
Meeting of the Licensing Sub-Committee 1 – 1st June 2023

Report of the Interim Director of Environment

**Application for Review of a Premises Licence
Cocktails & Dreams, 19 Bilston Street, Sedgley, DY3 1JA**

Purpose

1. To consider the application for the review of the premises licence in respect of Cocktails & Dreams, 19 Bilston Street, Sedgley, DY3 1JA.

Recommendation

2. That the Sub-Committee determine the application for the review of the premises licence received from the Chief Constable of the West Midlands Police in respect of the premises known as Cocktails & Dreams.

Background

3. Cocktails & Dreams formerly (Sedgley Karai Restaurant) was first issued with a premises licence on the 11th March 2015, that licence was suspended on the 1st June 2017 in accordance with Section 55 of the Licensing Act 2003 for the none payment of annual fees. The licence was reinstated and transferred into the name of Mr C Bates on the 24th May 2022 following the payment of the outstanding fees.
4. On the 22nd August 2022, an application for the review of the premises licence was received from the Principle Environmental Health Officer, the grounds for the review related to the prevention of public nuisance.
5. Representations in support of the application for review were received from 2 Ward Members, West Midlands Police and the Licensing Authority.

6. This application was considered by the Licensing Sub-Committee 2 on the 11th October 2022, the Committee resolved that following consideration of the information contained in the report submitted and presented at the meeting, the premises licence issued in relation to Cocktails & Dreams, be suspended for a period of 3 months.
7. The Committee further resolved conditions be attached to the premises licence and that the then current DPS be removed. A copy of the minutes of the meeting on the 11th October 2022 are attached to this report as appendix 1.
8. The current premises licence is issued for the following days and times:

The times the licence authorises the carrying out of licensable activities: -			
I: Late Night Refreshment	Monday to Sunday	23:00	23:30
J: Supply of Alcohol	Monday to Sunday	17:30	23:00

Premises Open to the Public

Monday to Sunday inc 17.30 until 23.30

9. On the 5th April 2023, an application for the review of the premises licence was received from the Chief Constable of the West Midlands Police, the grounds for the review relate to the prevention of crime and disorder and the protection of children from harm. A copy of that application has been forwarded to the Premises Licence Holder, Committee Members, Relevant Authorities, and Interested Parties in accordance with the Licensing Act 2003.
10. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
11. Representations in support of the application for review have been received from Public Health and Wellbeing, Environmental Health, Children's and Young People Safeguarding & Review and the Licensing Authority. Comments have also been received from the Planning Department.
12. Copies of all representations have been forwarded to the Premises Licence Holder, Committee Members, and Interested Parties.

Finance

13. There are no financial implications.

Law

14. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(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 subsection (3)(a) or (d) of that section, and
- c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section

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

15. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

16. 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 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.

17. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).

18. Where the authority takes a step mentioned in subsection (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.
19. 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 subsection (8).
20. 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.
21. 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.
22. 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.

23. 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
24. Pursuant to schedule 5 part 1, section 8(2)
- 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 other person who made relevant representations in relation to the application for review.

Risk Management

25. There are no material risk implications.

Equality Impact

26. This report takes into account the Council's policy on equal opportunities.
27. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
28. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

29. There are no organisational development/transformation implications.

Commercial/Procurement

30. There are no commercial/procurement implications.

Environment/Climate Change

31. There are no Environment/Climate Change implications.

Council Priorities and Projects

32. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



**Nick McGurk – Acting Service Director, Neighbourhood Services
On behalf of Interim Director of Environment**

Report Author: Mr S Smith
Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

Appendix 1 – Minutes of the meeting 11th October 2022

List of Background Documents

None