

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub - Committee

31 July 2019

Report title	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Minimart Retail Ltd, 443 Dudley Road, Wolverhampton, WV2 3AQ	
Wards affected	Blakenhall	
Accountable director	Ross Cook, City Environment	
Originating service	Licensing Service	
Accountable employee(s)	Debra Craner	Section Leader – Licensing
	Tel	01902 556055
	Email	Debra.Craner@wolverhampton.gov.uk

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 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 Trading Standards on 07 June 2019 for a review of the premises licence in respect of Minimart Retail Ltd, 443 Dudley Road, Wolverhampton, WV2 3AQ.

- 3.2 The premises location is in the Blakenhall 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 objective. Supporting evidence is detailed within the review application.

- 3.4 Representations have been received from the following:

- West Midlands Police
- Public Health
- Licensing Authority

These representations can be found at Appendix 4, 5 and 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 20 March 2019. [MK/18062019/G]

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/14062019/A]

6.0 Equalities implications

6.1 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.

6.2 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.

7.0 Environmental implications

7.1 There are no environmental implications associated with this report.

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 Schedule of background papers

10.1 None

11.0 Appendices

11.1 Appendix 1 – Premises Licence

11.2 Appendix 2 – Location Plan

11.3 Appendix 3 – Review Application

11.4 Appendix 4 – Representation West Midlands Police

11.5 Appendix 5 – Representation Public Health

11.5 Appendix 6 – Representation Licensing Authority