

Licensing Sub-Committee 3 – 30th October 2012

Report of the Director of Corporate Resources

Review of a Premises Licence

Purpose of Report

1. To consider the application for the review of a premises licence in respect of 135 Priory Road, Dudley, West Midlands.

Background

2. On the 18th December 2008, an application was received from Kenyon Son & Craddock Solicitors in respect of the premises known as 135 Priory Road, Dudley, West Midlands.

3. The application had the following documents enclosed:-

- Plan of the premises
- Correct fee of £100.00
- DPS Consent form

4. The application for a premises licence was as follows:-

To allow the sale of alcohol

Monday – Sunday 07.00 - 23.00

Copies of the application form and supporting documentation were served on the relevant authorities.

5. Following receipt of the application on the 18th December 2008, the premises licence was granted on the 14th January 2009, this being the closing date for objections.
6. The Licensing office contacted the Applicant's Solicitors as a copy of the newspaper advertisement had not been received and therefore the licence could not be issued.

7. On the 27th January 2009, a petition was received from local residents. On receipt of the petition the Applicant's Solicitor was again contacted by the Licensing office, as it was imperative that the Licensing office had sight of the advert, as that was proof of the closing date for objections.
8. The Applicant's Solicitors informed the Licensing office that they had mistakenly put the closing date on the newspaper advertisement as the 28th January 2009 therefore the premises licence was cancelled and the matter referred to the sub-committee as objections had been received to the application by local residents.
9. A copy of the petition received from local resident concerning public nuisance was circulated to the Committee Members, interested parties and the Applicant in accordance with the Licensing Act 2003.
10. This matter was considered by the Licensing Sub-Committee on the 17th February 2009. The Committee resolved that the application be granted as follows:-

Sale of Alcohol

Monday – Sunday 07.00 – 23.00

All conditions set out as in the operating schedule only
11. That licence was subsequently transferred on the 25th January 2011 into the name of Mr Tilak Raj.
12. On the 13th September 2012, the Trading Regulation & Enforcement Manger made application for the review of the premises licence in respect of 135 Priory Road, Dudley, West Midlands. A copy of that application has been circulated to the Committee Members and interested parties.
13. The Council has advertised the application for review of the premises licence in respect of 135 Priory Road, Dudley in accordance with Licensing Regulation S1, 2004, No 42, Section 38. A copy of that notice is attached to this report as Appendix 1.
14. Confirmation that the application has been served on the relevant authorities and the premises licence holder has been received.
15. 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

16. There are no financial implications.

Law

17. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).

Determination of application for review

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
18. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
19. 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.
20. 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.

21. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
22. 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,
23. 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).

24. 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.
25. 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.
26. 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.
27. 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

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

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

Recommendation

31. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers