

Licensing Sub-Committee 1 - 6th October 2009

Report of the Interim Director of Law Property & Human Resources

Review of Premises Licence – Naiks Mini Market

Purpose of Report

- 1 To consider the review of the Premises Licence in respect of Naiks Mini Market, 3 Gladstone Buildings, New Street, Dudley, West Midlands.

Background

2. On the 4th July 2005, an application was received from Mr Gurnaik Singh for the conversion of an existing licence into a premises licence, in respect of the premises known as Naiks Mini Market.
3. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities, was received.
4. That Licence was granted on 20th July 2005, for the following days and times:-

Sale of Alcohol

Monday to Saturday	08.00 – 23.00	Good Friday	08.00 – 22.30
Sundays	10.00 – 22.30	Christmas Day	12.00 – 15.00 19.00 – 22.30
5. On the 20th June 2008 the designated premises supervisor had their personal licence suspended for 2 months by Dudley Magistrates Court for the sale of alcohol to a person under the age of 18.
6. On the 7th July 2008, a variation of designated supervisor was granted to Mr Gural Singh Hullait.
7. The current premises licence holder is Mr Gurnaik Singh and the current designated premises supervisor is Mr Gural Singh Hullait.

8. On the 17th August 2009, the Trading Standards Department made application for the review of the premises licence in respect of Naiks Mini Market. A copy of that application and grounds for the review are attached to this report as Appendix 1.
9. The Council has advertised the application for review of the Premises Licence in respect of Naiks Mini Market in accordance with Licensing Regulation S1 2004 No 42 Section 38, a copy of that notice is attached to this report as Appendix 2.
10. Confirmation that the application has been served on the relevant authorities has been received from Trading Standards.
11. The West Midlands Police made comments, which are attached to this report as Appendix 3.
12. Twenty three letters of support have been received on behalf of Mr Singh and have been sent to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
13. Mr Singh also sent a letter of sincere apology. That letter has also been sent to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
14. On the 9th September 2009, Kenneth Curtis & Co, Solicitors informed the licensing office that they had been instructed by Mr Gurnaik Singh to act on his behalf.
15. 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

16. There are no financial implications.

Law

17. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).
18. Determination of application for review:

S52(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 Sub-Section (3)(a) or (d) of that Section; and
 - (c) The authority has complied with any requirement imposed on it under Sub-Section (3) (b) or (d) of that Section.
- 19. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
- 20. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in Sub-Section (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- 21. 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 of 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.
- 22. Sub-Section (3) is subject to Sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences).
- 23. Where the authority takes a step mentioned in Sub-Section (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.
- 24. 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 Sub-Section (8).
- 25. 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.
26. 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.
27. 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.
28. 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.
- Pursuant to schedule 5 part 1, Section 8(2)
29. 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 person who made relevant representations in relation to the application for review

Equality Impact

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

Recommendation

33. That the Sub-Committee review this licence.

A handwritten signature in black ink, appearing to be 'J. Elliott', written in a cursive style.

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INTERIM DIRECTOR OF LAW PROPERTY AND HUMAN RESOURCES

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List of Background Papers