

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

17 January 2024

Report title	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Billa Mini Market, 90 Upper Villers Street, Wolverhampton, WV2 4NX	
Wards affected	Blakenhall	
Accountable director	John Roseblade, Director of Resident Services	
Originating service	Licensing	
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Recommendation for decision:

The Statutory Licensing Sub-Committee is recommended to:

1. Consider an application for a review of a premises licence.

1.0 Purpose

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an application for a review of a premises licence.

2.0 Background

- 2.1 The current premises licence is attached at Appendix 1.
- 2.2 An adjournment request was received from the Premises Licence Holder's representative to adjourn the hearing scheduled on 14 December 2023 as the Premises Licence Holder is currently out of the UK attending to a close family member that is seriously ill. A request was made for an adjournment until January 2024. Following discussions, the time has been extended, as it is considered that in the above circumstances it is in the public interest to do so. The application will now be heard on Wednesday 17 January 2023 at 10:30am in Committee Room 3.

3.0 Review Application

- 3.1 An application was received from the Licensing Authority on 25 October 2023 for a review of a premises licence in respect of Billa Mini Market, 90 Upper Villiers Street, Wolverhampton, WV2 4NX.
- 3.2 The premises is located within the Blakenhall Ward, and a location plan is attached at Appendix 2.
- 3.3 A copy of the review application is attached at Appendix 3. The review has been brought in support of the Prevention of Crime and Disorder, Protection of Children from Harm, Public Safety and Public Nuisance Licensing Objectives.
- 3.4 Representations have been received from Public Health and West Midlands Police. Copies of the representations can be found at Appendices 4 and 5 respectively.
- 3.5 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.
- 3.6 The applicant for review, the current premises licence holder and those who have made representations have all been invited to attend the hearing.

4.0 Financial implications

- 4.1 There is no fee for the application of a review and there are no direct financial implications arising from this report. 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].

5.0 Legal implications

- 5.1 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.
- 5.2 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 5.3.

- (a) Modify the conditions of the licence.
- (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.

- 5.3 The four licensing objectives are:

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance

The Protection of Children from Harm

- 5.4 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement [RS/01/12/2023-01].

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 direct implications associated with this report.

8.0 Schedule of background papers

8.1 None

9.0 Appendices

9.1 Appendix 1 – Current Premises Licence

9.2 Appendix 2 – Location Plan

9.3 Appendix 3 – Copy of Review Application

9.4 Appendix 4 – Public Health Representations

9.5 Appendix 5 – West Midlands Police Representations