licensing Act 2003 – Application for transfer of a Premises Licence in respect of Caspian Kebab & Pizza, 1 Broad Street, Wolverhampton WV1 1JA

Wards Affected

St Peters

Accountable director

Tim Johnson - Place

Originating service

Licensing Services

Accountable employee(s)

Rob Edge

Section Leader (Licensing)

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Recommendation for action or decision:

The Licensing Sub-Committee is requested to consider this application to transfer the premises licence for Caspian Kebab & Pizza.

1.0 Purpose of Report

- 1.1 To submit for consideration by the Sub-Committee an application to transfer the premises licence for Caspian Kebab & Pizza.

2.0 Background

- 2.1 An application was received from Mr Behnam Zarandi to transfer its premises licence to Caspian Kebab & Pizza Ltd.
- 2.2 The application was made on 30 November 2015 and received and accepted by Wolverhampton City Council as a properly made application. A copy of the application and consent is attached at Appendix 1.
- 2.3 The Police, have been consulted on this application as a responsible authority.
- 2.4 The Police have made relevant representations and are objecting to this application. A copy of their formal representations is attached at Appendix 2.
- 2.5 The premises are situated in St Peters ward and a location plan is attached at Appendix 3.
- 2.6 A copy of the premises licence for Caspian Kebab & Pizza is attached at Appendix 4
- 2.7 The applicant and West Midlands Police have been invited to attend the hearing.

3.0 Legal Implications

Section 42 of the Licensing Act 2003 provides that any person meeting the requirements under this section may apply to the licensing authority for transfer of a premises licence to him.

- 3.1 All applications shall be determined in accordance with the four licensing objectives namely:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.

An application made under s42 must be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.

The Chief Officer of the Police must be given notice of the application and where, following notice, the Chief Officer is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective he must give notice to the Licensing Authority stating the reasons he is so satisfied.

Section 44 of the 2003 Act provides that where notice is given to the Licensing Authority (and not withdrawn) the authority must hold a hearing and having regard to the notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective. 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. [JB/21122015/I]

4.0 **Financial Implications**

4.1 The Licensing Committee agreed fees and charges for this function on 21st January 2015. The fees are based on a cost recovery basis. The fee for the transfer of a licence is £23.00 and is non-refundable. [TK/09012015/H]

5.0 **Equalities Implications**

5.1 This report does not have any equality implications.

6.0 **Environmental Implications**

6.1 This report has no environmental implications.