

Report title	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Bond Street Tavern, Bond Street, City Centre, Wolverhampton, WV2 4AS	
Wards affected	St Peters	
Accountable director	Ross Cook, Service Director - City Environment, Place	
Originating service	Licensing	
Accountable employee(s)	Jo Till	Section Leader - Licensing
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Recommendation(s) for decision:

The Licensing Sub-Committee is recommended to:

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

1.0 Purpose

- 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.
- 2.2 The current premises licence has been in place since 9 June 2014. The licence holder at that time was Enterprise Inns Plc. The licensable activity hours at that time were granted for Sunday to Thursday 10.00 – 00.00, Friday and Saturday 10.00 – 02.00 and closing 30 minutes later.
- 2.3 In April 2015 an application was made to extend the licensable hours to Sunday to Saturday 10.00 – 03.30 and closing 30 minutes later, with the removal and addition of conditions to the operating schedule.
- 2.4 In October 2015 an application was submitted to transfer the licence holder. There were no objections and it was granted on 1 October 2015.
- 2.5 A further transfer application was submitted in November 2015 to transfer the licence holder to Bond Street Tavern Ltd with no objections and was granted on 24 November 2015.
- 2.6 In December 2016 an application was submitted to transfer the premises licence holder and vary the DPS to Lorraine Heath. Objections to this application were submitted by West Midlands police on grounds of the prevention of crime and disorder. A hearing was arranged for 18 January 2017 to determine the application. Members of the Licensing Sub-committee determined to refuse the transfer application. The application to vary the DPS was then withdrawn by the applicant.
- 2.7 On 20 January 2017 an application to transfer the licence holder to Lorraine & Derek Ltd was submitted along with an application to vary the DPS to Derrick Minott. Objections were received from West Midlands Police in relation to the transfer application, no objections were submitted to the Vary DPS application. A hearing was arranged for 3 March 2017 to determine the application. During the hearing West Midlands Police withdrew their objections to the application; the transfer was granted.
- 2.8 On 24 February 2017 a review application was submitted by West Midlands Police based on crime and disorder at the premises. A hearing was arranged for 20 April 2017 to determine the application. Members of the Licensing Sub-committee determined to revoke the premises licence.
- 2.9 An appeal was submitted relating to the decision to revoke the premises licence, the matter was listed for appeal at Wolverhampton Magistrates court on 18 October 2017. At Court terms were agreed between the parties and a Consent Order signed, which detailed modified conditions of licence. A copy of the Consent Order can be found at Appendix 2.

2.10 As part of the Consent Order, the premises licence holder, was required to maintain several policies and submit the documentation to the Licensing Authority and West Midlands Police. A copy of the policies are attached at Appendix 3.

3.0 Review application

3.1 An application was received from the Chief Officer of Police for West Midlands on 28 March 2018 for an expedited review of the Premises Licence in respect of this premises.

3.2 A copy of the expedited review application can be found at Appendix 4 of this report.

3.3 The premises is situated in the St Peters ward and a location plan is attached at Appendix 5.

3.4 A Licensing Sub-Committee hearing was held on 29 March 2018 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.

3.5 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.

3.6 Representations have been received from the Licensing and Public Health Responsible Authorities and these can be found at Appendix 6 and Appendix 7 of this report.

3.7 The applicant for review, the Premises Licence Holder, and those who have made representations have been invited to attend the review hearing.

4.0 Financial implications

4.1 There are no financial implications associated with the recommendations in this report. No fee is levied for a Review application. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Committee on 24 January 2018. [GE/13042018/A]

5.0 Legal implications

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

5.2 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.

5.3 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:

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

5.5 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.

5.6 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. [JB/10042018/M]

6.0 Equalities implications

6.1 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.

6.2 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.

7.0 Environmental implications

7.1 There are no Environmental implications associated with this report.

8.0 Human resources implications

8.1 There are no Human resources implications associated with this report.

9.0 Corporate landlord implications

9.1 There are no Corporate landlord implications associated with this report.

10.0 Schedule of background papers

10.1 Licensing Sub-Committee: 18 January 2017
Licensing Sub-Committee: 3 March 2017
Licensing Sub-Committee: 20 April 2017
Licensing Sub-Committee: 29 March 2018