

# Licensing Sub-Committee

<b>Report Title</b>	<b>Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Zina’s Supermarket, 130 Lime Street, Pennfields, Wolverhampton, WV3 0EX</b>	
<b>Wards Affected</b>	St Peters	
<b>Accountable Strategic Director</b>	Kevin O’Keefe – Director of Governance	
<b>Originating service</b>	Licensing Services	
<b>Accountable officer(s)</b>	Jo Till Tel Email	Section Leader (Licensing) 01902 550189 <a href="mailto:Joanne.till@wolverhampton.gov.uk">Joanne.till@wolverhampton.gov.uk</a>

## **Recommendation for action or decision:**

The Licensing Sub-Committee is requested to consider this application for a review of a premises licence.

## 1.0 Purpose of Report

1.1 To submit for consideration by the 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.

## 3.0 Review Application

3.1 An application was received from City of Wolverhampton Council Trading Standards on 1 December 2016 for a review of the premises licence in respect of Zina Supermarket, 130 Lime Street, Pennfields, Wolverhampton, WV3 0EX. The premises are situated in Graiseley ward and a location plan is attached at Appendix 2.

3.2 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 licensing objectives. Supporting evidence is detailed within the review application.

3.3 Representations have been received from the following:

- Licensing Authority

These representations can be found at Appendix 4.

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

3.5 The Premises Licence Holder and Designated Premises Supervisor at the time the application was made was Mr Naji Sadeq who had been in this position since 7 August 2014.

3.6 On 22 December 2016 an application was received to transfer the Premises Licence Holder to Mr Rajeev Kumar Sharma. An application was also received at the same time to vary the DPS to Mr Rajeev Kumar Sharma. Both applications were with immediate effect and a copy of each can be found at Appendices 5 & 6.

3.7 The applicant for review, the current premise licence holder, and those who have made representations have all been invited to attend the review hearing.

## 4.0 Legal Implications

4.1 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.

4.2 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 necessary for the promotion of the “licensing objectives” which are listed at 4.3.

- (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.

4.3 The four licensing objectives are:

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

4.4 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. [JB/30122016/C]

## 5.0 **Human Rights and 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 upon 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 and 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 the 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 **Financial Implications**

6.1 The Licensing Committee agreed fees and charges for this function on 20 January 2016. The fees are based on a cost recovery basis. There is no fee for the application of a Review, and there are no financial implications arising from this report. [TK/03022016/N]

7.0 **Environmental Implications**

- 7.1 This report has environmental implications in that there is a potential for disturbance caused by patrons using the premises and nuisance caused by litter and waste originating from the premises.