

Licensing Sub-Committee

29 July 2015

Report Title

Licensing Act 2003 – Application for a Variation of a Premises Licence in respect of Hail to the Ale, 2 Pendeford Avenue, Wolverhampton WV6 9EF.

Classification

Public

Wards Affected

Tettenhall Regis

Accountable Strategic Director

Tim Johnson, Place

Originating service

Licensing Services

Accountable officer(s)

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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 Mrs A Morton the holder of the premises licence, in respect of Hail to the Ale, 2 Pendeford Avenue, Wolverhampton WV6 9EF. 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 Tettenhall Regis ward and a location plan is attached at Appendix 2

2.3 The current application was received on 15 June 2015 and is to remove conditions from the premises licence and create an outdoor drinking area.

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, both against and in support of the application have been received from

- West Midlands Police
- Licensing Authority
- Other persons {Residents}

Copies of the representations can be found at Appendices 4 – 7

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.

Section 35 of the Licensing Act 2003 provides the Licensing Authority with the power to vary a licence, subject to conditions, where appropriate.

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 Statement of Licensing Policy. [SH/09072015/C]

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 21 January 2015; the fees are based on a cost recovery basis. The fee for this application is £190.00, and is non-refundable. [TK/09012015/H]

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.