

Licensing Sub-Committee 2 – 14th December 2010

Report of the Director of Corporate Resources

Application for a Premises Licence

Purpose of Report

1. To consider the application for the grant of a premises licence in respect of Chippers, First Floor, 41A/42A, High Street, Stourbridge, West Midlands, DY8 1DA.

Background

2. On the 28th October 2010, an application was received from Kenneth Curtis & Co, Solicitors, on behalf of Christopher Jeremy Watson and Stephen Peters, in respect of the premises known as Chippers, First Floor, 41A/42A, High Street, Stourbridge, West Midlands, DY8 1DA. 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
 - Consent of DPS
4. The application for a premises licence is as follows:

Sale of Alcohol/Regulated Entertainment (films/dance/recorded music/live music/provision of facility for dance and making music)

Monday – Sunday inc 12.00 until 02.00

Late Night Refreshments

Monday – Sunday inc 23.00 until 02.00

- 5.. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. On the 18th November 2010, representations were received from a local resident. A copy of those representations have been sent to the applicant, committee members and interested parties in accordance with the Licensing Act 2003.
7. On the 19th November 2010. representations were received from the Directorate of the Urban Environment (Food and Occupational Safety Manager), a copy of that report is attached as Appendix 2.
8. On the 25th November 2010, representation were also received from the West Midlands Police, a copy of that report is attached as Appendix 3.
9. Councillor Malcolm Knowles and Councillor Nicolas Barlow have both raised representations to the application on the grounds that it is directly opposed to the objectives of the cumulative impact order.
10. These premises have previously held a premises licence under the name of Sunapur Indian Cuisine for the following days and times:

Sale of Alcohol	Monday – Sunday	18.00 - 00.00
Late Night Refreshment	Monday – Sunday	18.00 – 00.00
11. That licence was surrendered on the 22nd November 2010.
12. This applications 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 determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
15. 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.

16. 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

17. 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

18. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authority's reasons for its decisions as to the steps (if any) to take under section 18(3)(b).

19. 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

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:-

- that
- (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of 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)

20. 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.

21. 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.


22. 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

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

Recommendation

- 26. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers