

Licensing Sub-Committee 3 – 24th September 2013

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 the The Family Shopper, School House, Church Road, Netherton, Dudley, West Midlands. DY2 OLY.
2. The premises formerly known as Kwik Save was first issued with a premises licence on 10th January 2013.
3. The current premises licence is issued for the following:

Sale of Alcohol Monday – Sunday 07.00 – 21.00
4. The current premises licence holder is Mr B S Kooner.
5. On the 1st August 2013, Licensing Trade Legal Services Ltd, made application on behalf of Mr Balraj Singh Kooner for the variation of the premises licence in respect of the premises now known as Family Shopper. 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:-
 - Correct fee - £190.00
 - Plan of the premises
7. The application is as follows:-

Sale of Alcohol Monday – Sunday 07.00 – 23.00
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 a local resident. A copy of those representations has been circulated to the applicant, Committee members and interested parties.

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.

Law

11. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
12. 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 appropriate 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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

18. This report takes into account the Council's policy on equal opportunities.
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 Committee give consideration to this application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers