



Licensing Sub-Committee

16 September 2015

Report Title

Licensing Act 2003 – Application for a Premises Licence in respect of Merridale Supermarket, Clifton House, Merridale Road, Wolverhampton WV3 0UR.

Classification

Public

Wards Affected

Graiseley

Accountable Strategic Director

Tim Johnson, Place

Originating service

Licensing Services

Accountable employee(s)

Rob Edge

Section Leader (Licensing)

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Recommendation for action or decision:

The Licensing Sub-Committee is requested to consider this application for a new premises licence.

1.0 Purpose of Report

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

2.0 Background

2.1 The application was received on 9 July 2015 from Lord Kultar Deol for a premises licence in respect of Merridale Supermarket, Clifton House, Merridale Road, Wolverhampton WV3 0UR for an off licence and convenience Store. A copy of the application is attached at Appendix 1.

2.2 The premises are in Graiseley ward and a location plan is attached at Appendix 2

2.3 The application is in respect of late night refreshment and the sale / supply of alcohol off 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 The following responsible authorities have been consulted on this application:

- Licensing Authority
- Environmental Health
- Planning
- Trading Standards
- Social Services
- Director of Public Health
- West Midlands Police
- West Midlands Fire Service

2.6 Relevant representations have been received from:

- Licensing Authority
- West Midlands Police
- Environmental Health
- Other Persons

Copies of the representations can be found at Appendix 3 - 6

2.7 The applicant and all those who have submitted representations have been invited to attend the hearing.

3.0 Legal implications

3.1 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 conditions
- 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

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

3.3 Regard shall be had to guidance issued by the Secretary of State under Section 182 and Wolverhampton City Council's Licensing Policy statement. [JB/28082015/Z]

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 £100.00, 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.