

Licensing Sub-Committee 3 – 2nd May 2017

Report of the Strategic Director Place

Application to Vary a Premises Licence

Purpose of Report

- 1 To consider the application for variation of the premises licence in respect of the premises known as Tesco Express, Dudley Road, Halesowen.

Background

- 2 Tesco Express was first issued with a premises licence on the 13th July 2005.
- 3 The current premises licence is issued for the following:

Supply of Alcohol	Monday – Saturday	08:00	23:00
Supply of Alcohol	Sunday	10:00	22:30
Supply of Alcohol	Good Friday	08:00	22:30
Supply of Alcohol	Christmas Day	12:00	15:00
Supply of Alcohol	Christmas Day	19:00	22:30

- 4 The current premises licence holder is Tesco Stores Ltd.

- 5 On the 9th March 2017, Tesco Stores Ltd, made application for the variation of the premises licence in respect of the Tesco Express, Dudley Road, Halesowen.

The application for variation of licence is as follows:

Sale of Alcohol

Supply of Alcohol	Monday to Sunday	06:00	23:00
--------------------------	-------------------------	--------------	--------------

The nature of the application is to extend the permitted hours of the store and to remove the embedded restrictions inherited from the Licensing Act 1964 relating to permitted hours. ie Good Friday and Christmas Day.

- 6 Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
- 7 An objection to the application has been received from a Local Councillor, a copy of which have been circulated to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
- 8 This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters

Finance

- 9 There are no financial implications.

Law

- 10 The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
- 11 Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-

- Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
 - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
 - The steps are:-
 - To modify the conditions of licence;
 - To reject the whole or part of the application.
- 12 Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
- the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
- 13 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.
- 14 In pursuance of schedule 5, section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
- 15 In pursuance of schedule 5, section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of section 35 of the Licensing Act 2003.
- 16 In pursuance of schedule 5 section 4(3) where a person who made relevant representations to the application desires to contend:-
- a) that any variation made ought not to have been made, or
 - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified it in a different way, under subsection 4(a) of section 35 of the Licensing Act.
- They have the right of appeal to the Magistrates' Court.

Equality Impact

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

Recommendation

- 20 That the Sub-Committee determine the application.



.....

Strategic Director Place

Contact Officer: Mr S Smith
Telephone: 01384 814631
Email: simon.smith@dudley.gov.uk

List of Background Papers

None