

Licensing Sub-Committee 4 – 5th March 2024

Report of the Director of Environment

Application for Expedited Licence Review – Bar One, Lower Ground Floor, Plaza Mall, 76 King Street, Dudley

Purpose of Report

1. To consider the application for expedited licence review in respect of the premises known as Bar One, Lower Ground Floor, Plaza Mall, 76 King Street, Dudley, West Midlands, DY2 8NZ.
2. Cameille Mahlun holds a current premises licence in respect of Bar One, Lower Ground Floor, Plaza Mall, 76 King Street, Dudley, West Midlands. A copy of the current premises licence summary is attached to this report as Appendix 1.
3. On the 7th February 2024, the West Midlands Police made application for the expedited licence review of the premises licence in respect of Bar One. A copy of that application has been served on the premises licence holder, committee members, responsible authorities and other persons, in accordance with the Licensing Act 2003.
4. The Council has advertised the application for review of the premises licence in accordance with Licensing Regulation SI 2005, No 42, Section 38. A copy of that notice is attached to this report as Appendix 2.
5. Following receipt of the application on the 7th February 2024, the Licensing Sub-Committee held an interim steps hearing pending the determination of the review of the premises licence. The Sub-Committee resolved that, following careful consideration of the information contained in the report submitted and presented at the meeting that the premises licence in respect of Bar One, Lower Ground Floor, Plaza Malls, 76 King Street, Dudley be suspended.

6. Due to the time restrictions in respect of the application for expedited licence review any representations in respect of this application will be forwarded to Committee Members, the Premises Licence Holder, the Applicant (West Midlands Police) and other persons prior to the full review hearing on the 5th March 2024.

Finance

7. There are no financial implications.

Law

8. The law relating to the review of the premises licence (premises associated with serious crime or disorder) is governed by the Licensing Act 2003 Section 53A.
9. Within 48 hours of the time of receipt of application and certificate the Licensing Authority must consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence.
10. The steps are: -
 - (a) the modification of conditions of the premises licence
 - (b) the exclusion of the sale of alcohol by retail from the scope of the licence.
 - (c) the removal of the designated premises supervisor from the licence
 - (d) the suspension of the licence
11. Where on its consideration the Licensing Authority does take one or more of these steps:
 - (a) The decision takes effect immediately or as soon after as the Licensing Authority directs.
 - (b) It must give immediate notice of its decision and of its reasons for making it to:-
 - (i) The holder of the licence and

(ii) the Chief Officer of Police

12. If the holder of the premises licence makes and does not withdraw representations against the interim steps taken by the Licensing Authority, the Authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
13. The Licensing Authority must give advance notice of the hearing to the
 - (a) The holder of the premises licence
 - (b) The Chief Officer of Police
14. At the hearing the Licensing Authority must
 - (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives: and
 - (b) Determine whether to withdraw or modify the steps taken
15. In considering those matters the licensing authority must have regard to
 - (a) the certificate that accompanied the application
 - (b) any representations made by the Chief Officer of Police
 - (c) any representations made by the holder of the premises licence.

Hold a full Review within 28 Days of receipt of application

16. 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
- 17. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
- 18. 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 appropriate for the promotion of the licensing objectives.
- 19. 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.
- 20. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- 21. 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.
- 22. 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).
- 23. 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.
24. 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.
25. 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.
26. 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
27. 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

28. There are no material risk implications.

Equality Impact

29. This report takes into account the Council's policy on equal opportunities.
30. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
31. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

32. There are no organisational development/transformation implications.

Commercial/Procurement

33. There are no commercial/procurement implications.

Environment/Climate Change

34. There are no Environment/Climate Change implications.

Council Priorities and Projects

35. This application falls within the Council's statutory responsibility for Licensing as a direct link to the Council's Plan 2022-25 as a place where communities can lead stronger, safer and healthier lives.
- Dudley the borough of opportunity
 - Dudley the safe and healthy borough
 - Dudley the borough of ambition and enterprise
 - Dudley borough the destination of choice



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Appendices

Appendix 1 – Licence Summary
Appendix 2 – Notice

List of Background Documents

None