

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

18 November 2020

<b>Report title</b>	<b>Licensing Act 2003 – Application for a Premises Licence in respect of Purity Club, 3 Pitt Street, Wolverhampton, WV3 0NF</b>	
<b>Wards affected</b>	St Peter's	
<b>Accountable director</b>	Ross Cook, Director of City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee</b>	Debra Craner	Section Leader
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**Recommendation for decision:**

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

## **1.0 Purpose**

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

## **2.0 Background**

- 2.1 The application was received on 22 September 2020 from Clive Thomason for a premises licence in respect of Purity Club, 3 Pitt Street, Wolverhampton, WV3 0NF. A copy of the application is attached at Appendix 1.
- 2.2 The premises are in St Peter's ward and a location plan is attached at Appendix 2.
- 2.3 The application is in respect of the provision of live music, recorded music, late night refreshments and the supply of alcohol on 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; West Midlands Police, Public Health and the Licensing Authority. Copies of the representations can be found at Appendices 3 to 5.
- 2.7 The applicant has agreed to West Midlands Fire Service voluntary undertaking, this is attached at Appendix 6.
- 2.8 The Licensing Authority have provided proposed amendments for the operating Schedule. This is attached at Appendix 7.
- 2.9 The applicant and all those who have submitted representations have been invited to attend the hearing.
- 2.10 On 11 November 2020, the Statutory Licensing Sub-Committee agreed to adjourn until 18 November 2020.

## **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 Statutory Licensing Committee on 22 January 2020. [NC/06012020/K]

## **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 premise's 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. [JB/29102020/A]

## **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 Climate change and environmental implications**

6.1 There are no climate change and environmental implications in relation to this report.

## **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 Covid implications**

9.1 There are no Covid implications arising from this report

## **10.0 Schedule of background papers**

10.1 None.

## **11.0 Appendices**

11.1 Appendix 1 – Application

11.2 Appendix 2 – Location plan

11.3 Appendix 3 - West Midlands Police Representations

11.4 Appendix 4 - Public Health Representations

11.5 Appendix 5 - Licensing Authority Representations

11.6 Appendix 6 – West Midlands Fire Service Voluntary Undertaking

11.7 Appendix 7 – Licensing Authority Proposed Amendments to Operating Schedule