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**Licensing Sub-Committee 1 - 20<sup>th</sup> October 2009**

**Report of the Interim Director of Law Property & Human Resources**

**Review of Premises Licence – Wood Road Mini Market**

**Purpose of Report**

1. To consider the review of the Premises Licence in respect of Wood Road Mini Market, 2 Wood Road, Sedgley, West Midlands, DY3 2LW.

**Background**

2. On the 5<sup>th</sup> August 2005, an application was received from Mr Palvinder Singh for the conversion of an existing licence into a premises licence, in respect of the premises then known as Wood Road Mini Market.
3. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities, was received.
4. That Licence was granted on 19<sup>th</sup> September 2005, for the following days and times:-

Sale of Alcohol

Monday to Saturday	08.00 – 23.00	Good Friday	08.00 – 22.30
Sundays	10.00 – 22.30	Christmas Day	12.00 – 15.00 19.00 – 22.30

5. The current premises licence holder is Mr Palvinder Singh who is also the designated premises supervisor.
6. On the 10<sup>th</sup> January 2008, the premises licence holder, Mr Singh attended a meeting with the West Midlands Police, Trading Standards and Neighbourhood Managers who all signed up to the Social Responsibility Scheme. A copy of that agreement is attached to this report as Appendix 1.
7. On the 17<sup>th</sup> August 2009, the Trading Standards Department made application for the review of the premises licence in respect of Wood Road Mini Market. A copy of that application and grounds for review are attached to this report as Appendix 2.
8. The Council has advertised the application for review of the Premises Licence in respect of Wood Road Mini Market in accordance with Licensing Regulation

S1 2004 No 42 Section 38, a copy of that notice is attached to this report as Appendix 3.

9. Confirmation that the application has been served on the relevant authorities has been received from Trading Standards.
10. Councillor Anne Millward, Ward Member for Gornal and Councillor David Stanley, Cabinet Member for the Environment and Culture made representations, which have been circulated, to the applicant, ward members and interested parties in accordance with the Licensing Act 2003.
11. The Ellowes Hall Tenant's and Residents Association also made representations which have also been circulated to the applicant, ward members and interested parties in accordance with the Licensing Act 2003.
12. This application falls within the Council's recent responsibility for liquor licensing, which has a direct link to the Council's key corporate priority that safety matters.

### **Finance**

13. There are no financial implications.

### **Law**

14. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).
15. Determination of application for review:  
  
S52(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 Sub-Section (3)(a) or (d) of that Section; and
  - (c) The authority has complied with any requirement imposed on it under Sub-Section (3) (b) or (d) of that Section.
16. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
17. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in Sub-Section (4) (if any) as it considers necessary for the promotion of the licensing objectives.
18. 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 of 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.

19. Sub-Section (3) is subject to Sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences).
20. Where the authority takes a step mentioned in Sub-Section (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.
21. 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 Sub-Section (8).
22. 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.
23. 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.
24. 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.

25. 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.
- Pursuant to schedule 5 part 1, Section 8(2)
26. 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 person who made relevant representations in relation to the application for review

### **Equality Impact**

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

### **Recommendation**

30. That the Sub-Committee review this licence.



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INTERIM DIRECTOR OF LAW PROPERTY AND HUMAN RESOURCES

Contact Officer: Mrs J Elliott 5377  
Telephone: 01384 815377  
Email: [janet.elliott@dudley.gov.uk](mailto:janet.elliott@dudley.gov.uk)

### **List of Background Papers**

None