

**Licensing Sub-Committee 2 – 12<sup>th</sup> January 2010**

**Report of the Director of Corporate Resources**

**Application for a Premises Licence**

**Purpose of Report**

1. To consider the application for the grant of a premises licence in respect of Yeltz Sports Club, Old Hawne Lane, Halesowen.

**Background**

2. On the 12<sup>th</sup> November 2009, an application was received from Yeltz Sports Club, Old Hawne Lane, Halesowen, West Midlands, B63 3ST for the grant of a premises licence. A copy of that application is attached to this report as Appendix 1.
3. The application had the following documents enclosed:-
  - Plan of the premises
  - Correct fee of £190.00
  - Consent of the proposed DPS
4. The application for a premises licence is as follows:-

Sale of alcohol and regulated entertainment

Monday – Sunday inc 11.00 until 23.00

Easter Saturday, Sunday and Monday, St Georges Day, May Bank Holiday, Spring Bank Holiday, Christmas Eve and Boxing Day until Midnight.

New Years Eve until 02.00am
5. Confirmation that copies of the application form and supporting documentation has been served on the relevant authorities has been received.
6. Senior Environmental Health Officer (Food and Occupational Safety) made representations to the application. A copy of that report is attached as Appendix 2.

7. 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**

8. There are no financial implications.

### **Law**

9. 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.

10. 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 necessary for the promotion of the Licensing objectives.

11. 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 necessary 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

12. 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
13. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authorities reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
  14. 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 area in which the premises are situated
  15. 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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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. J. Elliott 5377  
Telephone: 01384 815377  
Email: [janetelliott@dudley.gov.uk](mailto:janetelliott@dudley.gov.uk)

## **List of Background Papers**