

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

2 April 2019

Report title	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of The Swan Hotel, 17 Lower Street, Wolverhampton, WV6 9AA	
Wards affected	Tettenhall Regis Ward	
Accountable director	Ross Cook – City Environment	
Originating service	Licensing	
Accountable employee(s)	Michelle James Tel Email	Licensing Policy Manager 01902 556796 michelle.james@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation for decision:

The Statutory Licensing Sub-Committee is recommended to:

1. Consider this application for a review of a premises licence.

1.0 Purpose

- 1.1 To submit for consideration by the Statutory Licensing 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**.

3.0 Review Application

- 3.1 An application was received from The Home Office on 6 February 2019 for a review of the premises licence in respect of The Swan, 17 Lower Street, Wolverhampton, WV6 9AA. The review was brought under the licensing objective of Crime and Disorder.
- 3.2 The premises location is Tettenhall Regis ward and a 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

These representations can be found at **Appendix 4** and **Appendix 5**.

- 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/14032019/B]

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” 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 Wolverhampton City Council’s Licensing Policy Statement. [SH/14032019/B]

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.

10.0 Appendices

- 10.1 Appendix 1 – Application for Review
- Appendix 2 – Location Plan for the Ward
- Appendix 3 – Copy of Home Office Review Application
- Appendix 4 – Representation from West Midlands Police
- Appendix 5 – Representation from City of Wolverhampton Council (Licensing)