

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

17 April 2019

Report title

Licensing Act 2003 – Application for a Premises Licence in respect of The Harp, Walsall Street, Wolverhampton, WV1 3LP

Wards affected

East Park

Accountable director

Ross Cook, City Environment

Originating service

Licensing Services

Accountable employee(s)

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Recommendation for decision:

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

1.0 Purpose

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

2.0 Background

- 2.1 The application was received on 25 January 2019 from O. Hines Limited for a premises licence in respect of The Harp, Walsall Street, Wolverhampton, West Midlands, WV1 3LP. A copy of the application is attached at Appendix 1.
- 2.2 The premises are in East Park ward and a location plan is attached at Appendix 2.
- 2.3 The application is in respect of the sale of alcohol on the premises, provision of late-night refreshment and playing of recorded music at 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 All responsible authorities have been consulted on this application.
- 2.6 Relevant representations have been received from the following Responsible Authorities:
- West Midlands Fire Service
 - West Midlands Police
 - Environmental Health
 - Licensing Authority
- 2.7 Copies of the representations can be found at Appendices 3, 4, 5 and 6.
- 2.8 Appendix 4a contains representations from West Midlands Police and is exempt under Paragraph 1 of Schedule 12A of the Local Government Act 1972, as it contains information relating to an individual.
- 2.9 West Midlands Police have submitted additional information, attached as Appendix 4b.
- 2.10 The applicant has provided a voluntary undertaking as attached at Appendix 7. As a result of the voluntary undertaking West Midlands Fire Service have withdrawn their representation, attached as Appendix 8.
- 2.11 The applicant and all those who have submitted relevant representations have been invited to attend the hearing.
- 2.12 The solicitor for the applicant has submitted additional information, attached as Appendix 9 and is exempt under Paragraph 1 of Schedule 12A of the Local Government Act 1972, as it contains information relating to an individual.

2.13 A Licensing Sub-Committee hearing was held on 21 March 2019 to determine the application. The solicitor for the applicant and West Midlands Police requested that the hearing be adjourned. All parties confirmed they had no objection to the request and the Sub-Committee agreed to adjourn the hearing until 17 April 2019. A copy of the Sub-Committee draft minutes can be found at Appendix 10.

3.0 Financial implications

3.1 There are no direct financial implications associated with the recommendations in this report. The fee for this application is £190.00 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/26022019/H]

4.0 Legal implications

4.1 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 condition
- 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

4.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the Licensing Objectives when determining a premises licence application.

4.3 Regard shall be had to guidance issued by the Secretary of State under Section 182 and City of Wolverhampton Council's Licensing Policy statement. [SH/27022019/X]

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 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.

7.0 Human resources implications

- 7.1 There are no human resource implications in relation to this report.

8.0 Corporate landlord implications

- 8.1 There are no corporate landlord implications in relation to this report.

9.0 Schedule of background papers

- 9.1 None

10.0 Appendices

- 10.1 Appendix 1 – Application
- Appendix 2 – Location Plan
- Appendix 3 – Fire Representation
- Appendix 4 – Police Representation
- Appendix 4a – Exempt Police Representation

Appendix 4b - West Midlands Police Additional Information

Appendix 5 – Environmental Health Representation

Appendix 6 – Licensing Authority Representation

Appendix 7 – Voluntary undertaking

Appendix 8 – Fire Representation Withdrawn

Appendix 9 – Exempt Additional Applicant Information

Appendix 10 – Minutes 21 March 2019