



Licensing Sub-Committee

22 April 2015

Report Title

Licensing Act 2003 – Application for a variation of a Premises Licence in respect of The Malt Shovel, 131 Willenhall Road, Wolverhampton WV1 2HR.

Classification

Public

Wards Affected

East Park

Accountable Strategic Director

Tim Johnson, Place

Originating service

Licensing Services

Accountable officer(s)

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Section Leader (Licensing)

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Recommendation for action or decision:

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

1.0 Purpose of Report

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

2.0 Background

2.1 An application has been received from the agent of the holder of the premises licence, TLTC Ltd on behalf of Eucal Shippey and Lorraine Heath in respect of The Malt Shovel, 131 Willenhall Road. Wolverhampton. WV1 2HR. A copy of the application is attached at Appendix 1.

2.2 It is the understanding of the licensing authority, that the application to vary this premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with. The premises are located in the East Park ward and a location plan is attached at Appendix 2

2.3 The current application was received on 3 March 2015 and is to add hours to the licensable activities.

2.5 A copy of the current licence is attached at Appendix 3.

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

- Licensing Authority
- Environmental Health
- West Midlands Police
- West Midlands Fire Service
- Planning
- Social Services
- Trading Standards
- Local Health Board

2.7 Relevant representations have been received from

- Licensing Authority
- Member of Parliament
- Ward Councillors
- West Midlands Fire Service
- Environmental Health
- Other Persons

Copies of the representations can be found at Appendices 5 - 9

2.8 The applicant, and all of those who have made representations, has been invited to attend the hearing.

3.0 Legal Implications

3.1 Section 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.

3.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the licensing objectives when determining a premises licence variation application.

3.3 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. [KR/30032015/F]

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 Councillors agreed fees and charges for this function on 26 February 2014; the fees are based on a cost recovery basis. The fee for this application is £190.00, and is non-refundable. [TK/13022014/Q]

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.