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**Meeting of the Licensing Sub-Committee 3 – 21<sup>st</sup> February 2023**

**Report of the Interim Director of Public Realm**

**Application for Review of a Premises Licence**  
**News Express (The Wine Cellar) 15-17 Abbey Road, Gornal,**  
**Dudley, DY3 2PQ.**

**Purpose**

1. To consider the application for the review of the premises licence in respect of News Express (The Wine Cellar) 15-17, Abbey Road, Gornal, Dudley, DY3 2PQ.

**Recommendation**

2. That the Sub-Committee determine the application for the review of the premises licence received from Environmental Health and Trading Standards, in respect of the premises known as the News Express (The Wine Cellar) Abbey Road, Gornal, Dudley.

**Background**

3. The News Express (The Wine Cellar) was first issued with a premises licence on the 25<sup>th</sup> March 2008, that licence was transferred on the 29<sup>th</sup> July 2021 into the name of Mr Amit Singh. The premises licence is issued for the following days and times:

**Supply of Alcohol/Premises open to the public**

Monday to Sunday inc. 07.00 -23.00

4. On the 3<sup>rd</sup> January 2023, an application for the review of the premises licence was received from the Public Protection Manager, Environmental Health and Trading Standards, the grounds for the review relate to the prevention of crime and disorder and protection of children from harm. A copy of that application has been forwarded to the Premises Licence Holder, Committee Members, Relevant

Authorities and Interested Parties in accordance with the Licensing Act 2003.

5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review have been received from Public Health & Wellbeing and the West Midlands Police.
7. Letters of support from 6 local residents have been received in support of the Premises Licence Holder. Copies of all representations have been forwarded to Committee Members and Interested Parties.
8. These premises have been the subject of a review by the Committee previously on the 28<sup>th</sup> June 2022, the committee resolved as follows:

The following conditions be applied to the premises licence:

CCTV is to be installed at the premises. This shall be capable of retaining images for 30 days. CCTV images must be made available for playback in store to the Police or Council Licensing Officers at any time the store is open. CCTV images must be provided to the Police or Council Licensing Officers within 48 hours of the GDPR complaint request.

A member of staff capable of operating the CCTV and downloading and/or playing images shall be present at the premises at all times when it is open.

A challenge 25 policy shall be operated at the premises.

All staff selling age restricted products shall be given training in the promotion of the licensing objectives and the challenge 25 policy. Refresher training shall be provided at least every six months. A record of training shall be maintained and retained for a period of at least three years. Copies of training records shall be provided to the Council Licensing Officers within 48 hours of a request being made for them.

A log shall be kept detailing all refused sales of alcohol. The log must include the date and the time of the refused sale and the name of the member of staff who refused the sale. The log shall be retained for a period of three years. Copy of the refusal log shall be provided to

Council Licensing Officers within 48 hours of the request being made for it.

## **Finance**

9. There are no financial implications.

## **Law**

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

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
11. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
12. 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.
13. 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.

14. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
15. 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.
16. 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).
17. 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.
18. 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.
19. 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.
20. 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
21. 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.

### **Risk Management**

22. There are no material risk implications.

### **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.

## **Human Resources/Organisational Development**

26. There are no organisational development/transformation implications.

## **Commercial/Procurement**

27. There are no commercial/procurement implications.

## **Environment/Climate Change**

28. There are no environment/climate change implications.

## **Council Priorities and Projects**

29. 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.



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## **Appendices**

None

## **List of Background Documents**

None