

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

14 December 2021

Report title	Licensing Act 2003 - Application for a variation of a Premises Licence in respect of The Bluebrick, Broad Gauge Way, Wolverhampton, WV10 0BA	
Wards affected	Heath Town	
Accountable director	Ross Cook, Director of City Housing and Environment	
Originating service	Licensing	
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Recommendation for decision:

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

1.0 Purpose

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

2.0 Background

- 2.1 An application was received on 19 October 2021 from Whitbread Group plc for a variation of a premises licence in respect of The Bluebrick, Broad Gauge Way, Wolverhampton, WV10 0BA. A copy of the application is attached at Appendix 1.
- 2.2 The application is to extend the licensable area and remove premises licence conditions.
- 2.3 The premises are situated in the Heath Town ward and a location plan is attached at Appendix 2.
- 2.4 A copy of the current premises licence is attached at Appendix 3.
- 2.5 It is the understanding of the licensing Authority that the application for the premises licence has been properly made. The statutory requirements to give notice of the application has also been complied with.
- 2.6 All Responsible Authorities have been consulted on this application.
- 2.7 Relevant representations have been received from the Licensing Authority. A copy of the representation can be found at Appendix 4.
- 2.8 The Licensing Authority has proposed mediation with the applicant's solicitor; however, mediation has been unsuccessful. The proposed mediation document can be found at Appendix 5.

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 £315 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 of Licensing Committee on 20 January 2021 [SB/05012021/W]

4.0 Legal implications

- 4.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its functions 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

- 4.2 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

- 4.3 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 Licensing Policy Statement [SH/03122021/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 on 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 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 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 All other Implications

- 6.1 There are no direct implications associated with this report.

7.0 Schedule of background papers

- 7.1 None

8.0 Appendices

- 8.1 Appendix 1 - Premises Licence Variation Application
- 8.2 Appendix 2 - Location Plan
- 8.3 Appendix 3 – Premises Licence
- 8.4 Appendix 4 – Licensing Authority Representation
- 8.5 Appendix 5 – Proposed mediation document