

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

18 August 2022

**Report title**

**Licensing Act 2003 – Application for a Variation of a Premises Licence in respect of The Blakenhall Service Station, 327 Dudley Road, Wolverhampton, WV2 3JY**

**Wards affected**

Blakenhall

**Accountable director**

John Roseblade, Director of City Housing and Environment

**Originating service**

Licensing

**Accountable employee**

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Section Leader

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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 the 30 June 2022 from Rondel Trading Limited for a variation of a premises licence in respect of Blakenhall Service Station, 327 Dudley Road, Wolverhampton, WV2 3JY. A copy of the application is attached at Appendix 1
- 2.2 The application is to extend the licensable activity for the supply of alcohol off the premises, to extend the opening hours and remove some premises licence conditions.
- 2.3 The premises is in the Blakenhall Ward and a location plan is attached at Appendix 2.
- 2.4 The current premises licence is attached at Appendix 3.
- 2.5 The premises is situated within the Cumulative Impact Zone. A copy of the policy and the area which it covers is attached at Appendix 4.
- 2.6 It is the understanding of the Licensing Authority that the application for the variation of a premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with.
- 2.7 All Responsible Authorities have been consulted on this application.
- 2.8 Relevant Representations have been received from the Licensing Authority, West Midlands Police and Other Persons. Copies of the representations can be found at Appendices 5 to 7 respectively.
- 2.9 The applicant, the applicant's agent and all those who have submitted representations have been invited to attend the hearing.

## **3.0 Policy Implications**

- 3.1 In the 2020 Statement of Licensing Policy, the Cumulative Impact Policy (CIP) was revised, and consideration was given to the five Cumulative Impact Zones (CIZ) and problem areas bordering them (Special Consideration Areas). Applications received for premises within these areas will be subject to a matrix approach contained within the Statement of Licensing Policy.
- 3.2 The decision supported the view that the number, type and density of premises selling alcohol for consumption and/or late-night refreshment in areas within Wolverhampton City was causing problems of nuisance and disorder and therefore causing an adverse impact on the licensing objectives of prevention of crime and disorder and prevention of public nuisance.

- 3.3 The effect of this CIP is to create a rebuttable presumption that applications in respect of the sale or supply of alcohol and/or late-night refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates, where the premises are situated in the Cumulative Impact Zone will be refused.
- 3.4 Essentially this means that applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. (This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones).
- 3.5 To rebut the presumption, explained in 3.4 above, the applicant is expected to demonstrate through their operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced and not therefore have an adverse impact in the Licensing Objectives.

#### **4.0 Financial implications**

- 4.1 There are no 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]

#### **5.0 Legal Implications**

- 5.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its functions under the Act with a view of 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
- 5.2 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.
- 5.3 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. [AS/09082022/A]

## **6.0 Equalities Implications**

- 6.1 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.
- 6.2 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

## **7.0 All other implications**

- 7.1 There are no other implications associated with this report.

## **8.0 Schedule of background papers**

- 8.1 None

## **9.0 Appendices**

- 9.1 Appendix 1-Application Form
- 9.2 Appendix 2-Location Plan
- 9.3 Appendix 3-Current premises licence
- 9.4 Appendix 4-Cumulative Impact Policy
- 9.5 Appendix 5-Licensing Authority Representations
- 9.6 Appendix 6-West Midlands Police Representations
- 9.7 Appendix 7-Other Persons Representation