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**Meeting of the Licensing Sub-Committee 1 – 26<sup>th</sup> July 2022**

**Report of the Interim Director of Public Realm**

**Meadowlark Express, 115-116 Dibdale Road, Milking Bank, Dudley, DY1 2RR**

**Purpose**

1. That the Sub-Committee reconsider the decision made on the 28<sup>th</sup> June 2022 in respect of the premises known as the Meadowlark Express (formerly Bargain Booze/Costcutter) 115-116 Dibdale Road, Milking Bank, Dudley.

**Recommendation**

2. That the Sub-Committee reconsider their previous decision made on the 28<sup>th</sup> June 2022, in light of information received following the hearing.

**Background**

3. The Meadowlark Express (formerly Bargain Booze/Costcutter) was first issued with a premises licence on the 3<sup>rd</sup> August 2005, that licence was transferred into the name of Mr K Balendran on the 5<sup>th</sup> April 2022 but took effect from the 16<sup>th</sup> March 2022. The premises licence was issued for the following days and times:

**Supply of Alcohol/Premises open to the public**

Monday to Saturday	08.00 until 23.00
Sunday	10.00 until 22.30
Good Friday	08.00 until 22.30
Christmas Day	12.00 until 15.00
Christmas Day	19.00 until 22.30

4. On the 10th May 2022, an application for the review of the premises licence was received from the Public Protection Manager, Environmental Health and Trading Standards, the grounds for the review relate to the prevention of crime and disorder and protection of children from harm. A copy of that application was previously forwarded to the Premises Licence Holder, Committee Members, Relevant Authorities and Interested Parties in accordance with the Licensing Act 2003.
5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review were received from West Midlands Police, the Licensing Authority, Safeguarding and Public Health.
7. Copies of all representations have previously been forwarded to the Premises Licence Holder, Committee Members and Interested Parties.
8. These premises have been the subject of a previous review which was considered by the Licensing Sub-Committee 2 on the 12<sup>th</sup> July, 2016. A copy of the minutes from that hearing are attached to this report as Appendix 1.
9. This matter was considered by the Licensing Sub Committee on the 28<sup>th</sup> June 2022, where it was resolved that the premises licence be suspended. However, in light of contact and further information from the premises licence holder's legal representative, the Sub-Committee have further resolved that a meeting be held on the 26<sup>th</sup> July 2022 to reconsider their decision of the 28<sup>th</sup> June 2022.

## **Finance**

10. There are no financial implications.

## **Law**

11. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with Section 51.
  - b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
12. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
13. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
14. The steps are -
- a) to modify the conditions of the licence;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premises supervisor;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
15. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
16. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

17. In this section “relevant representations” means representations which -
- a) are relevant to one or more of the licensing objectives, and
  - b) meet the requirements of subsection (8).
18. The requirements are -
- a) that the representations are made –
    - i) by the holder of the premises licence, a responsible authority or an interested party, and
    - ii) within the period prescribed under section 51(3)(c)
  - b) that they have not been withdrawn, and
  - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
19. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
20. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
- a) the holder of the licence
  - b) the applicant
  - c) any person who made relevant representations, and
  - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
21. A determination under this section does not have effect -

- a) until the end of the period given for appealing against the decision, or
- b) if the decision is appealed against, until the appeal is disposed of

22. Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –

- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

### **Risk Management**

23. There are no material risk implications.

### **Equality Impact**

24. This report takes into account the Council's policy on equal opportunities.

25. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

26. There has been no consultation or involvement of children and young people in developing these proposals.

### **Human Resources/Organisational Development**

27. There are no organisational development/transformation implications.

### **Commercial/Procurement**

28. There are no commercial/procurement implications.

## **Council Priorities and Projects**

29. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



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## **Appendices**

Appendix 1 - Minutes of meeting 12<sup>th</sup> July, 2016