

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

30 July 2024

Report title	Licensing Act 2003 – Application for a Variation of a Premises Licence in respect of North Street Social, 7 North Street, Wolverhampton, WV1 1RE	
Wards affected	St Peters	
Accountable director	John Roseblade, Director of Resident Services	
Originating service	Licensing	
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Recommendation for decision:

1. To submit for consideration by the Statutory Licensing Sub-Committee an application for a variation of a premises licence.

1.0 Purpose

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an application for a variation of a premises licence.

2.0 Background

- 2.1 An application was received on the 20 May 2024 from Johnny Jones for a variation of a premises licence in respect of North Street Social, 7 North Street, Wolverhampton, WV1 1RE. A copy of the application is attached at **Appendix 1**.
- 2.2 This application seeks to update the premises licence operating schedule with the amendment, removal, and addition of licence conditions.
- 2.3 The premises is situated in the St Peters ward, and a location plan is attached at **Appendix 2**.
- 2.4 The current premises licence is attached at **Appendix 3**.
- 2.5 The premises is situated within the Cumulative Impact Zone. A copy of the policy and the areas which it covers is attached at **Appendix 4**.
- 2.6 It is the understanding of the Licensing Authority that the application for the variation of a premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with.
- 2.7 All Responsible Authorities have been consulted on the application.
- 2.8 Relevant representations have been received from West Midlands Police and the Licensing Authority. Copies of the representations can be found at **Appendices 5 and 6** respectively.
- 2.9 The Licensing Authority have attempted mediation with the Applicant's Agent. Copies of the correspondence can be found at **Appendices 7 and 8** respectively.
- 2.10 The Applicant, the Applicant's Agent and all those who have submitted representations have been invited to attend the hearing.
- 2.11 An adjournment request was received from the Premises Licence Holder's representative to adjourn the hearing scheduled on 12 July 2024 as the premises licence holder was abroad from 9 to 15 July 2024, so would have been unable to attend a hearing before the end of the hearing period. Following discussions, the time has been extended as it is considered that in the above circumstances, it is in the public interest to extend the time. The application will now be heard on **Tuesday, 30 July 2024 at 10:30am**.

3.0 Policy Implications

- 3.1 In the 2020 Statement of Licensing Policy, the Cumulative Impact Policy (CIP) was revised, and consideration was given to the five Cumulative Impact Zones (CIZ) and

problem areas bordering them (Special Consideration Areas). Applications received for premises within these areas will be subject to a matrix approach contained within the Statement of Licensing Policy.

- 3.2 The decision supports the view that the number, type and density of premises selling alcohol for consumption and/or late-night refreshments in the area within Wolverhampton City was causing problems of nuisance and disorder and therefore causing adverse impact on the Licensing Objectives of Prevention of Crime and Disorder and 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 refreshments 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 Cumulative Impact Zone will be refused.
- 3.4 Essentially this means that applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the Licensing Objectives. (This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones).
- 3.5 To rebut the presumption, explained in 3.4 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 on the Licensing Objectives.

4.0 Financial implications

- 4.1 There are no financial implications associated with the recommendations in this report. The fee for this application is £190.00 and is non-refundable. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Sub-Committee on 10 January 2024 [SB/20122023/T].

5.0 Legal implications

- 5.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its functions 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

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

Section 35 of the Licensing Act 2003 provided the Licensing Authority with the power to vary a licence, subject to conditions, where appropriate.

- 5.2 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. *[RS/03072024-2]*

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 implications associated with this report.

8.0 Schedule of background papers

- 8.1 None.

9.0 Appendices

- 9.1 Appendix 1 – Application Form
- 9.2 Appendix 2 – Location Plan
- 9.3 Appendix 3 – Current Premises Licence
- 9.4 Appendix 4 – Cumulative Impact Policy
- 9.5 Appendix 5 – West Midlands Police Representations
- 9.6 Appendix 6 – Licensing Authority Representations
- 9.7 Appendix 7 - Licensing Authority mediation attempt with Agent 1

9.8 Appendix 8 – Licensing Authority mediation attempt with Agent 2