

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

29 January 2024

<b>Report title</b>	<b>Licensing Act 2003 - Applications in respect of Family Shopper, 289 Wood End Road, Wednesfield, Wolverhampton, WV11 1YQ</b>	
<b>Wards affected</b>	Wednesfield North	
<b>Accountable director</b>	John Roseblade, Director of Resident Services	
<b>Originating service</b>	Licensing	
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## Recommendations for decision:

1. To consider an application to transfer a premises licence.
2. To consider an application for a review of a premises licence.
3. To consider an application to vary a premises licence to specify an individual as Designated Premises Supervisor.

## **1.0 Purpose**

1.1 To consider the following applications:

(a) To consider an application to transfer a premises licence.

(b) To consider an application for a review of a premises licence.

(c) To consider an application to vary a premises licence to specify an individual as Designated Premises Supervisor.

## **2.0 Background**

2.1 An adjournment request was received from the Premises Licence Holder's representative to adjourn the hearing scheduled on 17 November 2023 as the premises licence holder is currently hospitalised following a recent fall/injury. His prognosis is currently unknown. A request was made for an adjournment of 7 weeks altogether. Following discussion, the time has been extended as it is considered that in the above circumstances, this is in the public interest.

2.2 The current premises licence is attached at Appendix 1.

2.3 The premises are situated in Wednesfield North Ward a location plan is attached at Appendix 2.

2.4 All relevant parties have been invited to attend the hearing.

## **3.0 Transfer Application**

3.1 An application was received from Mr Manmeet Singh Chawla on 09 October 2023 to transfer the premises licence from the current licence holder Mr Sukhwinder Singh. A copy of the application is attached at Appendix 3.

3.2 West Midlands Police have been consulted on this application as a responsible authority and have made relevant representations under the Prevention of Crime and Disorder, and Public Safety licensing objectives. A copy of the representation can be found at Appendix 4.

## **4.0 Review Application**

4.1 An application was received from Trading Standards on 10 October 2023 for a review of a premises licence in respect of the Family Shopper, 289 Wood End Road, Wednesfield, Wolverhampton, WV11 1YQ.

4.2 A copy of the review application is attached at Appendix 5. The review has been brought in support of the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives.

4.3 The notice of review has been properly served on all Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on the website as required when the application for review was made.

4.4 Representations have been received from West Midlands Police, Public Health and the Licensing Authority. These representations can be found at Appendices 6 to 8 respectively.

4.5 Relevant representation in support of the Family Shopper have been received from Other Persons. These can be found at Appendices 9 to 23 - respectively.

## **5.0 Variation of Designated Premises Supervisor Application**

5.1 An application was made by the Premises Licence Holder Mr Manmeet Singh Chawla, on 11 October 2023 and accepted by City of Wolverhampton Council as a properly made application.

5.2 The application proposes that Mr Manmeet Singh Chawla be named as the designated premises supervisor by virtue of a request made by the applicant in accordance with Section 38 of the Licensing Act 2003. A copy of the application and consent is attached at Appendix 24.

5.3 West Midlands Police have been consulted on this application as a responsible authority and have made relevant representations under the Prevention of Crime and Disorder, and Public Safety licensing objectives. A copy of their representation is attached at Appendix 25.

## **6.0 Financial implications**

6.1 There are no direct financial implications associated with the recommendations in this report.

(a) The fee for a Transfer application is £23.00 and is non-refundable.

(b) There is no fee for the application of a review.

(c) The fee for a variation of Designated Premises Supervisor application is £23.00 and is non-refundable.

6.2 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 11 January 2023.  
[SB/20122022/J]

## **7.0 Transfer legal implications**

7.1 Section 42 of the Licensing Act 2003 provides that any person meeting the requirements under this section may apply to the licensing authority for transfer of a premises licence to him.

7.2 All applications shall be determined in accordance with the four licensing objectives namely:

- The prevention of crime and disorder;
- Public safety;

- The prevention of public nuisance;
- The protection of children from harm.

