

Licensing Sub-Committee

25 July 2018

Report Title	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of The Goal Post (Lounge 107), 107 Waterloo Road, Wolverhampton, WV1 4RB	
Wards Affected	St Peters	
Accountable director	Ross Cook - Place	
Originating service	Business Services	
Accountable employee(s)	Joanne Till	Section Leader (Licensing)
	Tel	01902 550189
	Email	Joanne.Till@wolverhampton.gov.uk

Recommendation for decision:

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

1.0 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 has been in place since 25 September 2005. The licence holder at that time was Punch Taverns Plc. The licensable activity hours at that time were granted for Monday to Wednesday 10.00 – 00.00, Thursday to Saturday 10.00 – 01.00, Sunday 10.00 – 23.30 and closing 30 minutes later.

2.2 The current premises licence is attached at Appendix 1.

2.3 In August 2011 an application was made to vary the designated premises supervisor to Baljit Singh Bhandal. There were no objections and the application was therefore granted on 24 August 2011.

2.4 In March 2014 an application was submitted to extend the opening hours of the premises till 0430 Thursday to Saturday and extend all licensable activities till 0400 Thursday to Saturday. The application was made void, as the applicant failed to display the blue notice outside the premises.

3.0 Review application

3.1 An application was received from the Chief Officer of Police for West Midlands on 27 June 2018 for an expedited review of the Premises Licence in respect of this premises. The application related to

- The prevention of crime and disorder &
- Public Safety.

3.2 A copy of the expedited review application can be found at Appendix 2 of this report.

3.3 The premises is in the St Peters ward and a location plan is attached at Appendix 3.

3.4 A Licensing Sub-Committee hearing was held on 29 June 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 Authority as a Responsible Authority, and is Appendix 4 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 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) (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.
- 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 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.
- 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/11072018/W]

5.0 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 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/11072018/O]

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