

|                                |   |                                   |
|--------------------------------|---|-----------------------------------|
| <b>Report Title</b>            | <b>Licensing Act 2003 –Application for a Premises Licence in respect of The Cave Lounge, Frederick Street, Wolverhampton West Midlands, WV2 4DU</b> |                                   |
| <b>Wards Affected</b>          | Blakenhall  |                                   |
| <b>Accountable director</b>    | Ross Cook, City Environment   |                                   |
| <b>Originating service</b>     | Licensing Services  |                                   |
| <b>Accountable employee(s)</b> | Chris Howell  | Licensing Manager                 |
|                                | Tel   | 01902 555445                      |
|                                | Email   | Chris.Howell@wolverhampton.gov.uk |

---

**Recommendation for decision:**

To submit for consideration by the Sub-Committee an application for a new premises licence.

## 1.0 Purpose of Report

1.1 To submit for consideration by the Sub-Committee an application for a new premises licence.

## 2.0 Background

2.1 The application was received on 3 July 2018 from Ahmed Hassan Hussain and Jalal Ahmad Said for a premises licence in respect of Cave Lounge, Frederick Street, Wolverhampton, West Midlands, WV2 4DU for a café. A copy of the application is attached at Appendix 1.

2.2 The premises are in Blakenhall ward and a location plan is attached at Appendix 2.

2.3 The application is in respect of provision of late night refreshment and playing of recorded music on the premises.

2.4 It is the understanding of the licensing authority that the application for this premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with.

2.5 The following responsible authorities have been consulted on this application:

- Licensing Authority
- Environmental Health
- Planning
- Trading Standards
- Social Services
- Director of Public Health
- West Midlands Police
- West Midlands Fire Service
- Home Office

2.6 Relevant representations have been received from:

- Public Health
- Licensing Authority
- West Midlands Police

Copies of the representations can be found at Appendices 3, 4 and 5

2.7 The applicant and all those who have submitted representations have been invited to attend the hearing.

## 3.0 Legal implications

3.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its function under the Act with a view to promoting the Licensing Objectives, namely:-

- (a) The prevention of crime and disorder;
- (b) Public safety;
- (c) The prevention of public nuisance;
- (d) The protection of children from harm.

Section 18 of the Licensing Act 2003 provides that where a relevant licensing authority receives an application for a premises licence properly made in accordance with section 17 of the Act it must grant the licence, subject to any relevant conditions.

However, where relevant representations are made the authority must hold a hearing (unless all parties agree this is unnecessary) and having regard to the representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives.

The steps are:

1. to grant the licence subject to conditions
  2. to exclude from the scope of the licence any of the licensable activities to which the application relates
  3. to refuse to specify a person as a premises supervisor
  4. to reject the application
- 3.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the Licensing Objectives when determining a premises licence application.
- 3.3 Regard shall be had to guidance issued by the Secretary of State under Section 182 and City of Wolverhampton Council's Licensing Policy statement. [JB/06082018/S]
- 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 There are no financial implications associated with the recommendations in this report. The fee for the application of this licence is £100.00 and is non-refundable. 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. [MK/07082018/P]

## 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.