



Licensing Sub-Committee

13 January 2016

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Report Title

Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Malones Bar, 35a Lichfield Street, Wolverhampton WV14 0AJ.

Wards Affected

Bilston East

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 application by West Midlands Police for a review of the above Premises Licence, following an expedited review.

Purpose of Report

- 1.1 The Licensing Sub-Committee is required to consider the application by West Midlands Police for a Review of the above Premises Licence, following an Expedited Review.

2.0 Background

- 2.1 The current premises licence is attached at Appendix 1.

An application was received from the Chief Officer of Police for West Midlands on 16 December 2015 for a review of the Premises Licence in respect of this premises. The premises are situated in the Bilston East ward and a location plan is attached at Appendix 2.

- 2.2 A Licensing Sub-Committee hearing was held on 17 December 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.
- 2.3 The notice of review has been properly served on all the Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on its website as required, when the application for review was made.
- 2.4 A copy of the expedited review application can be found at Appendix 3 of this report.
- 2.5 Representations have been received from the Licensing Authority as a Responsible Authority and these can be found at Appendix 4 of this report.
- 2.5 The applicant for review, the Premises Licence Holder, and those who have made representations have been invited to attend the review hearing.

3.0 Legal Implications

- 3.1 The Licensing Authority must consider the application for the review under Section 53A of the licensing act.
- 3.2 The Licensing Sub-Committee is asked to determine the review under Section 53A (2) (b) in accordance with Section 53C of the Act. The licensing authority must hold a hearing and consider the application for review and any relevant representations.
- 3.3 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:
- 3.4 The four licensing objectives are:
- The prevention of crime and disorder;

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

3.5 The steps that may be taken by the Sub-Committee on a full review are:

- (a) Modify the conditions of the licence;
- (b) Exclude a licensable activity from the scope of the licence;
- (c) Remove the designated premises supervisor;
- (d) Suspend the licence for a period not exceeding 3 months;
- (e) The revocation of the Licence.

3.6 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/06012016/P]

4.0 **Human Rights and Equalities Implications**

4.1 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.

4.2 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.

5.0 **Financial Implications**

5.1 Councillors agreed fees and charges for this function on 21 January 2015; 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.

6.0 **Environmental Implications**

6.1 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

This report is PUBLIC
[NOT PROTECTIVELY MARKED]