

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

17 December 2021

Report title	Licensing Act 2003 – Application for a new Premises Licence in respect of Al Sorriso, 18A Upper Green, Wolverhampton, West Midlands, WV6 8QH	
Wards affected	Tettenhall Wightwick	
Accountable director	Ross Cook, Director of City Housing and Environment	
Originating service	Licensing	
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Recommendation for decision:

The Statutory Licensing Sub Committee is recommended to:

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 An application was received on 29 October 2021 from Luciana Palmieri for a premises licence in respect of Al Sorriso, 18A Upper Green, Wolverhampton, West Midlands, WV6 8QH. A copy of the application can be found at Appendix 1.
- 2.2 The premises are in the Tettenhall Wightwick 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 Refreshment and Supply of alcohol for consumption on the premises.
- 2.4 Is it the understanding of the licensing Authority that the application for the premises licence has been made properly. The statutory requirements 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 The Licensing Authority, Environmental Health, West Midlands Fire Service and Other Persons. Copies of the representations can be found at Appendices 3 to 10 respectively.
- 2.7 The Licensing Authority have mediated with the applicant's agent. The signed mediation document can be found at Appendix 11.
- 2.8 The applicant has also signed a West Midlands Fire Service voluntarily undertaking, a copy of this can be found at Appendix 12.
- 2.9 The applicant and all those who have submitted representations have been invited to attend the hearing.

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 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

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 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 of the Licensing Act 2003 and the City of Wolverhampton Councils Licensing Policy Statement. [SH/091221/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 – Application
- 8.2 Appendix 2 – Location Plan
- 8.3 Appendix 3 – Licensing Authority Representations
- 8.4 Appendix 4 – Environmental Health Representations
- 8.5 Appendix 5 – West Midlands Fire Service Representations
- 8.6 Appendix 6 – Other Persons (1) Representations
- 8.7 Appendix 7 – Other Persons (2) Representations
- 8.8 Appendix 8 – Other Persons (3) Representations
- 8.9 Appendix 9 – Other Persons (4) Representations
- 8.10 Appendix 10 – Other Persons (5) Representations
- 8.11 Appendix 11 – Licensing Mediation
- 8.12 Appendix 12 – West Midlands Fire Service Voluntarily Undertaking