

Licensing Sub-Committee – 1 – 10th August 2011

Report of the Director of Corporate Resources

Application to Vary a Premises Licence

Purpose of Report

1. To consider the application for variation of the premises licence in respect of Snax 24 Limited, Dudley Road, Kingswinford, West Midlands, DY6 8BS.

Background

2. On the 30th March 2005, Winckworth Sherwood, Solicitors made application on behalf of Snax 24 Limited for the existing licence to be converted to a premises licence under the Licensing Act 2003 and to vary the premises licence simultaneously in respect of Snax 24, Dudley Road, Kingswinford, West Midlands, DY6 8BS. That licence was granted on the 11th April 2005 and subsequently varied on the 19th October 2006 and again on the 12th December 2006.
3. The current premises licence is issued for the following:-

Sale of Alcohol

Monday – Sunday 08.00 – 23.00

Late Night Refreshment

Monday – Sunday 23.00 – 05.00
4. The current premises licence holder is Snax 24 Limited.
5. On the 29th June 2011, Winckworth Sherwood Solicitors made application on behalf of Snax 24 Limited for the variation of the premises licence in respect of Snax 24, Dudley Road, Kingswinford, West Midlands. A copy of that application has been circulated to the Committee Members and interested parties in accordance with the Licensing Act 2003.

6. The application had the following documents enclosed:-

- Correct fee (£450.00)
- Plan of the premises

7. The application is as follows:-

Sale of Alcohol

Monday – Sunday 00.00 – 24.00

- Extension of the hours for the sale of alcohol to 24 hours daily
- To remove all of the mandatory conditions in the 'Annex-Mandatory Conditions', under the following headings:-

- a) Mandatory condition: exhibition of films
- b) Mandatory condition: door supervision
- c) Applies to premises where licence authorises supply of alcohol on the premises

- To remove condition (a) in the 'Annex-Conditions consistent with the Operating Schedule', which reads as follows:-

General all four licensing objectives

The plan which forms part of the premises licence indicates the proposed position for the display and storage of alcohol.

- To remove the following condition annexed to the licence:

Unless otherwise specified in the terms and conditions attached, this licence is also subject to any restrictions currently in force under the following enactments:

- Licensing Act 1964
- Children & Young Persons Act 1955
- Cinematography (Safety) Regulations 1955
- Sporting Events (Control of Alcohol) Act 1985

8. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.

9. Representations have been received from Councillor Blood on behalf of himself and ward colleagues, Councillor Patrick Harley and Councillor Peter Miller on behalf of their constituents and a copy of those representations have been served on the applicant, Committee Members and all interested parties in accordance with the Licensing Act 2003.

10. This application 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

11. There are no financial implications.

Law

12. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
13. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
- Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
 - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
 - The steps are:-
 - To modify the conditions of licence;
 - To reject the whole or part of the application.
14. Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
- the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
15. 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.
16. In pursuance of schedule 5, section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
17. In pursuance of schedule 5, section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of section 35 of the Licensing Act 2003.

18. In pursuance of schedule 5 section 4(3) where a person who made relevant representations to the application desires to contend:-
- a) that any variation made ought not to have been made, or
 - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified item in a different way, under subsection 4(a) of section 35 of the Licensing Act.

They have the right of appeal to the Magistrates' Court.

Equality Impact

19. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
20. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

21. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers