

Licensing Sub-Committee 1 – 8th July 2008

Report of the Director of Law and Property

Review of Premises Licence

Purpose of Report

- 1 To consider the review of the Premises Licence in respect of Vakas Balti Restaurant and Take Away, 64 Windmill Hill, Colley Gate, Halesowen, West Midlands.

Background

2. On 17th October 2005, an application was received from Mr Liaquat Ali in respect of Vakas Balti Restaurant and Take Away.
3. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities, was received.
4. That Licence was granted on 13th November 2005, for the following days and times:-

Recorded Music/Late Night Refreshment

Sunday to Thursday 16.30 to 02.00
Friday and Saturday 16.30 to 03.00
5. That licence has subsequently been transferred on 26th January 2007, into the name of Mr Wahidur Rahman.
6. On 18th April 2008, the West Midlands Police made application for the review of the premises licence in respect of Vakas Balti Restaurant and Take Away. A copy of that application is attached to this report as Appendix 1.
7. The Council has advertised the application for review of the Premises Licence in respect of Vakas Balti Restaurant and Take Away in accordance with Licensing Regulation S1 2004 NO42 Section 38.
8. Confirmation that the application has been served on the relevant authorities has been received from the West Midlands Police.

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 review of licences is governed by the Licensing Act 2003 Section 52(1).

12. 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.

(2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

(3) 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.

(4) 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.

- (5) Sub-Section (3) is subject to Sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences).

- (6) 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.
- (7) 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).
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.

Equality Impact

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

Recommendation

16. That the Sub-Committee review this licence.

John Poyellis

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

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