

Meeting of the Licensing Sub-Committee 4 – 26th April 2022

Report of the Interim Director of Public Realm

Application to Vary a Premises Licence

Budgens, 58 High Street, Pensnett, Brierley Hill, DY5 4RH

Purpose

- 1 To consider the application for variation of the premises licence in respect of the premises to be known as Budgens (formerly Sainsbury's Supermarket) 58 High Street, Pensnett, Brierley Hill, DY5 4RH.

Recommendation

2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

Background

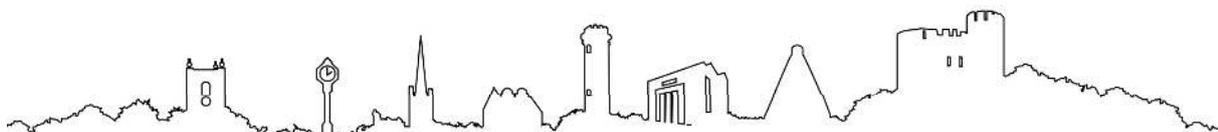
3. Budgens (formerly Sainsbury's Supermarket), was first issued with a premises licence on the 6th February 2013.
4. The current premises licence holder is Samy Limited, the current licence is issued for the following days and times:

Supply of Alcohol

Monday to Sunday inc 06.00 until 00.00

Premises Open to the Public

Monday to Sunday inc 00.00 until 24.00



5. On the 8th March 2022, Winckworth Sherwood LLP made application on behalf of Samy Limited, for the variation of the premises licence as follows:

Supply of Alcohol/Hours Premises Open to the Public

Monday to Sunday inc 00.00 until 24.00

Late Night Refreshment

Monday to Sunday inc 23.00 until 05.00

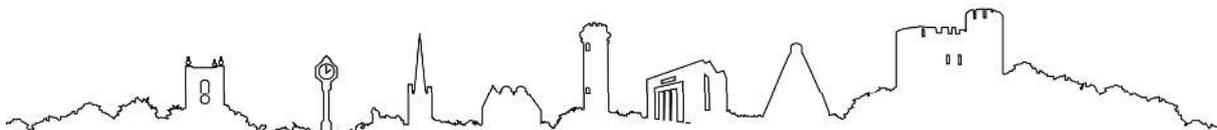
6. Confirmation that copies of the application form and supporting documentation has been served on the relevant authorities has been received.
7. Representations in respect of the application have been received from West Midlands Police and two Ward Members. Copies of all representations have been forwarded to Committee Members, interested parties and the Applicant in accordance with Licensing Act 2003.

Finance

8. There are no financial implications.

Law

9. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
10. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant representation is made, the Licensing Authority must:-
- Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
 - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
 - The steps are:-
 - To modify the conditions of licence;



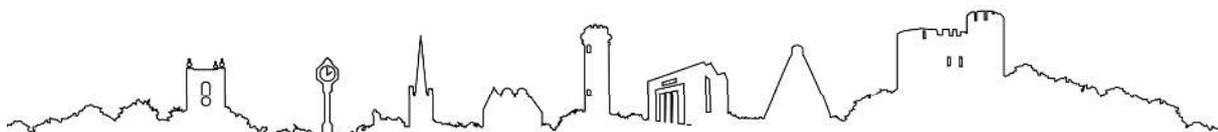
- To reject the whole or part of the application.
11. Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
 - the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
 12. 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.
 13. In pursuance of schedule 5, section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
 14. In pursuance of schedule 5, section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of section 35 of the Licensing Act 2003.
 15. In pursuance of schedule 5 section 4(3) where a person who made relevant representations to the application desires to contend:-
 - a) that any variation made ought not to have been made, or
 - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified item in a different way, under subsection 4(a) of section 35 of the Licensing Act.

They have the right of appeal to the Magistrates' Court.

Risk Management

16. There are no risk management implications.

Equality Impact



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

Human Resources/Organisational Development

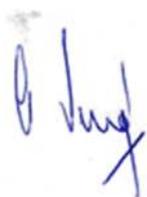
20. There are no Human Resources/organisational Development implications.

Commercial/Procurement

21. There are no commercial/procurement implications.

Council Priorities

22. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



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Andy Vaughan
Interim Director of Public Realm

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