

Licensing Sub-Committee 2 – 26th September 2017

Report of the Strategic Director Place

Application for Review of a Premises Licence

Malcolm’s Newsagents, 91 – 93 Watsons Green Road, Dudley.

Purpose

1. To consider the application for the review of the premises licence in respect of Malcolm’s Newsagents, 91 – 93 Watsons Green Road, Dudley, DY2 7LJ.

Recommendation

2. That the Sub-Committee determine the application for the review of the premises licence received from the Public Protection Manager (Food & Consumer Safety) in respect of the premises known as Malcolm’s Newsagents, 91 – 93 Watsons Green Road, Dudley, West Midlands.

Background

3. Malcolm’s Newsagents was first issued with a premises licence on the 9th September 2005. That licence was transferred into the name of Mr Chandran Thevar on the 1st June 2015 who remains the current licence holder. The current licence is for the following:

| | | | |
|--------------------------|-----------------------------|--------------|--------------|
| Supply of Alcohol | Mondays to Saturdays | 08:00 | 23:00 |
| Supply of Alcohol | Sundays | 10:00 | 22:30 |
| Supply of Alcohol | Good Friday | 08:00 | 22:30 |
| Supply of Alcohol | Christmas Day | 12:00 | 15:00 |
| Supply of Alcohol | Christmas Day | 19:00 | 22:30 |

4. On the 1st August 2017, an application for the review of the premises licence was received from the Public Protection Manager (Food & Consumer Safety).
5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. On the 2nd August 2017, the Office of Public Health & Wellbeing made representations.

7. On the 16th August 2017, the West Midlands Police made representations.
8. Copies of all representations have been forwarded to the Premises Licence Holder, Committee Members and Interested parties.
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 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
12. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 13. 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.
 14. 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.

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

16. 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.
17. 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).
18. 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.
19. 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.
20. 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.
21. 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
22. 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.

Equality Impact

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

Human Resources/Transformation

26. There are no Human Resources/Transformation implications.



.....
STRATEGIC DIRECTOR PLACE

Contact Officer: Mr S Smith
Telephone: 01384 814631
Email: simon.smith@dudley.gov.uk

List of Background Papers