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## **Licensing Sub-Committee 3 – 10<sup>th</sup> March, 2020**

### **Report of the Director of Public Realm**

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

### **McDonald's Restaurant, Birmingham New Road/Ivy House Lane, Bilston West Midlands, WV14 9JH.**

#### **Purpose**

1. To consider the application for the grant of a new premises licence in respect of the premises known as McDonald's Restaurant, Birmingham New Road/Ivy House Lane, Bilston, WV14 9JH.

#### **Recommendation**

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

#### **Background**

3. On the 16<sup>th</sup> January 2020, an application for the grant of a new premises licence was received from Shoosmiths, on behalf of BCR Restaurants Limited, in respect of the premises known as McDonald's Restaurant, Birmingham New Road/Ivy House Lane, Bilston, WV14 9JH. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
4. The application had the following documents enclosed:-
  - Plan of the premises
  - Correct fee



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

**Late Night Refreshment**

Monday to Sunday inc. 23.00 until 05.00

**Hours Premises are Open to the Public**

Monday to Sunday inc. 05.00 until 05.00

6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations have been received from three local residents and a local Ward Councillor. Environmental Health and Safety have also made comments that the Committee may wish to take into consideration. A copy of the representations/comments have been forwarded to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.

**Finance**

8. There are no direct financial implications to the Local Authority arising from this report.

**Law**

9. 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.
10. 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 necessary 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 necessary 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 five 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.

### **Equality Impact**

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

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

22. There are no direct human resources/organisational development implications.



## **Commercial/Procurement**

23. There are no direct commercial/procurement implications.

## **Health, Wellbeing and Safety**

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

*Matt Williams*

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## **Appendices**

None

## **List of Background Documents**

None

