

**Licensing Sub-Committee 2 – 26<sup>th</sup> July 2011**

**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 175/176/177 High Street, Lye, Stourbridge, West Midlands, DY9 8LN

**Background**

2. On the 9<sup>th</sup> June 2011, an application was received from Athi Law LLP Solicitors, on behalf of Mr Ghulam Nabi Namdar, in respect of the premises known as 175/176/177 High Street, Lye, Stourbridge, West Midlands. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
3. The application had the following documents enclosed:-
  - Plan of the premises
  - Correct Fee of £190.00
  - Consent of individual specified as premises supervisor
4. The application for a premises licence is as follows:-

Sale of Alcohol and Regulated Entertainment (live music/recorded music)

**Sale of Alcohol**

Monday – Sunday inc      09.30 – 03.00

**Live Music**

Monday – Sunday inc      12.00 – 00.00

**Recorded Music**

Monday – Sunday inc      09.30 – 03.00

## Late Night Refreshment

Monday – Sunday inc      23.00 – 03.00

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Mediation has taken place between Trading Standards and the Applicant's Solicitors Athi Law LLP Solicitors who have agreed the following:-
  - The licence holder shall ensure that all persons engaged to sell alcohol on the premises will have completed training relating to their responsibilities under the Licensing Act 2003 prior to being authorised to sell alcohol. Records of training will be maintained and made available to responsible authorities on request.
  - A 'Challenge 25' policy will be operated at the premises whereby any individual attempting to purchase alcohol who appears to be under 25 years of age will be asked to produce identification to prove they are over 18 years old.
  - A 'Challenge Log' recording instances where individuals have been challenged to prove their age – where both sales and refusals result will be maintained in the premises.
7. On the 29<sup>th</sup> June 2011, representations were received from Directorate of Urban Environment, Food and Occupational Safety. A copy of that objection has been forwarded to the Committee Members, the Applicant and Interested Parties in accordance with the Licensing Act 2003.
8. Representations have been received from local residents. Copies of those objections have been forwarded to the Committee Members, the applicant and interested parties in accordance with the Licensing Act 2003.
9. Representations have also been received from Councillor Adrian Turner, Ward Member, Councillor Mohammed Hanif, Ward Member and Councillor Peter Lowe, Ward Member and Margot James MP. Copies of those objections have been forwarded to the Committee Members, the applicant and interested parties in accordance with the Licensing Act 2003.
10. On the 7<sup>th</sup> July 2011, representations were received from the West Midlands Fire Service. Representations were also received on that date from the Ghausia Mosque Lye. A copy of those objections have been forwarded to the Committee Members, the applicant and interested parties in accordance with the Licensing Act 2003.
11. 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**

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 takes into account 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.

A handwritten signature in black ink, appearing to be 'P. Z.', with a large loop and a trailing flourish.

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DIRECTOR OF CORPORATE RESOURCES

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## **List of Background Papers**