

Licensing Sub-Committee 2 – 3rd March, 2020

Report of the Director of Public Realm

Variation of Designated Premises Supervisor

Darby End Convenience Store, 63B Northfield Road, Dudley, DY2 9JQ

Purpose

1. To consider the application for variation of designated premises supervisor in respect of the Darby End Convenience Store, 63B Northfield Road, Dudley, DY2 9JQ.

Recommendation

2. That the Sub-Committee determine the application for the variation of the Designated Premises Supervisor in respect of the premises known as the Darby End Convenience Store, 63B Northfield Road, Dudley, DY2 9JQ, following the receipt of representations from the West Midlands Police.

Background

3. The Darby End Stores was first issued with a premises licence on the 26th September 2005, the current premises licence holder is Mr Harjinder Singh. That license is for the sale of alcohol on the following days and times:

Supply of Alcohol	Monday to Saturday	08:00	23:00
	Sunday	10.00	22.30
	Good Friday	08.00	22.30
	Christmas Day	12.00	15.00
	Christmas Day	19.00	22.30



4. On the 5th July 2019, an application for the review of the premises licence was received from the Public Protection Manager (Food & Consumer Safety) the grounds for the review related to the prevention of crime and disorder and the protection of children from harm.
5. Representations in support of the application for review were received from the HM Immigration Department, Chief Officer Health and Wellbeing and the West Midlands Police.
6. This matter was considered by the Sub-Committee on the 27th August 2019, the Committee resolved that the licence be revoked. A copy of the minutes from that meeting are attached to this report as appendix 1. The Committee should be aware that the premises are currently operating under appeal. The appeal is due to be heard at the Magistrates Court on 23rd April 2020.
7. On the 27th January 2020, an application was received from Personal Licence Courses UK Ltd on behalf of Mr Harjinder Singh (Premises licence holder) for the variation of the premises licence to specify an individual as a Designated Premises Supervisor a copy of the application form has been forwarded to Committee Members in accordance with the Licensing Act 2003.
8. Confirmation that the application has been served on the relevant authorities has been received.
9. On the 7th February 2020, the West Midlands Police raised objections to the application for variation of Designated Premises Supervisor, a copy of the representations have been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.

Finance

10. There are no financial implications.

Law

11. 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.
12. 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.



13. 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.
14. 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.
15. 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.
16. 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.
17. Pursuant to section 39(5) the notice must state the authority's reasons for granting or rejecting the application.
18. Pursuant to section 39(6) where the application is granted, the notice must specify the time when the variation takes effect.
19. 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.
20. 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

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



23. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
24. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

25. There are no human resources/organisational development implications.

Commercial/Procurement

26. There are no commercial/procurement implications.

Health, Wellbeing and Safety

27. 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.

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Appendices

None

List of Background Documents

None

