

Licensing Sub-Committee 3 – 14th May 2010

Report of the Director of Corporate Resources

Application for a review of Premises Licence

Purpose of Report

1. To consider the application for the review of the premises licence in respect of 24 Priory Road, Dudley, West Midlands.

Background

2. On the 13th February 2007, an application was received from Dean & Co Solicitors in respect of the premises known as 24 Priory Road, Dudley, West Midlands for the grant of a premises licence.
3. That application has the following documents enclosed:-
 - Plan of the premises
 - Correct fee of £137.00
 - DPS consent form
4. The application for a premises licence was as follows:-

To allow the sale of alcohol

Monday – Sunday 05.00 – 22.00
5. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities was received.
6. Letters of objection from local residents concerning anti-social behaviour were received. Copies of those letters were sent to the Committee Members and the Applicant in accordance with the Licensing Act 2003.
7. This application was considered by the Licensing Sub-Committee on the 10th April 2007. The Sub-Committee resolved that the application for the grant of a premises licence be refused on the following grounds.

These premises are situated in an area that is plagued by alcohol related anti-social behaviour involving young people. For this reason there is an alcohol banning order in place locally. In addition, the Duncan Edwards Public House situated opposite the premises has been subject to repeated acts of vandalism and arson attacks.

Given these significant alcohol related problems it is felt that there is a major risk that another off licence facility is likely to lead to alcohol finding its way to young people through its purchase by adults, of which the Applicant will have little control.

8. That decision of the Committee was appealed at the Magistrates Court at Dudley on the 1st August 2007. The Magistrates upheld the appeal and the premises licence was issued for the following days and times:

Sale of alcohol – Monday to Sunday 5.00 until 22.00

9. The current premises licence holder and designated premises supervisor is a Mrs T M Fox.
10. On the 10th January 2008, the Licensee, Mrs Fox signed up to the Off Licences Social Responsibility Protocol Scheme in conjunction with the West Midlands Police, Neighbourhood Management and Trading Standards.
11. On the 31st March 2010, the Principal Trading Standards Officer made application for the review of the premises licence in respect of 24 Priory Road, Dudley. A copy of that application is attached to this report as Appendix 1.
12. The Council has advertised the application for review of the premises licence in respect of 24 Priory Road in accordance with Licensing Regulation S1, 2004, No 42, Section 38, a copy of that notice is attached to this report as Appendix 2.
13. Confirmation that the application has been served on the relevant authorities has been received from Trading Standards.
14. On the 27th April 2010 copies of the relevant documentation in support of the application made by Trading Standards was received by the Licensing Office and have been sent to the applicant, interested parties and Committee Members in accordance with the Licensing Act 2003.
15. This application falls within the Council recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

16. There are no financial implications.

Law

17. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).
18. Determination of application for review:
S52(1) This section applies where:-
 - (a) The relevant licensing authority receives an application made in accordance with Section 51;
 - (b) The applicant has complied with any requirement imposed on him under Sub-Section (3)(a) or (d) of that Section; and
 - (c) The authority has complied with any requirement imposed on it under Sub-Section (3) (b) or (d) of that Section.
19. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
20. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in Sub-Section (4) (if any) as it considers necessary for the promotion of the licensing objectives.
21. 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 of 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.
22. Sub-Section (3) is subject to Sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences).
23. Where the authority takes a step mentioned in Sub-Section (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.
24. In this Section 'relevant representations' means representations which:
 - (a) are relevant to one or more of the licensing objectives; and
 - (b) meet the requirements of Sub-Section (8).
25. 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.
26. 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.
27. 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.
28. 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.
- Pursuant to schedule 5 part 1, Section 8(2)
29. 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 person who made relevant representations in relation to the application for review

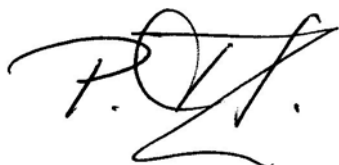
Equality Impact

30. This report takes into account the Council's policy on equal opportunities.
31. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

32. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

33. That the Sub-Committee determine the application.

A handwritten signature in black ink, appearing to be 'J. Elliott', written over a dotted line.

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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers