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**Meeting of the Licensing Sub-Committee 2- 15<sup>th</sup> October 2024**

**Report of the Director of Environment**

**Application for Grant of a New Premises Licence**

**Geez, Unit 65 Lower Ground Floor, Plaza Mall, King Street, Dudley,  
West Midlands DY2 8NZ.**

**Purpose**

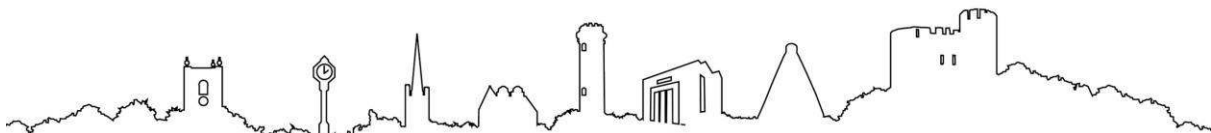
1. To consider the application for the grant of a new premises licence in respect of the premises known as Geez, Unit 65, Lower Ground Floor, Plaza Mall, King Street, Dudley.

**Recommendation**

2. That the Sub-Committee determine the application for the grant of a premises licence in light of representations raised.

**Background**

3. On the 30<sup>th</sup> August 2024, an application for the grant of a new premises licence was received from The Licensing Guys, on behalf of Luigina Fiona Capecchi in respect of Geez, Unit 65 Lower Ground Floor, Plaza Mall, King Street, Dudley, DY2 8NZ for the grant of a new premises licence. A copy of that application has been forwarded to all responsible authorities in accordance with the Licensing Act 2003 and is attached to this report as Appendix 1.
4. The application had the following documents enclosed:-



- Plan of the premises
- Correct fee
- Consent of the DPS

5. The application for a premises licence is as follows:

### **Supply of Alcohol**

Sunday to Thursday 11.00 until 23.00  
Friday and Saturday 11.00 until 23.30

### **Late Night Refreshments**

Friday and Saturday 23.00 to 23.30 Indoor only

### **Live Music/Recorded Music**

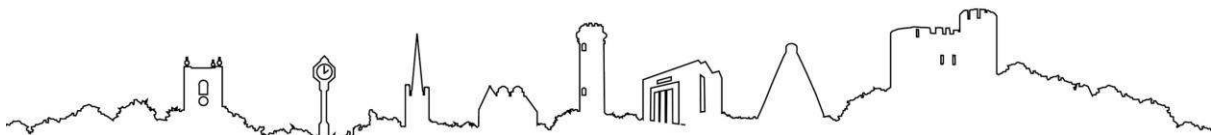
Sunday to Thursday 14.00 until 23.00  
Friday and Saturday 14.00 until 23.30

### **Hours Premises Open to the Public**

Sunday to Thursday 11.00 until 23.30  
Friday and Saturday 11.00 until 00.00

These premises already hold a premises licence that is currently suspended due to the non payment of annual fees.

Under a previous operator, the Premises Licence was reviewed by this Authority. As a result, 31 Conditions were imposed converting these premises into a restaurant style operation. The applicant has recently acquired these premises and the current Operating Schedule is proving too restrictive to her proposed operating style. Following liaison with both the Licensing Authority & the West Midlands Police,



she has resolved to apply for an entirely new Premises Licence reflecting these changes.

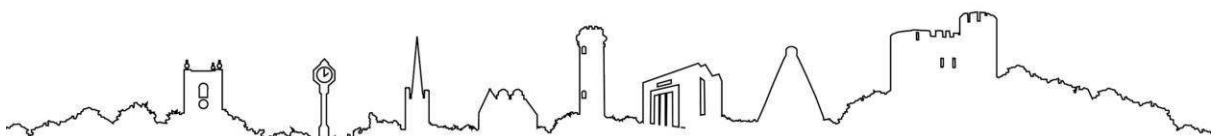
6. Confirmation that copies of the application form and supporting documentation have been served on the responsible authorities has been received.
7. Representations have been received from the West Midlands Fire Service, a copy of the representations has been forwarded to the applicant in accordance with the Licensing Act 2003 and is attached to this report as Appendix 2.

