

**Licensing Sub-Committee 3 – 30<sup>th</sup> September 2014**

**Report of the Director of Corporate Resources**

**Application to Transfer a Premises Licence**

**Purpose of Report**

1. To consider the application for transfer of the premises licence in respect of the premises known as Select Food & Beverages, 95, High Street, Dudley, DY1 1QP.

**Background**

2. Select Food & Beverages formerly known as (Everyting Criss Supermarket) was first issued with a premises licence on the 19<sup>th</sup> October 2005, that licence was subsequently transferred on the 26<sup>th</sup> April 2010, 16<sup>th</sup> August 2011 and the 22<sup>nd</sup> March 2012, the current premises licence holder is Mr Christopher Allwood.

3. The current premises licence is issued as follows:

Sale of Alcohol

Monday to Saturday	08.00 – 23.00	Good Friday	08.00 – 22.30
Sundays	10.00 – 22.30	Christmas Day	12.00 – 15.00 19.00 – 22.30

4. On the 20<sup>th</sup> May 2014, an application was received from Ms Joy Braham for the transfer of the premises licence . Copies of that application have been circulated to Committee Members and Interested Parties in accordance with the Licensing Act 2003.
5. On the 30<sup>th</sup> May 2014, the West Midlands Police made representations to the application, a copy of that report has also been circulated to Committee Members, Interested Parties and the Applicant.
6. This matter was considered by the Licensing & Safety Committee on the 24<sup>th</sup> June 2014, the Committee resolved that the matter be deferred until the applicant Joy Braham had undertaken the relevant training. On the 5<sup>th</sup> September 2014, the Licensing Office received confirmation that Ms Braham had completed the relevant training.

7. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

## **Finance**

8. There are no financial implications.

## **Law**

9. The law relating to applications to transfer of premises licence is governed by the Licensing Act 2003, part 3, section 42.
10. Pursuant to section 42 (6) 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.
11. Pursuant to section 42 (7) 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.
12. Pursuant to section 44 (5) 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.
13. 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.
14. Pursuant to section 45 (1) where an application under section 42 is granted or rejected the Licensing Authority must give a notice to that effect to:-
  - (a) the applicant  
and
  - (b) the Chief Officer of Police in which the premises are situated.
15. Pursuant to section 45 (2) the notice must state the authorities reasons for granting or rejecting the application.
16. Pursuant to section 45 (3) where the application is granted, the notice must specify the time when the transfer takes effect.
17. Pursuant to section 45 (4) the licensing authority must also give a notice
  - (a) where the application is granted:-

- (i) to the holder of the licence immediately before the application was granted, or
    - (ii) if the application was one to which included a request that the transfer take immediate effect, to the holder of the licence immediately before the application was made (if any)
  - (b) where the application is rejected, to the holder of the premises licence (if any)
18. Pursuant to schedule 5, part 1 1(d) if the Licensing Committee refuse to grant the application for transfer of premises licence there is a right of appeal to the Magistrate's Court.
19. Pursuant to Schedule 5, Part 1 6 (1) and (2) if the Licensing Committee grants the application to vary a licence to specify individual as premises supervisor in a case where a Chief Officer of Police gave notice under section 42 (6) the Chief Officer of the Police may appeal against the decision to grant the application.

### **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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DIRECTOR OF CORPORATE RESOURCES

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### **List of Background Papers**

None