
Meeting of the Licensing Sub-Committee 3 - 4th July, 2023

Report of the Interim Service Director of the Environment Directorate

Application for Grant of a New Premises Licence

AFC Birmingham, Illey Lane, Halesowen, B62 OHF

Purpose

1. To consider the application for the grant of a new premises licence in respect of the premises known as AFC Birmingham, Illy Lane, Halesowen.

Recommendation

2. That the Sub-Committee determine the application for the grant of a premises licence in light of representations raised.

Background

3. On the 15th May 2023, an application for the grant of a new premises licence was received from Abs Rohomon BEM (authorised agent) on behalf of John Paul Baker in respect of the premises known as AFC Birmingham, Illey Lane, Halesowen. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003 and is attached to this report as Appendix 1.
4. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee
 - Consent of the DPS

5. The application for a premises licence is as follows:

Regulated Entertainment (Plays/Films)

Monday to Sunday 12.00 until 23.00

Supply of Alcohol and Regulated Entertainments (Live Music/Recorded Music/Performance of Dance)

Monday to Sunday 12.00 until 23.00

New Years Eve hours from start on 31st December until finish on 1st January.

Premises Open to the Public

Monday to Sunday 11.00 until 23.30

New Years Eve hours from start on 31st December until finish on 1st January.

6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations have been received from 4 local residents. Copies of the representations have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003 and are attached to this report as Appendix 2.

Finance

8. There are no financial implications.

Law

9. 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.
10. 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.
11. Pursuant to Section 18 (4) the steps are:-
- (a) to grant the licence subject to:-
 - (i) such conditions as are consistent with the operating schedule accompanying the application modified to such 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 be 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
12. 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

13. 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).
14. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must forthwith 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 for the police area or each police area in which the premises are situated
15. 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)
16. 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.
17. In pursuance of regulation 26(2) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination within 5 working days of the conclusion of the hearing.

18. If the Licensing Authority refuse to grant the application, there is a right of appeal. The appeal under this part must be made to a Magistrates' Court pursuant to schedule 5 section 9 of the Licensing Act 2003.

Risk Management

19. There are no risk management implications.

Equality Impact

20. This report takes into account 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 or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

23. There are no human resources/organisational development implications.

Commercial/Procurement

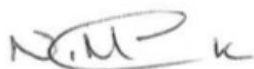
24. There are no commercial/procurement implications.

Environment/Climate Change

25. There are no Environment/Climate Change implications

Council Priorities and Projects

26. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



Interim Service Director of the Environment Directorate

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Appendices

Application Form - Appendix 1
Representations - Appendix 2