

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

29 April 2022

Report title	Licensing Act 2003 – Application for a Variation of a Premises Licence in respect of The Hollybush, 494 Penn Road, Wolverhampton, WV4 4HU	
Wards affected	Penn	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing	
Accountable employee	Debra Craner Tel Email	Section Leader 01902 556055 Debra.Craner@wolverhampton.gov.uk

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 8 March 2022 from Marstons PLC for a variation of a premises licence in respect of The Hollybush, 494 Penn Road, Wolverhampton, WV4 4HU. A copy of the application is attached at **Appendix 1**.
- 2.2 The application is to extend the current licensable hours for the sale of alcohol on and off the premises and to remove and amend conditions.
- 2.3 The premises are in the Penn ward and a location plan is attached at **Appendix 2**.
- 2.4 The current premises licence is attached at **Appendix 3**.
- 2.5 It is the understanding of the Licensing Authority that the application for the variation of the premises licence has been made properly. 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, Environmental Health and Other Persons. Copies of the representations can be found at **Appendices 4 to 7 respectively**.
- 2.8 The Licensing Authority has provided a mediation proposal. This is attached at **Appendix 8**.
- 2.9 The applicant, the solicitor representing 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 £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 Licensing Committee on 19 January 2022 [SB/16122021/X]

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 [JB/19042022/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 other implications associated with this report

7.0 Schedule of background papers

7.1 None

8.0 Appendices

8.1 Appendix 1 - Application Form

8.2 Appendix 2 - Location Plan

- 8.3 Appendix 3 - Current premises licence
- 8.4 Appendix 4 - Licensing Authority Representations
- 8.5 Appendix 5 - Environmental Health Representations
- 8.6 Appendix 6 - Other Persons Representations 1
- 8.7 Appendix 7 - Other Persons Representations 2
- 8.8 Appendix 8 - Licensing Authority Mediation Proposal