

Licensing Sub-Committee 4 – 29th November 2022

Report of the Interim Director of Public Realm

Variation of Designated Premises Supervisor

Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA

Purpose

1. To consider the application for variation of designated premises supervisor in respect of Cocktails and Dreams, 19 Bilston Street, Sedgley, DY3 1JA.

Recommendation

2. That the Sub-Committee determine the application for the variation of the Designated Premises Supervisor in respect of the premises known as Cocktails and Dreams, following the receipt of representations from West Midlands Police.

Background

3. Cocktails and Dreams formerly (Sedgley Karai Restaurant) was first issued with a premises licence on the 13th March 2015, that licence was suspended on the 1st June 2017 for the none payment of annual fee and was reinstated and transferred into the name of Mr C Bates on the 24th May 2022.
4. On the 22nd August 2022, an application for the review of the premises licence was received from the Principal Environmental Health Officer, the grounds for the review related to the prevention of public nuisance.

5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review were received from two Ward Members, West Midlands Police and the Licensing Authority.
7. That application was considered by the Committee on the 11th October 2022, the Committee resolved that the premises licence be suspended for a period of 3 months and that the DPS be removed. That decision came into effect from the 7th November 2022 following the appeal period of 21 days.
8. On the 20th October 2022, the premises licence holder Mr Carl Bates made application for the variation of DPS. A copy of that application has been circulated to committee members and relevant authorities.
9. On the 2nd November 2022, representations in respect of the application were raised by the West Midlands Police, copies of the representations have been forwarded to committee members and the premises licence holder in accordance with the Licensing Act 2003.

Finance

10. There are no financial implications.

Law

11. The law relating to the granting of applications to vary a licence to specify individual as premises supervisor is governed by the Licensing Act 2003, part 3, section 37.
12. Pursuant to part 3, section 37(5) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
13. Pursuant to part 3, section 37(6) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he is notified of the application.
14. Pursuant to section 39(3), the Licensing Authority must:-
 - (a) hold a hearing to consider it, unless the authority, the applicant, and the Chief Officer of the Police who

gave notice agree that a hearing is unnecessary, and

- (b) having regard to the notice reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.
15. Pursuant to regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005), the Licensing Authority must make its determination at the conclusion of the hearing.
 16. Where an application under section 37 is granted or rejected pursuant to section 39(4), the Licensing Authority must give a notice to that effect to:-
 - (a) the applicant
 - (b) the proposed individual, and
 - (c) the Chief Officer of Police for police area in which the premises are situated.
 17. Pursuant to section 39(5) the notice must state the authority's reasons for granting or rejecting the application.
 18. Pursuant to section 39(6) where the application is granted, the notice must specify the time when the variation takes effect.
 19. Pursuant to schedule 5, part 1 1(c) if the Licensing Committee refuse to grant the application to vary a licence to specify individual as premises supervisor there is a right of appeal to the Magistrate's Court.
 20. Pursuant to schedule 5, part 1 5(1) and (2) if the licensing Committee grants the application to vary a licence to specify individual as premises supervisor in a case where the Chief Officer of the Police gave notice under section 37(5) the Chief Officer of the Police may appeal against the decision to grant the application.

Risk Management

21. There are no material risk implications.

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.

Human Resources/Organisational Development

25. There are no human resources/organisational development implications.

Commercial/Procurement

26. There are no commercial/procurement implications.

Environment/Climate Change

27. There are no Environment/Climate Change implications.

Council Priorities and Projects

28. 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.



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Appendices

None

List of Background Documents

None