
Licensing Sub-Committee 3 – 2nd May 2017

Report of the Strategic Director Place

Application for Grant of a New Premises Licence
Bar Diva, Lower Ground Floor, Plaza Mall, King Street, Dudley.

Purpose of Report

1. To consider the application for the grant of a new premises licence in respect of Bar Diva Ltd, Lower Ground Floor, Plaza Mall, King Street, Dudley, West Midlands.
2. On the 10th March 2017, an application for the grant of a new premises licence was received from Bar Diva Ltd in respect of the premises known as Bar Diva, Lower Ground Floor, Plaza Mall, King Street, Dudley. A copy of that application has been forwarded to 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
 - Consent of proposed premises supervisor
4. The application for a premises licence is as follows:

Sale of Alcohol/Live Music/Recorded Music

Thursday to Saturday inc	21.00 until 04.00
Monday	21.00 until 04.00
Sunday	21.00 until 02.00
5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from the West Midlands Fire Service. Copies of which have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
7. On the 4th April 2017, confirmation was received from the West Midlands Police that they had mediated with the applicant who had agreed to addition conditions being attached to the premises licence if granted and also to the reduction of hours as follows:

Live Music

Thursday to Saturday inc 21.00 until 02.30
Monday 21.00 until 02.30
Sunday 21.00 until 02.00

Recorded Music

Thursday to Saturday inc 21.00 until 03.00
Monday 21.00 until 03.00
Sunday 21.00 until 02.00

Sale of Alcohol

Thursday to Saturday inc 21.00 until 02.00
Monday 21.00 until 02.00
Sunday 21.00 until 01.30

Additional Conditions (to be attached to premises licence if granted).

1. SIA registered door staff, including 1 female member of door staff shall be provided on those days when recorded or live music is being provided as entertainment, between opening and the end of licensed hours. All door staff must be clearly identifiable as door staff, with a Security Industry Authority (SIA) number visible.
2. The premises shall maintain a record of full details of all door staff on duty at the premises, including SIA number and the signature of door staff upon start and finish of duty, countersigned by the Designated Premises Supervisor.
3. All customers entering the premises when door staff are in place shall be Subject to a bag and body search.
4. Strictly no entry to the premises at any time to anyone under the age of 18 years old.
5. Internal and external CCTV to be installed at the premises and to be recording at all times when the premises are open for licensable activity, to the specifications of the West Midlands Police. All images are to be recorded and retained for a minimum of 28 days and made available to any responsible authority upon request.
6. A last entry policy of 00.00hrs into the premises.
7. The use of breathalysers if a customer appears intoxicated.

The applicant has also agreed to the removal of the following statement from the Licensing Objective – The prevention of public nuisance “Working closely with a local taxi company who operate across the road (Triple 20)”

8. The premises has previously held a premises licence that licence was revoked by the Licensing & Safety Committee on the 2nd August 2016, a copy of the minutes from that meeting are attached to this report as Appendix 1.
9. This applications 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

10. There are no financial implications.

Law

11. 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.
12. 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 appropriate for the promotion of the Licensing objectives.
13. 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 appropriate 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
14. 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
15. 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).
16. 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)
17. 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.
18. 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.
19. 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

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

Recommendation

23. That the Sub-Committee determine the application.



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Strategic Director Place.

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List of Background Papers