

<b>Report title</b>	<b>Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN</b>	
<b>Wards affected</b>	Graiseley	
<b>Accountable director</b>	Ross Cook - Service Director, City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Jonathan Lloyd	Senior Licensing Officer
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**Recommendation for decision:**

The Licensing Sub-Committee is requested to consider this application for a review of a premises licence.

## **1.0 Purpose**

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

## **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 5 July 2005. The licence holder at that time was Avtar Singh Takhar. The licensable activity hours at that time were Monday to Saturday 0800 – 2300 hours and Sunday 1000 – 2230 hours.
- 2.3 In July 2016 applications were received to transfer the premises licence and vary the designated premises supervisor to Yogarasa Tangarasa.

## **3.0 Review Application**

- 3.1 An application was received from Trading Standards on 21 August 2018 for a review of the premises licence in respect of Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN.
- 3.2 The premises are situated in Graiseley 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 Prevention of Crime and Disorder licensing objectives. Supporting evidence is detailed within the review application.
- 3.4 Representations have been received from the following:
- West Midlands Police
  - Licensing Authority
  - Public Health

These representations can be found at Appendices 4-6.

- 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 The applicant for review, the current premise licence holder, and those who have made representations have all been invited to attend the review hearing.

## **4.0 Financial implications**

- 4.1 There is no fee for the application of a Review, and there are no direct financial implications arising from this report. 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/01102018/R]

## **5.0 Legal implications**

5.1 Section 51 of the Licensing Act 2003, as amended states that a responsible authority or any other person may apply to the relevant Licensing Authority for a review of a licence.

5.2 The Licensing Sub-Committee when determining an application for review, pursuant to Section 52 of the Licensing Act 2003 has power to take any of the following steps (if any) as it considers necessary for the promotion of the “licensing objectives” which are listed at 5.3.

- (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) Revoke the licence.

5.3 The four licensing objectives are:

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

5.4 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and City of Wolverhampton Council’s Licensing Policy Statement. [JB/25092018/A]

## **6.0 Equalities implications**

6.1 There are no direct equalities implications associated with this report.

## **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

## **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.