

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

20 May 2020

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| Report title | Licensing Act 2003 – Application for a Review of a Premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, WV9 5NP | |
| Wards affected | Oxley | |
| Accountable director | Ross Cook, City Environment | |
| Originating service | Licensing services | |
| Accountable employee | Debra Craner | Section Leader |
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Recommendation for decision:

The Statutory Licensing Sub-Committee is recommended to:

1. Consider an application by West Midlands Police for a review of the above Premises Licence, following an expedited review.

1.0 Purpose

- 1.1 The Statutory Licensing Sub-Committee is required to consider the application by West Midlands Police for a Review of the above Premises Licence, following an Expedited Review.

2.0 Background

- 2.1 The current premises licence is attached at Appendix 1.

3.0 Expedited Summary Review Application

- 3.1 An application was received from the Superintendent for West Midlands Police on 23 April 2020 for an expedited review of the Premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, WV9 5NP.
- 3.2 A copy of the expedited review application can be found at Appendix 2 of this report.
- 3.3 The premises are situated in the Oxley ward and a location plan is attached at Appendix 3.
- 3.4 A Statutory Licensing Sub-Committee hearing was held on 24 April 2020 to determine the interim steps to be applied to the Premises Licence pending the full review hearing. The Statutory Licensing Sub-Committee resolved to suspend the Premises Licence as the interim step.

4.0 Review Application

- 4.1 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.
- 4.2 Representations have been received from the Public Health, the Licensing Authority as a Responsible Authority and Other Persons. Copies of the representations can be found at Appendices 4 - 8 respectively.

5.0 Financial implications

- 5.1 There are no direct financial implications associated with the recommendations in this report. No fee is levied for an Expedited Summary Review application. 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 22 January 2020. [NC/06012020/K]

6.0 Legal implications

- 6.1 The Licensing Authority must consider the application for the review under Section 53A of the licensing act.

- 6.2 The Licensing Sub-Committee is asked to determine the review under Section 53A(2)(b) in accordance with Section 53C of the Act. The licensing authority must hold a hearing and consider the application for review and any relevant representations.
- 6.3 The Sub-Committee must consider what steps (if any) should be taken to secure the promotion of the licensing objectives.
- 6.4 The four licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 6.5 The steps that may be taken by the Sub-Committee on a full review are:
- (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.
- 6.6 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and City of Wolverhampton Council's Licensing Policy Statement. [RP/12052020/A]

7.0 Equalities implications

- 7.1 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.
- 7.2 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.

8.0 Climate change and environmental implications

8.1 There are no climate change and environmental implications associated with this report.

9.0 Human resources implications

9.1 There are no human resources implications associated with this report.

10.0 Corporate landlord implications

10.1 There are no corporate landlord implications associated with this report.

11.0 Covid implications

11.1 In March 2020 The Secretary of State brought into effect The Health Protection (Coronavirus, Business Closure)(England) Regulations 2020. The Regulations provide enforcement powers to ensure all premises including public houses, bars, cafes and restaurants close until directed by the Secretary of State.

12.0 Schedule of background papers

12.1 None.

13.0 Appendices

13.1 Appendix 1 - Premises Licence

13.2 Appendix 2 - Expedited Review Application

13.3 Appendix 3 - Location Plan

13.4 Appendix 4 - Public Health Representation

13.5 Appendix 5 – Licensing Authority Representation

13.6 Appendix 6 - Other Persons Representation

13.7 Appendix 7 - Other Persons Representation

13.8 Appendix 8 – Other Persons Representation