

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

28 April 2022

Report title	Licensing Act 2003 - Application for a new Premises Licence in respect of Shisha Point, Sunbeam Street, Wolverhampton, WV2 4LA	
Wards affected	Blakenhall	
Accountable director	John Roseblade, 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 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 21 February 2022 from Mohammed Ali for a premises licence in respect of Shisha Point Sunbeam Street, Wolverhampton, WV2 4LA. A copy of the application is attached at Appendix 1.
- 2.2 The premises are in the Blakenhall Ward and a location plan is attached at Appendix 2.
- 2.3 The application is in respect of the provisions of Live Music, Recorded Music, Performances of Dance (Indoors) and Late Night Refreshments (Indoors and Outdoors).
- 2.4 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.
- 2.5 All responsible authorities have been consulted on this application.
- 2.6 Relevant representations have been received from West Midlands Fire Service and Other Persons. Copies of the representations can be found at Appendices 3 to 6 respectively.
- 2.7 West Midlands Fire Service have mediated with the applicant and have provided a voluntary undertaking, this correspondence including the signed voluntary undertaking from the applicant is attached at Appendix 7.
- 2.8 The applicant and all those who have submitted representations have been invited to attend the hearing.
- 2.9 The new premises licence application was considered by the Statutory Licensing Sub-Committee on the 14 April 2022 and was adjourned until a site visit was conducted. Details of the site visit can be found at Appendix 8.

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 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

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

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. [DA/27/04/2022/1]

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

There are no other direct implications associated with this report

7.0 Schedule of background papers

7.1 None

8.0 Appendices

8.1 Appendix 1 – Premises Licence Application

8.2 Appendix 2 – Location Plan

8.3 Appendix 3 – West Midlands Fire Service Representations

8.4 Appendix 4 – Other Persons Representations

8.5 Appendix 5 – Other Persons Representations

8.6 Appendix 6 – Other Persons Representations

8.7 Appendix 7 – West Midlands Fire Service Mediation & Voluntary Undertaking

8.8 Appendix 8 – Details of Site Visit