

Licensing Sub-Committee 4 - 26th February 2013

Report of the Director of Corporate Resources

Variation of Designated Premises Supervisor

Purpose of Report

- 1 To consider the application for variation of designated premises supervisor in respect of Hare & Hounds, Wynall Lane, Stourbridge, West Midlands.

Background

2. The Hare and Hounds was first issued with a premises licence on the the 26th October 2005, that licence has subsequently been transfer on the 17th July 2006, 1st July 2007 and the 10th June 2010.

3. The current premises licence is issued for the following:

Sale of Alcohol (Regulated Entertainment)

Monday to Saturday	10.00 – 00.00
Sundays	11.00 – 00.00
New Years Eve	10.00 to New Years Day terminal hour as proposed

Late Night Refreshment

Monday to Sunday	23.00 – 00.00
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4. On the 28th January 2013, an application was received from Marston's plc to vary the premises licence to specify an individual as a Designated Premises Supervisor. A copy of that application has been circulated to Committee Members and Interested Parties in accordance with the Licensing Act 2003.
5. Confirmation that the applications has been served on the relevant authorities has been received.
6. On the 8th February 2013, the West Midlands Police raised objections to the application, a copy of that report has been forwarded to Committee Members and Interested parties in accordance with the Licensing Act 2003.
7. The current premises licence holder is Marstons plc.

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 granting of applications to vary a licence to specify individual as premises supervisor is governed by the Licensing Act 2003, part 3, section 37.
11. Pursuant to part 3, section 37(5) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
12. Pursuant to part 3, section 37(6) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he is notified of the application.
13. Pursuant to section 39(3), the Licensing Authority must:-
 - (a) hold a hearing to consider it, unless the authority, the applicant, and the Chief Officer of the Police who gave notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
14. Pursuant to 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. Where an application under section 37 is granted or rejected pursuant to section 39(4), the Licensing Authority must give a notice to that effect to:-
 - (a) the applicant
 - (b) the proposed individual, and
 - (c) the Chief Officer of Police for police area in which the premises are situated.
16. Pursuant to section 39(5) the notice must state the authorities reasons for granting or rejecting the application.

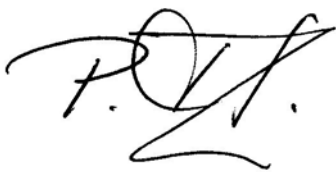
17. Pursuant to section 39(6) where the application is granted, the notice must specify the time when the variation takes effect.
18. Pursuant to schedule 5, part 1 1(c) if the Licensing Committee refuse to grant the application to vary a licence to specify individual as premises supervisor there is a right of appeal to the Magistrate's Court.
19. Pursuant to schedule 5, part 1 5(1) and (2) if the licensing Committee grants the application to vary a licence to specify individual as premises supervisor in a case where the Chief Officer of the Police gave notice under section 37(5) the Chief Officer of the Police may appeal against the decision to grant the application.

Equality Impact

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

Recommendation

23. That the Sub-Committee consider the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers