



Licensing Sub-Committee

3 December 2014

Report Title

Licensing Act 2003 – Application for a variation of a Premises Licence in respect of The Royal London, 4-6 Wulfruna Street, Wolverhampton WV1 1LX.

Classification

Public

Wards Affected

St Peters

Accountable Strategic Director

Tim Johnson, Education and Enterprise

Originating service

Licensing Services

Accountable officer(s)

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Recommendation for action or decision:

The Licensing Sub-Committee is requested to consider this application for a Variation of a premises licence within the Cumulative Impact Zone.

1.0 Purpose of Report

1.1 To submit for consideration by the Sub-Committee an application for a variation of a premises licence, within the Cumulative Impact Zone.

2.0 Background

2.1 An application has been received from the agent of the holder of the premises licence, Poppleston Allen solicitors on behalf of Stonegate Pub Company Ltd in respect of The Royal London, 4-6 Wulfruna Street. Wolverhampton. WV1 1LX. A copy of the application is attached at Appendix 1.

2.2 It is the understanding of the licensing authority, that the application to vary 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 St Peters ward and a location plan is attached at Appendix 2

2.3 The Royal London is situated within the Cumulative Impact Zone. A copy of the policy and area which it covers is attached at Appendix 3

2.4 The current application was received on 26 September 2014 and is to extend the permitted terminal hour for various licensable activities, and to remove conditions from the operating schedule.

2.5 A copy of the current licence is attached at Appendix 4.

2.6 The following responsible authorities have been consulted on this application:

- Licensing Authority
- Environmental Health (Commercial)
- West Midlands Police
- West Midlands Fire Service
- Planning
- Social Services
- Trading Standards
- Environmental Health (Commercial)

2.7 Relevant representations have been received from

- Licensing Authority
- Environmental Health
- Local Health Board

Copies of the representations can be found at Appendices 5, 6 and 7

2.8 The applicant, and all of those who have made representations, have been invited to attend the hearing.

2.9 An evidence bundle has been provided by the applicant's legal representative and is attached at the end of the report and appendices.

3.0 **Policy Implications**

- 3.1 On 4 November 2009, based on evidence submitted by West Midlands Police, the Statement of Licensing Policy was revised to give effect to the Cumulative Impact Policy (CIP). This decision supported the view that the number, type and density of premises selling alcohol for consumption and/or Late Night Refreshment in an area within the ring road in Wolverhampton City Centre was causing problems of nuisance and disorder and therefore causing an adverse impact on the licensing objectives of prevention of crime and disorder.
- 3.2 The Cumulative Impact Policy has been further revised on 28 April 2010 and 7 January 2011 to include the licensing objective, 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 City Centre Cumulative Impact Zone will be refused.
- 3.4 This policy does not act as an absolute prohibition on granting new licences in the City Centre Cumulative Impact Zone.
- 3.5 The premises are situated at Wulfruna Street, which is within the City Centre Cumulative Impact Zone.
- 3.6 Relevant representations have been received from West Midlands Police, Licensing Authority and Environmental Health which cite the Cumulative Impact Policy.
- 3.7 To rebut the presumption, explained in 3.3 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 **Legal Implications**

- 4.1 Section 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.
- 4.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the licensing objectives when determining a premises licence variation application.

4.3 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.

4.4 In order for the Cumulative Impact Policy to be relevant to this application the Sub-Committee

I. Should be satisfied it applies due to:

- (a) Premises being located within the Cumulative Impact Zone;
- (b) Licensable activity applied for at the premises is to include sale of alcohol or late night refreshment and is;
- (c) The likelihood that the activity will have an impact on the crime and disorder or prevention of public nuisance licensing objectives.

And where the Cumulative Impact Policy is deemed to apply.

II. Should refuse an application based upon the Cumulative Impact Policy unless sufficient evidence is produced, by the applicant, to rebut the presumption that a licence will not be granted or varied.

4.5 If the Sub-Committee are satisfied sufficient evidence has been produced to show the premises will not add to the Cumulative Impact already being experienced, the application should not be refused based upon Cumulative Impact Policy. [SH/15102014/V]

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 Councillors agreed fees and charges for this function on 26 February 2014; the fees are based on a cost recovery basis. The fee for this application is £450.00, and is non-refundable. [TK/13022014/Q]

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.