

Licensing Sub-Committee 3 – 30th October 2012

Report of the Director of Corporate Resources

Application for a review of Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of 24 Priory Road, Dudley, West Midlands.

Background

2. On the 13th February 2007, an application was received from Dean & Co Solicitors in respect of the premises known as 24 Priory Road, Dudley, West Midlands for the grant of a premises licence.
3. That application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £137.00
 - DPS consent form
4. The application for a premises licence was as follows:-

To allow the sale of alcohol

Monday – Sunday 05.00 – 22.00
5. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities was received.
6. Letters of objection from local residents concerning anti-social behaviour were received. Copies of those letters were sent to the Committee Members and the Applicant in accordance with the Licensing Act 2003.
7. This application was considered by the Licensing Sub-Committee on the 10th April 2007. The Sub-Committee resolved that the application for the grant of a premises licence be refused on the following grounds.

These premises are situated in an area that is plagued by alcohol related anti-social behaviour involving young people. For this reason there is an alcohol

banning order in place locally. In addition, the Duncan Edwards Public House situated opposite the premises had been subject to repeated acts of vandalism and arson attacks.

Given these significant alcohol related problems it was felt that there was a major risk that another off licence facility was likely to lead to alcohol finding its way to young people through its purchase by adults, of which the Applicant would have little control.

8. That decision of the Committee was appealed at the Magistrates Court at Dudley on the 1st August 2007. The Magistrates upheld the appeal and the premises licence was issued for the following days and times:

Sale of alcohol – Monday to Sunday 5.00 until 22.00

9. On the 10th January 2008, the premises licence holder signed up to the Off Licences Social Responsibility Protocol Scheme in conjunction with the West Midlands Police, Neighbourhood Management and Trading Standards.
10. On the 31st March 2010, the Principal Trading Standards Officer made application for the review of the premises licence in respect of 24 Priory Road, Dudley. A copy of that application was circulated to Committee Members and interested parties.
11. The Council advertised the application for review of the premises licence in respect of 24 Priory Road in accordance with Licensing Regulation S1, 2004, No 42, Section 38.
12. Confirmation that the application had been served on the relevant authorities was received.
13. On the 27th April 2010 copies of the relevant documentation in support of the application made by Trading Standards was received by the Licensing Office and was circulated to the premises licence holder, interested parties and Committee Members in accordance with the Licensing Act 2003.
14. This matter was considered by the Licensing Sub-Committee on the 14th May 2010. The Committee resolved that the following conditions be attached to the premises licence.
 - Premises to operate a Challenge 25 proof of age scheme when selling alcohol whereby if a person appears to be under the age of 25 they MUST be asked to provide a valid proof of identification that they are 18 years old or above.
 - Valid proof of identification only to include Passport, Driving Licence (picture card) and Proof of Age Standards Scheme (PASS) proof of age card such as Citizen card.
 - A4 notice must be displayed on the door to the premises, where the alcohol is being offered for sale and near the point of sale stating 'if you look under 25 please do not be offended if we ask for proof of age when you buy alcohol'.

- A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
 - Premises to use a refusals book which is to be completed when a refusal takes place by the refuser, this to be checked and signed regularly by the DPS and to be made available to any responsible authority upon request.
 - CCTV to be in place at the premises to the specifications of the West Midlands Police – Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request within 24 hours.
 - The DPS shall review the premises' CCTV on a daily basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record on these checks shall be maintained and be available for inspection upon request by a responsible authority.
 - The DPS shall ensure that all persons authorised to sell alcohol have completed a training programme, which includes a written test to verify the competency of that person.
 - The DPS shall conduct monthly reviews with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy.
 - The DPS shall maintain a file at the shop premises for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 9. This file shall be available for inspection by any responsible authority upon request.
 - All alcohol sold must be clearly labelled with the name of the premises.
15. That licence was subsequently transferred on the 24th March 2011 and again on the 4th May 2012.
16. The current premises licence holder is Mrs T Raguvannan, and the premises licence is issued for the following days and times:-
- Sale of Alcohol
- | | |
|---------------------|---------------|
| Monday – Sunday inc | 05.00 – 22.00 |
|---------------------|---------------|
17. On the 13th September 2012, the Trading Regulation & Enforcement Manager made application for the review of the premises licence in respect of 24 Priory Road, Dudley, West Midlands. A copy of that application has been circulated to the Committee Members and interested parties.
18. The Council has advertised the application for review of the premises licence in respect of 24 Priory Road, Dudley in accordance with Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.

19. Confirmation that the application has been served on the relevant authorities and the premises licence holder has been received.
20. This application falls within the Council recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

21. There are no financial implications.

Law

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

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
23. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 24. 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.
 25. 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.

26. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
27. 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,
28. 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).
29. 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.
30. 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.
31. 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.

32. 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)

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

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

Recommendation

- 36. That the Sub-Committee determine the application for review of the premises licence in respect of 24 Priory Road, Dudley.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. J. Elliott 5377
Telephone: 01384 815377
Email: janetelliott@dudley.gov.uk

List of Background Papers