

**Licensing Sub-Committee 1 - 15th September, 2015**

**Report of the Strategic Director Resources and Transformation**

**Application to Vary a Premises Licence to Specify an Individual as a Designated Premises Supervisor**

**Purpose of Report**

- 1 To consider the application for variation of the premises licence to specify an individual as a designated premises supervisor in respect of the premises known as The Rising Sun, 55, Darkhouse Lane, Coseley, WV14 8XH.

**Background**

- 2 The Rising Sun, was first issued with a premises licence on the 25<sup>th</sup> October 2005, that licence was subsequently transferred on the 16<sup>th</sup> November 2007 and again on the 18<sup>th</sup> July 2012.
- 3 The current premises licence is issued for the following:

Live Music	Monday to Thursday	11:00	00:0
Live Music	Friday to Saturday	11:00	01:00
Live Music	Sunday	12:00	00:0
Live Music	New Year's Eve (as statutory Embedded Permission)	20:00	03:00
Recorded Music	Monday to Thursday	11:00	00:00
Recorded Music	Friday to Saturday	11:00	01:00
Recorded Music	Sunday	12:00	00:0
Recorded Music	New Year's Eve (as statutory Embedded Permission)		
Supply of Alcohol	Monday to Thursday	11:00	00:30
Supply of Alcohol	Friday to Saturday	11:00	01:30

Supply of Alcohol	Sunday	12:00	23:30
Supply of Alcohol	New Year's Eve (as statutory Embedded Permission)		

- 4 The current premises licence holder is Mr Satnam Singh.
- 5 On the 7<sup>th</sup> August 2015, Mr Singh, made application for the variation of the premises licence to specify an individual as designated premises supervisor in respect of the Rising Sun. A copy of that application has been circulated to Committee Members and Interested Parties.
- 6 Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
- 7 On the 10<sup>th</sup> August 2015, objections to the application were received from the West Midlands Police, copies of those representations have been circulated to the premises licence holder, Committee Members and interested parties in accordance with the Licensing Act 2003.
- 8 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**

- 9 There are no financial implications.

### **Law**

- 10 The law relating to the granting of applications to vary a licence to specify individual as premises supervisor is governed by the Licensing Act 2003, part 3, section 37.
- 11 Pursuant to part 3, section 37(5) 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.
- 12 Pursuant to part 3, section 37(6) the Chief Officer of Police must give that notice within the period of 14 days beginning with the day he his notified of the application.

Pursuant to section 39(3), 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 Where an application under section 37 is granted or rejected pursuant to section 39(4), the Licensing Authority must give a notice to that effect to:-
  - (a) the applicant
  - (b) the proposed individual, and
  - (c) the Chief Officer of Police for police area in which the premises are situated.
- 15 Pursuant to section 39(5) the notice must state the authorities reasons for granting or rejecting the application.
- 16 Pursuant to section 39(6) where the application is granted, the notice must specify the time when the variation takes effect.
- 17 Pursuant to schedule 5, part 1 1(c) if the Licensing Committee refuse to grant the application to vary a licence to specify individual as premises supervisor there is a right of appeal to the Magistrate's Court.
- 18 Pursuant to schedule 5, part 1 5(1) and (2) if the licensing Committee grants the application to vary a licence to specify individual as premises supervisor in a case where the Chief Officer of the Police gave notice under section 37(5) the Chief Officer of the Police may appeal against the decision to grant the application.

### **Equality Impact**

- 19 This report takes into account the Council's policy on equal opportunities.

### **Recommendation**

- 20 That the Sub-Committee determine the application.



Philip Tart

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### **Strategic Director (Resources and Transformation)**

Contact Officer: Mrs. L. Rouse  
Telephone: 01384 815377  
Email: [liz.rouse@dudley.gov.uk](mailto:liz.rouse@dudley.gov.uk)

**List of Background Papers**  
**None**