

Licensing Sub-Committee 3

Tuesday, 17th June, 2014 at 10.00am
in the Council Chamber at the Council House, Priory Road, Dudley

Agenda - Public Session **(Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 6th May, 2014 as a correct record.
5. Application to Vary a Premises Licence – The Hare and Hounds, Wynall Lane, Stourbridge.
6. Application for a Premises Licence – Johal's Convenience Store, 14A – 14B Enville Road, Kingswinford.
7. Application for Review of Premises Licence - The Convenience Store/Liquor World, Bromley Lane, Kingswinford.
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).



Director of Corporate Resources

Dated: 5th June, 2014

Distribution:

Councillors K. Finch, James and Russell

(Subject to your appointment to the Sub-Committee at the Meeting of the Licensing and Safety Committee to be held on 12th June, 2014)

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- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail karen.taylor@dudley.gov.uk

LICENSING SUB-COMMITTEE 3

Tuesday 6th May, 2014 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor K Finch (Chair)
Councillors Bills and Mrs H Turner

Officers:-

Mr T Holder (Legal Advisor), Mr B Hughes (Licensing Clerk) and
Mrs K Griffiths (Democratic Services Officer) – All Directorate of
Corporate Resources.

38 **APOLOGY FOR ABSENCE**

An Apology for absence from the meeting was submitted on behalf
of Councillor Mrs Ameson.

39 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was noted that Councillor Bills was serving as substitute member
for Councillor Mrs Ameson, for this meeting of the Sub-Committee
only.

40 **DECLARATIONS OF INTEREST**

No Member made a declaration of interest in accordance with the
Members' Code of Conduct.

41 **MINUTES**

RESOLVED

That the minutes of the meeting of the Sub-Committee held
on 21st January, 2014, be approved as a correct record and
signed.

APPLICATION FOR REVIEW OF PREMISES LICENCE – BOOZE CORNER, 10 HOWLEY GRANGE ROAD, HALESOWEN

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Booze Corner, 10 Howley Grange Road, Halesowen.

Prior to the meeting, the Sub-Committee were informed that there were no representatives from Booze Corner present, despite being requested to attend at the adjourned meeting held on 11th March, 2014. Following investigation, it was reported that the Solicitor, on behalf of Booze Corner, had incorrectly recorded the re-convened date in his diary.

In view of the above, it was

RESOLVED

That consideration of the application made for the review of the premises licence in respect of Booze Corner, 10 Howley Grange Road, Halesowen be adjourned to a reconvened meeting to be held at a later date.

The Sub-Committee requested that both Mr A Singh, Premises Licence Holder and Mrs K Kaur, Designated Premises Supervisor, attend the re-convened meeting.

The meeting ended at 10.30 am.

CHAIR

Licensing Sub-Committee 3 - 17th June, 2014

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 premises known as The Hare & Hounds, Wynnall Lane, Stourbridge, West Midlands, DY9 9AB.

Background

2. The Hare & Hounds, Wynnall Lane, Stourbridge, West Midlands, was first issued with a premises licence on the 9th January 2006, that licence was subsequently transferred on the 11th June 2010.
3. The current premises licence is issued for the following:

Sale of Alcohol

Monday – Saturday	10.00 until 00.00
Sundays	11.00 until 00.00

New Years Eve 10.00 to New Years day terminal hour as proposed.

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interests outside normal operating hours. Such opening times for this purpose to be confirmed 14 days prior, notice in writing to the Police before the premises intend to open. Such notification to include the opening times and the sporting event which is to be shown, with the right of Police veto within 7 days.

Films/Indoor Sporting Events/Live Music/Recorded Music/Performance of Dance

Monday – Saturday	10.00 until 00.00
Sundays	11.00 until 00.00

(When the hours for sale of alcohol are extended hereunder these hours are also extended).

Late Night Refreshments

Monday to Sunday inc 23.00 until 00.00

(When the hours for sale of alcohol are extended hereunder these hours are also extended).

4. The current premises licence holder is Marstons Plc.
5. On the 22nd April 2014, John Gaunt and Partners, Solicitors, made application on behalf of Marston's plc for the variation of the premises licence in respect of the Hare and Hounds, Wynnall Lane, Stourbridge.
6. The application for variation of licence is as follows:

To extend the terminal hour for licensable activities on Fridays and Saturdays until 01.00 the following mornings, with the premises closing to the public 30 minutes thereafter.
7. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
8. Representations have been received from a local Councillor, and 9 letters of objection from local residents copies of those representations have been circulated to the premises licence holder, Committee members and interested parties in accordance with the Licensing Act 2003.
9. 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

10. There are no financial implications.

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 complies with 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 Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

Licensing Sub-Committee 3 - 17th June, 2014

Report of the Director of Corporate Resources

Application for a Grant Premises Licence

Purpose of Report

1. To consider the application for the grant of a premises licence in respect of Johal's Convenience Store, 14A-14B Enville Road, Kingswinford, West Midlands, DY6 0JT.

Background

2. On the 23rd April 2014 an application was received from Licensing Trade Legal Services Ltd, on behalf of Sandip Johal in respect of the premises known as Johal's Convenience Store, 14A-14B Enville Road, Kingswinford, West Midlands, DY6 0JT. 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 of £190.00
 - Consent of proposed premises supervisor
4. The application for a premises licence is as follows:

Sale of Alcohol

Monday – Sunday inc 07.00 – 22.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from local residents in the form of petition, copies of which have been forwarded to the applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
7. This applications 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 appropriate 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 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
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

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)
15. 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.
 16. 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.
 17. 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

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 Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

Licensing Sub-Committee 3 – 17th June, 2014

Report of the Director of Corporate Resources

Application for Review of Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of The Convenience Store/Liquor World, Bromley Lane, Kingswinford, DY6 8TU.

Background

2. The Convenience Store/Liquor World was first issued with premises licence on the 4th November 2008, that licence was transferred on the 18th September 2009 and again on the 24th June 2011.
3. The current premises licence is issued for the following:-

Sale of Alcohol	Monday to Sunday	06.00 – 23.00
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4. On the 21st March 2014, an application for the review of the premises licence was received from the Trading Regulation and Enforcement Manager. A copy of the application has been circulated to Committee Members and interested parties in accordance with the Licensing Act 2003.
5. The Council has advertised the application for review of the premises licence in accordance with Licensing regulation S1, 2004, No. 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
6. Confirmation that the application has been served on the premises licence holder and relevant authorities has been received.
7. On the 4th April 2014, the West Midlands Police made representations. A copy of that report has been circulated to Committee Members, interested parties and the premises licence holder.
8. On the 15th April 2014, the Director of Public Health made representations. A copy of that report has been circulated to Committee Members, interested parties and the Premises Licence Holder.
9. The current premises licence holder is Mr P S Samra.

10. This matter was due to be considered by the Sub-Committee on the 13th May 2014, the Sub-Committee resolved that the matter be deferred to allow all parties to attend.
11. 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

12. There are no financial implications.

Law

13. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).

Determination of application for review

52(1) This section applies where:-

- a) The relevant licensing authority received an application made in accordance with section 51,
 - b) the applicant has complied with any requirement imposed on him under subsection (3) (a) or (d) of that section, and
 - c) the authority has complied with any requirement imposed on it under subsection (3) (b) or (d) of that section
14. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 15. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
 16. 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 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.

17. Subsection (3) is subject to section 19, 20 and 21 (requirement to include certain conditions in premises licences).

18. Where the authority takes a step mentioned in subsection (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.
19. In this section “relevant representations” means representations which:-
 - a) are relevant to one or more of the licensing objectives, and
 - b) meet the requirement of subsection (8).
20. 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.
21. 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.
22. 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.
23. 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
24. Pursuant to schedule 5 part 1, section 8(2).
25. 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 other person who made relevant representations in relation to the application for review.

Equality Impact

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

Recommendation

29. That the Sub-Committee determine the review of the premises licence in respect of Convenience Store/Liquor World, Bromley Lane, Kingswinford.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

DUDLEY METROPOLITAN BOROUGH COUNCIL

www.dudley.gov.uk

REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003

Notice of Review of the Premises Licence issued to
Convenience Store/Liquorworld, 260 Bromley Lane, Kingswinford,
DY6 8TU.

Interested parties and relevant authorities may make
representations in writing to the Licensing Office, Law and
Governance, 5 Ednam Road, Dudley, West Midlands, DY1 1HL
between 22nd March 2014 and 18th April 2014

The Review of Licence has been requested by a relevant authority
on the grounds of

- Prevention of crime and disorder
- Protection of children from harm

The details of the grounds for review may be inspected at the
Licensing Offices (address as above) between the hours of 9.00
am and 4.30pm (Monday to Friday except Public Holidays).

It is an offence knowingly or recklessly to make a false statement
in connection with an application and the maximum fine for which a
person is liable on summary conviction for the offence is £5,000.



P J Tart
Director of Corporate Resources