

Licensing Sub-Committee 1 – 7th December 2010

Report of the Director of Corporate Resources

Application for Review of Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of Jaipur Wine Bar, 53-54 High Street, Quarry Bank, West Midlands, DY5 2AA.

Background

2. On the 7th October 2009, an application for the grant of a premises licence was received from Ms Forhana Begum in respect of the premises known as Jaipur Wine Bar, 53-54 High Street, Quarry Bank, West Midlands.
3. On the 28th October 2009, Environment Health notified the Licensing Section that the plan submitted with the application form was not representative of the structural layout of the premises.
4. The Licensing Enforcement Team conducted a site visit to the premises on the 29th October 2009, which confirmed the Environmental Health information. A letter was sent on the same date to Ms Begum informing her that her application for the grant of a premises licence could not be accepted because the plan submitted with her application did not reflect the structural layout of the premises. Miss Begum was also informed that she would need to submit a correct plan of the layout of the premises to the Licensing Office and all responsible authorities and that the 28 day consultation period would only commence from the date of receipt of the correct plan.
5. On the 11th November 2009, a further plan of the premises was submitted to the Licensing Office.
6. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £190.00
 - Consent of DPS

7. The application for a premises licence was as follows:-

Sale of alcohol/regulated entertainment (recorded music) and late night refreshment

Monday – Sunday inc 09.00 until 00.00

8. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities was received.
9. The Directorate of the Urban Environment (Food and Occupational Safety) made representations in respect of the application.
10. Councillor Cotterill, Ward Member for Quarry Bank and Dudley Wood made objections to the application. A copy of his letter was sent to the applicant, Committee members and interested parties in accordance with the Licensing Act 2003.
11. This matter was considered by the Licensing Sub-Committee on the 5th January 2010. The Committee resolved that the premises licence be granted as follows:-

Sale of Alcohol and Regulated Entertainment (Recorded Music)

Monday – Friday 09.00 - 22.00

Saturday 09.00 - 22.30

Sunday 09.00 - 22.00

Bank holiday, Christmas Day and Boxing Day

All conditions set out as in the operating schedule.

All doors and windows shall be kept closed during regulated entertainments.

All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.

The reason for the decision was as follows:

The Sub-Committee was of the opinion that the hours set for the sale of alcohol and regulated entertainment should provide an opportunity for greater flexibility and in turn a reduction in customers leaving the premises in large numbers at a set time with consequent nuisance and associated anti-social behaviour to local residents. This approach is consistent with the principals contained within the licensing legislation and the licensing policy. However, the Committee recognises the legitimate concerns of local residents but believes that their concerns can be met through the licensing conditions and appropriate enforcement.

12. The current premises licence holder and designated premises supervisor is a Miss F Begum.
13. On the 22nd October 2010, the Food and Occupational Safety Manager, Ms Dolores Nellany made application for the review of the premises licence in

respect of Jaipur Wine Bar, 53-54 High Street, Quarry Bank. A copy of that application is attached to this report as Appendix 1.

14. The Council has advertised the application for review of the premises licence in respect of Jaipur Wine Bar in accordance with the Licensing Regulation S1, 2004, No 42 Section 38. A copy of that notice is attached to this report as Appendix 2.
15. Confirmation that the application has been served on the relevant authorities has been received.
16. This application falls within the Council's recent responsibility for liquor licensing which as a direct link to the Council's key coronate priority that safety matters.

Finance

17. There are no financial implications.

Law

18. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).
19. Determination of application for review

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
20. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
21. 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.
22. 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.

23. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
24. 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,
25. 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).
26. 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.
27. 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.
28. 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.

29. 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)
30. 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.

Equality Impact

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

Recommendation

34. That the Sub-committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers