
Licensing Sub-Committee 3 – 4th July 2023

Report of the Interim Service Director of the Environment Directorate

Transfer of Premises Licence and Vary of Designated Premises Supervisor (DPS)

The Broadway Service Station, 154 South Road, Stourbridge, DY8 3RW

Purpose

1. To consider the application for the transfer of premises licence and vary of Designated Premises Supervisor (DPS) in respect of the Broadway Service Station, 154 South Road, Stourbridge, West Midlands.

Recommendation

2. That the Licensing Sub-Committee determine the application for the transfer of premises licence and vary of DPS in respect of the premises known as the Broadway Service Station, 154 South Road, Stourbridge, following the receipt of representations from West Midlands Police.

Background

3. The Broadway Service Station, was first issued with a premises licence on 1st July 2010, the current premises licence is in the name of Mr Piara Singh Virdee. The premises licence is issued for the following days and times:

Supply of Alcohol

Monday to Sunday 08.00 until 22.00

Hours Open to the Public

Monday to Sunday 06.00 until 22.00

4. On the 18th April 2023, Mr Saman Haroon Mehmud made application for the transfer of the premises licence and vary of the DPS. A copy of both application forms have been forwarded to Committee Members and interested parties in accordance with the Licensing Act 2003 and are attached to this report as Appendix 1.
5. On the 27th April 2023, representations were received from West Midlands Police. Copies of the representations have also 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.
6. This matter was due to be considered by the Licensing Sub Committee on 1st June 2023 however at the request of the applicants solicitor the matter was deferred to a future meeting in order for the applicants solicitor to prepare representations on behalf of their client.

Finance

7. There are no financial implications.

Law

8. The law relating to applications to transfer of premises licence is governed by the Licensing Act 2003, part 3, section 42.
9. Pursuant to section 42 (6) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he/she must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
10. Pursuant to section 42 (7) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he/she is notified of the application.

11. Pursuant to section 44 (5) the Licensing Authority must:-
 - (a) hold a hearing to consider it, unless the authority, the applicant, and the Chief Officer of the Police who gave notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
12. Pursuant to regulation 26 (1) of the Licensing Act 2003 (Hearing Regulations 2005), the Licensing Authority must make its determination at the conclusion of the hearing.
13. Pursuant to section 45 (1) where an application under section 42 is granted or rejected the Licensing Authority must give a notice to that effect to:-
 - (a) the applicant; and
 - (b) the Chief Officer of Police in which the premises are situated.
14. Pursuant to section 45 (2) the notice must state the authorities reasons for granting or rejecting the application.
15. Pursuant to section 45 (3) where the application is granted, the notice must specify the time when the transfer takes effect.
16. Pursuant to section 45 (4) the licensing authority must also give a notice
 - (a) where the application is granted:-
 - (i) to the holder of the licence immediately before the application was granted, or
 - (ii) if the application was one to which included a request that the transfer take immediate effect, to the holder of the licence immediately before the application was made (if any)
 - (b) where the application is rejected, to the holder of the premises licence (if any)

17. Pursuant to schedule 5, part 1 1(d) if the Licensing Committee refuse to grant the application for transfer of premises licence there is a right of appeal to the Magistrate's Court.
18. The law relating to the granting of applications to vary a licence to specify individual as premises supervisor is governed by the Licensing Act 2003, part 3, section 37.
19. Pursuant to part 3, section 37(5) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he/she must give the relevant licensing authority a notice stating the reasons why he/she is so satisfied.
20. Pursuant to part 3, section 37(6) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he/she is notified of the application.
21. Pursuant to section 39(3), the Licensing Authority must:-
 - (a) hold a hearing to consider it, unless the authority, the applicant, and the Chief Officer of the Police who gave notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.
22. Pursuant to regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005), the Licensing Authority must make its determination at the conclusion of the hearing.
23. Where an application under section 37 is granted or rejected pursuant to section 39(4), the Licensing Authority must give a notice to that effect to:-
 - (a) the applicant
 - (b) the proposed individual, and
 - (c) the Chief Officer of Police for police area in which the premises are situated.

24. Pursuant to section 39(5) the notice must state the authority's reasons for granting or rejecting the application.
25. Pursuant to section 39(6) where the application is granted, the notice must specify the time when the variation takes effect.
26. Pursuant to schedule 5, part 1 1(c) if the Licensing Committee refuse to grant the application to vary a licence to specify individual as premises supervisor there is a right of appeal to the Magistrate's Court.
27. Pursuant to schedule 5, part 1 5(1) and (2) if the licensing Committee grants the application to vary a licence to specify individual as premises supervisor in a case where the Chief Officer of the Police gave notice under section 37(5) the Chief Officer of the Police may appeal against the decision to grant the application.

Risk Management

28. There are no material risk implications.

Equality Impact

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

Human Resources/Organisational Development

32. There are no organisational development/transformation implications.

Commercial/Procurement

33. There are no commercial/procurement implications.

Environment/Climate Change

34. There are no Environment/Climate Change implications

Council Priorities and Projects

35. 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

Application Forms - Appendix 1
Representations - Appendix 2