

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

27 October 2022

Report title

Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Sunny's Superstore, 14 Cleveland Street, Wolverhampton, WV1 3HH

Wards affected

St Peters

Accountable director

John Roseblade, Director of City Housing and Environment

Originating service

Licensing

Accountable employee

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Section Leader

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Recommendation for decision:

1. To submit for consideration by the Statutory Licensing Sub-Committee 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.

3.0 Review Application

- 3.1 An application was received from West Midlands Police on the 5 September 2022 for a review of a premises licence in respect of Sunny's Superstore, 14 Cleveland Street, Wolverhampton, WV1 3HH
- 3.2 The premises is located within the St Peters 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 Licensing Authority, Trading Standards and Public Health. These representations can be found at Appendices 4 to 6 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 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 the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton Council's Licensing Policy Statement [AB/10-10-2022/101]

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-Licensing Authority Representation with proposed conditions
- 9.5 Appendix 5-Trading Standards Representation
- 9.6 Appendix 6-Public Health Representations