

Licensing Sub-Committee 2 – 2nd June 2009

Report of the Interim Director of Law and Property

Application for a Premises Licence

Purpose of Report

1. To consider the application for the grant of a premises licence in respect of A K Fish Bar, 69 Halesowen Road, Netherton, Dudley, West Midlands.

Background

2. On the 14th April 2009, an application was received from Majid Hussain, in respect of the premises known as A K Fish Bar, 69, Halesowen Road, Netherton, Dudley, West Midlands, a copy of that application is attached to this report as Appendix 1.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct Fee of £190.00
4. The application for a premises licence is as follows:

Late Night Refreshment

Monday – Saturday inc	12.00 until 02.00
Sunday	12.00 until 01.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from the Directorate of the Urban Environment (Food & Occupational Safety) a copy of that report is attached as appendix 2.
7. Representations have also been received from 4 local residents a copy of those letters have been sent to the Committee Members and the Applicant in accordance with the Licensing Act 2003.

8. 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

9. There are no financial implications.

Law

10. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
11. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
- (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the Licensing objectives.
12. Pursuant to Section 18 (4) the steps are:-
- (a) to grant the licence subject to:-
 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application
13. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-
- 1 (a) (i) the applicant
 - 1 (a) (ii) any person who made relevant representations in respect of the application and

- 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
 - 1 (b) issue the application with the licence and a summary of it
14. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authorities reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
15. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must immediately give a notice to that effect stating its reasons for the decision, to
- (a) the applicant
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police area in which the premises are situated
16. Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-
- (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
17. Where a person who made relevant representations in relation to the application desires to contend:-
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
18. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination at the conclusion of the hearing.
19. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

Equality Impact

20. This report complies with the Council's policy on equal opportunities.

21. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
22. There has been no consultation of involvement of children and young people in developing these proposals.

Recommendation

23. That the Sub-Committee determine the application.



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INTERIM DIRECTOR OF LAW AND PROPERTY

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List of Background Papers