## **Finance**

8. There are no financial implications.

## **Law**

9. The law relating to the determination of applications for the grant of premises licence is governed by the Licensing Act 2003, part 3, section 18.
10. Pursuant to Section 18(3) of the Licensing Act 2003, where relevant representations are made 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.
11. Pursuant to Section 18 (4) the steps are:-



- (a) to grant the licence subject to:-
  - (i) such conditions as are consistent with the operating schedule accompanying the application modified to such 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 be 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

12. 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:-

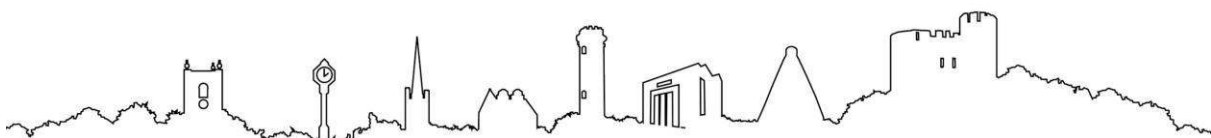
1 (a) (i) the applicant

1 (a) (ii) any person who made relevant representations in respect of the application and

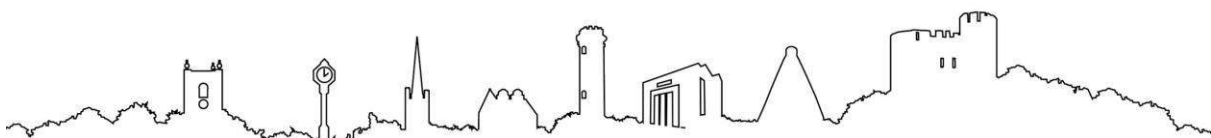
1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and

1 (b) issue the application with the licence and a summary of it

13. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authority's reasons for its decisions as to the steps (if any) to take under section 18(3)(b).



14. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must forthwith 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 for the police area or each police area in which the premises are situated
15. 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)
16. 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.
17. In pursuance of regulation 26(2) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make



its determination within 5 working days of the conclusion of the hearing.

18. If the Licensing Authority refuse to grant the application, there is a right of appeal. The appeal under this part must be made to a Magistrates' Court pursuant to schedule 5 section 9 of the Licensing Act 2003.

### **Risk Management**

19. There are no risk management implications.

### **Equality Impact**

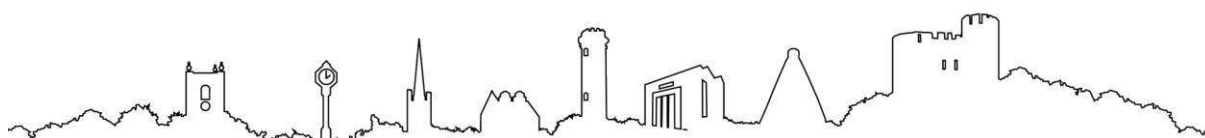
20. This report takes into account the Council's policy on equal opportunities.
21. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
22. There has been no consultation or involvement of children and young people in developing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

### **Human Resources/Organisational Development**

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

### **Commercial/Procurement**

24. There are no commercial/procurement implications.



## **Environment/Climate Change**

25. There are no Environment/Climate Change implications

## **Council Priorities and Projects**

26. This application falls within the Council's statutory responsibility for Licensing as a direct link to the Council's Plan 2022-25 as a place where communities can lead stronger, safer and healthier lives.

- Dudley the borough of opportunity
- Dudley the safe and healthy borough
- Dudley the borough of ambition and enterprise
- Dudley borough the destination of choice



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## **Appendices**

Application Form - Appendix 1

Representations - Appendix 2

## **List of Background Documents**

None

