

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

23 June 2022

Report title

Licensing Act 2003 - Application for a Review of a Premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP

Wards affected

Oxley

Accountable director

John Roseblade, Director of City Housing and Environment

Originating service

Licensing

Accountable employee

Debra Craner

Section Leader

Tel

01902 556055

Email

Debra.craner@wolverhampton.gov.uk

Recommendation for decision:

1. To consider this 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.

3.0 Review Application

- 3.1 An application was received from West Midlands Police on 13 April 2022 for a review of a premises licence in respect of The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP.
- 3.2 The premises is located within the Oxley 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, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm Licensing Objectives.
- 3.4 Representations have been received from the Home Office, Trading Standards, Licensing and Other Persons. These representations can be found at Appendices 4 to 10 respectively.
- 3.5 The notice of review has been properly served on all Responsible Authorities. The Council has complied 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.
- 3.7 Additional information has been submitted by the current premises licence holder Mr Mohammed Ali and is attached as Appendix 11.
- 3.8 Additional information has been submitted by West Midlands Police and is attached as appendix 12.
- 3.9 On 08 June 2022 the Statutory Licensing Sub-Committee resolved to adjourn the meeting until 23 June 2022.

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 Licensing Committee on 19 January 2022 [SB/16122021/X]

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, 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. [DA/15/06/2022/1]

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 None

8.0 Schedule of background papers

8.1 Statutory Licensing Sub-Committee hearing dated 24 April 2020 expedited review.

8.2 Statutory Licensing Sub-Committee hearing dated 20 May 2020 review following expedited review.

8.3 Statutory Licensing Sub-Committee hearing dated 08 June 2022 review

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 – Licensing Representation

9.5 Appendix 5 - Home Office Representation

9.6 Appendix 6 – Trading Standards Representation

9.7 Appendix 7 – Other Persons Representation 1

9.8 Appendix 8 – Other Persons Representation 2

9.9 Appendix 9 – Other Persons Representation 3

9.10 Appendix 10 – Other Persons Representation 4

9.11 Appendix 11 – Premises Licence Holder additional information

9.12 Appendix 12 – West Midlands Police additional information