

Licensing Sub-Committee 1 – 12th May 2015

Report of the Strategic Director of Resources and Transformation

Application for a Premises Licence – Straits News & Wine.

Purpose of Report

1. To consider the application for the grant of a premises licence in respect of the premises known as Straits News & Wine, 114, The Straits, Dudley, West Midlands, DY3 3BA.

Background

2. On the 18th February 2015, an application for the grant of a new premises licence was received from Mr Manoharan Arulampalam in respect of the premises known as Straits News & Wine, 114, The Straits, Dudley, West Midlands. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct Fee
 - Consent of proposed premises supervisor

4. The application for a premises licence is as follows:

Sale of Alcohol

Monday – Sunday inc 07.00 – 21.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Letters of objection have been received from 18 local residents and 2 Ward Councillor's, a letter of support has also been received from a local resident, copies of all letters have been forwarded to the applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
7. This matter was due to be considered by the Committee on the 14th April 2015, the Committee resolved that the matter be deferred to enable the applicant to seek Legal Advice in reference to the purported covenant affecting the premises.

8. 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

9. There are no financial implications.

Law

10. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.

11. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-

- (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the Licensing objectives.

12. Pursuant to Section 18 (4) the steps are:-

- (a) to grant the licence subject to:-
 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application

13. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-

- 1 (a) (i) the applicant

- 1 (a) (ii) any person who made relevant representations in respect of the application and
 - 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
 - 1 (b) issue the application with the licence and a summary of it
14. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authority's reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
15. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must immediately give a notice to that effect stating its reasons for the decision, to
- (a) the applicant
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the Chief of Police for the area in which the premises are situated

Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-

- (a) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
16. Where a person who made relevant representations in relation to the application desires to contend:-
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
17. 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.
18. If the Licensing Authority refuse to grant the application, there is a right of appeal to the Magistrates' Court pursuant to schedule 5 section 18 part 1(a).

Equality Impact

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

Recommendation

22. That the Sub-Committee determine the application.



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Strategic Director of Resources and Transformation

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List of Background Papers