

CITY OF
WOLVERHAMPTON
COUNCIL

Licensing Sub-Committee

22 January 2016

Report Title	Licensing Act 2003 – Application for an Expedited Summary Review of a Premises Licence in respect of The Harp Inn, Walsall Street, Eastfield, Wolverhampton, WV1 3LP.	
Wards Affected	East Park	
Accountable director	Tim Johnson - Place	
Originating service	Licensing Services	
Accountable employee(s)	Rob Edge	Section Leader (Licensing)
	Tel	01902 550106
	Email	rob.edge@wolverhampton.gov.uk

Recommendation for action or decision:

To submit for consideration by the Sub-Committee an application for an Expedited Summary Review of a premises licence

1.0 Purpose of Report

1.1 To submit for consideration by the Sub-Committee an application for an Expedited Summary Review of a premises licence.

2.0 Background

2.1 The current premises licence is attached at Appendix 1.

3.0 Expedited Review Application

3.1 This premises was subject to a previous expedited review in August 2015, where the Licensing Sub-Committee resolved to suspend the premises licence as the interim step, this was followed by a revocation of the premises licence at the full hearing. Details of the conditions added by way of a consent order can be found on the current premises licence attached at Appendix 1

3.2 An application was received from the Chief Officer of Police for West Midlands on 21 January 2016 for a review of the premises licence in respect of The Harp Inn, Walsall Street, Eastfield, Wolverhampton, WV1 3LP. The premises are situated in the East Park ward and a location plan is attached at Appendix 2.

3.3 A copy of the review application is attached at Appendix 3. The review has been brought in support of the Crime and Disorder licensing objective. Supporting evidence is detailed within the review application.

3.4 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.

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

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 53A (2) (a) in accordance with Section 53B of the Act. The licensing authority must hold a hearing and consider the application for review and any relevant representations.

4.3 The Sub-Committee must consider whether it is necessary to take interim steps pending the determination of a review of the premises licence. 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 interim steps that the Sub-Committee must consider taking are:

- (a) Modification of the conditions of the licence;
- (b) Exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) Removal of the designated premises supervisor;
- (d) Suspension of 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/21012016/V.

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 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. [TK/09012015/H]

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

This report is PUBLIC
[NOT PROTECTIVELY MARKED]