

Licensing Sub-Committee 1 – 5th 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 Jaipur Wine Bar, 53-54 High Street, Quarry Bank, West Midlands, DY5 2AA.

Background

2. On the 7th October 2009, an application for the grant of a premises licence was received from Ms Forhana Begum in respect of the premises known as Jaipur Wine Bar, 53-54 High Street, Quarry Bank, West Midlands.
3. On the 28th October 2009, Environment Health notified the Licensing Section that the plan submitted with the application form was not representative of the structural layout of the premises.
4. The Licensing Enforcement Team conducted a site visit to the premises on the 29th October 2009, which confirmed the Environmental Health information. A letter was sent on the same date to Ms Begum informing her that her application for the grant of a premises licence could not be accepted because the plan submitted with her application did not reflect the structural layout of the premises. Miss Begum was also informed that she would need to submit a correct plan of the layout of the premises to the Licensing Office and all responsible authorities and that the 28 day consultation period would only commence from the date of receipt of the correct plan.
5. On the 11th November 2009, a further plan of the premises was submitted to the Licensing Office. A copy of that plan and the application form is attached to this report as Appendix 1.
6. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £190.00
 - Consent of DPS
7. The application for a premises licence is as follows:-

Sale of alcohol/regulated entertainment (recorded music) and late night refreshment

Monday – Sunday inc 09.00 until 00.00

8. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
9. The Directorate of the Urban Environment (Food and Occupational Safety) have made representations in respect of the application. A copy of that report is attached as Appendix 2.
10. Councillor Cotterill, Ward Member for Quarry Bank and Dudley Wood made objections to the application. A copy of his letter has been sent to the applicant, Committee members and interested parties in accordance with the Licensing Act 2003.
11. This application falls within the Council's recent responsibility for liquor licensing which as a direct link to the Council's key coronate priority that safety matters.

Finance

12. There are no financial implications.

Law

13. 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.
14. 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.
15. 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
16. 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
17. 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).
18. 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)
19. 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.

20. 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.
21. 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

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

Recommendation

25. That the Sub-committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers