

**Licensing Sub-Committee 1 – 30<sup>th</sup> September 2008**

**Report of the Director of Law and Property**

**Application for a Premises Licence**

**Purpose of Report**

1. To consider the application for the grant of a premises licence in respect of Netto Foodstore, Saltwells Road, Netherton.

**Background**

2. On the 6<sup>th</sup> August 2008, an application was received from Gosschalks Solicitors on behalf of Netto Foodstore, Saltwells Road, Netherton for the grant of a premises licence. The application is attached to this report as Appendix 1.
3. The application had the following documents enclosed:-
  - Plan of the premises
  - Correct fee of £315.00
  - DPS consent form
4. The application for a premises licence is as follows:-

To allow the sale of alcohol

Monday – Saturday 08.00 – 23.00

Sunday 10.00 – 22.30

Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.

5. We have received a petition from local residents concerning public nuisance, a copy of the petition has been sent to the Committee Members, interested parties and the applicant in accordance with the Licensing Act 2003.

6. 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**

7. There are no financial implications.

### **Law**

8. 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.
9. 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.
10. 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
11. 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
12. 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).
13. 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
14. 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 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.

*John Poyles*

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DIRECTOR OF LAW AND PROPERTY

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## **List of Background Papers**