- 7.3 An application made under s42 must be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.
- 7.4 The Chief Officer of the Police must be given notice of the application and where, following notice, the Chief Officer is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective he must give notice to the Licensing Authority stating the reasons he is so satisfied.
- 7.5 Section 44 of the Licensing Act 2003 provides that where notice is given to the Licensing Authority (and not withdrawn) the authority must hold a hearing and having regard to the notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective.
- 7.6 In addition, regards shall be had to guidance issued by Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement. [RS/08/11/2023]

## **8.0 Review Legal Implications**

- 8.1 Section 51 of the Licensing Act 2003, as amended, states that a responsible authority or any other person may apply to the relevant Licensing Authority for a review of a licence.
- 8.2 The Licensing Sub-Committee when determining an application for review, pursuant to Section 52 of the Licensing Act 2003 has power to take any of the following steps (if any) as it considers appropriate for the promotion of the "licensing objectives" which are listed at 8.3.
- (a) Modify the conditions.
  - (b) Exclude a licensable activity from the scope of the licence.
  - (c) Remove the designated premises supervisor.
  - (d) Suspend the licence for a period not exceeding 3 months.
  - (e) Revoke the licence.

- 8.3 The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 8.4 In addition regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton Council's Licensing Policy Statement [RS/08/11/2023].

## **9.0 Variation of Designated Premises Supervisor Legal Implications**

- 9.1 Section 37 of the Licensing Act 2003 (“the Act”) provides that the holder of a premises licence may apply to vary the premises licence so as to specify the individual named in the application as the designated premises supervisor.
- 9.2 Notice of an application must be given to the Chief of Police and Designated Premises Supervisor (if there is one).
- 9.3 Where the Chief of Police is satisfied that exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
- 9.4 All applications shall be determined in accordance with the four licensing objectives namely:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- 9.5 Section 39 of the 2003 Act states that where notice is given and having regard to this, the Licensing Authority must reject the application if it considers it appropriate for the crime prevention licensing objective to do so.
- 9.6 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. [RS/08/11/2023]

## **10.0 Equalities implications**

- 10.1 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.
- 10.2 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.

## **11.0 All other Implications**

- 11.1 There are no other direct implications associated with this report.

## **12.0 Schedule of background papers**

12.1 None.

### **13.0 Appendices**

13.1 Appendix 1 – Current Premises Licence

13.2 Appendix 2 – Location Plan

13.3 Appendix 3 – Copy of Transfer Application

13.4 Appendix 4 – West Midlands Police Representations (Transfer)

13.5 Appendix 5 – Copy of Review Application

13.6 Appendix 6 – West Midlands Police Representations (Review)

13.7 Appendix 7 – Public Health Representations (Review)

13.8 Appendix 8 – Licensing Authority Representation (Review)

13.9 Appendix 9 – Other Persons Representations 1 (Review)

13.10 Appendix 10 – Other Person Representations 2 (Review)

13.11 Appendix 11 – Other Person Representations 3 (Review)

13.12 Appendix 12 – Other Person Representations 4 (Review)

13.13 Appendix 13 – Other Person Representations 5 (Review)

13.14 Appendix 14 – Other Person Representations 6 (Review)

13.15 Appendix 15 – Other Person Representations 7 (Review)

13.16 Appendix 16 – Other Person Representations 8 (Review)

13.17 Appendix 17 – Other Person Representations 9 (Review)

13.18 Appendix 18 – Other Person Representations 10 (Review)

13.19 Appendix 19 – Other Person Representations 11 (Review)

13.20 Appendix 20 – Other Person Representations 12 (Review)

13.21 Appendix 21 – Other Person Representations 13 (Review)

13.22 Appendix 22 – Other Person Representations 14 (Review)

13.23 Appendix 23 – Other Person Representations 15 (Review)

13.24 Appendix 24 – Copy of Variation of Designated Premises Supervisor Application

13.25 Appendix 25 – West Midlands Police Representations (Variation of Designated Premises Supervisor)