



# Licensing Sub-Committee

## 18 September 2014

**Report Title**

**Licensing Act 2003 – Application for a Premises Licence in respect of Costcutter, 31 Lichfield Road, Wolverhampton WV11 1TF.**

**Classification**

Public

**Wards Affected**

Wednesfield South

**Accountable Strategic Director**

Tim Johnson, Education and Enterprise

**Originating service**

Licensing Services

**Accountable employee(s)**

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**Recommendation for action or decision:**

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

## 1.0 Purpose of Report

1.1 To submit for consideration by the Sub-Committee an application for a new premises licence.

## 2.0 Background

2.1 An application was received by the licensing authority for a new premises licence from Mr D Hardy, Licensed Trade Legal Services Ltd on behalf of Costcutter, 31 Lichfield Road, Wednesfield, Wolverhampton. WV11 1TF. A copy of the application is attached at Appendix 1.

2.2 It is the understanding of the licensing authority, that the application for this premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with.

The premises are located in the Wednesfield South ward and a location plan is attached at Appendix 2

2.3 The current application was received on 12 August 2014, and is for the supply of alcohol off the premises.

2.4 Relevant representations have been received from

- West Midlands Police
- Other persons

Copies of the representations can be found at Appendices 3 - 9

2.5 The applicant, West Midlands Police, and other persons have all been invited to attend the hearing.

## 3.0 Legal implications

3.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its function 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

3.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the Licensing Objectives when determining a premises licence application.

3.3 Regard shall be had to guidance issued by the Secretary of State under Section 182 and Wolverhampton City Council's Licensing Policy statement [SH/05092014/F]

#### 4.0 **Human Rights and Equalities Implications**

4.1 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.

4.2 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.

#### 5.0 **Financial Implications**

5.1 The Licensing Committee agreed fees and charges for this function on 26 February 2014. The fees are based on a cost recovery basis. The fee for the application of a new licence is £190.00 and is non-refundable. [TK/13022014/Q]

#### 6.0 **Environmental Implications**

6.1 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.