

Licensing Sub-Committee 5 - 31st March, 2009

Report of the Interim Director of Law and Property

Review of Premises Licence - Steve James Snooker Club

Purpose of Report

- 1 To consider the review of the Premises Licence in respect of Steve James Snooker Club, 5a High Oak, Pensnett, Brierley Hill, West Midlands.

Background

2. On the 28th June 2005, an application was received from Mr Spence Maurice Dunn for the conversion of an existing licence into a premises licence, in respect of the premises then known as Pensnett Snooker Club.
3. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities, was received.
4. That Licence was granted on 26th July 2005, for the following days and times:-

Sale of Alcohol/indoor Sporting Events

Monday to Saturday	10.00 – 23.00
Sundays	12.00 – 22.30

Additional 1 hr to the following days – Easter Friday, Saturday, Sunday and Monday, May Bank Holiday, Friday, Saturday, Sunday and Monday, Whitsun Bank Holiday Friday, Saturday, Sunday and Monday, Christmas Eve, Boxing Day and New Year's Day, Christmas Day.

New Year's Eve – 36 hours

5. On the 20th October 2006 the West Midlands Police Served a Section 19 closure order on the premises for unlicensed activities (this however was served on the previous licence holders)
6. That licence was subsequently transferred on 13th December 2007, into the name of Mr Stephen James and Mr Jarnaic Singh, the name of the premises licence also changed to Steve James Snooker Club.
7. The current premise licence holders are Mr S James and Mr J Singh the designated premises supervisor is Mr S James.

8. On the 9th January 2009, the West Midlands Police made application for the review of the premises licence in respect of Steve James Snooker Club. A copy of that application is attached to this report as Appendix 1.
9. The Council has advertised the application for review of the Premises Licence in respect of Steve James Snooker Club in accordance with Licensing Regulation S1 2004 No 42 Section 38, a copy of that notice is attached to this report as Appendix 2.
10. Confirmation that the application has been served on the relevant authorities has been received from the West Midlands Police.
11. The West Midlands Fire service made representations a copy of that report is attached as appendix 3.
12. This matter was considered by the Sub-Committee on the 24th February, 2009, the Sub-Committee resolved that the matter be deferred with the agreement of all parties to the 31st March 2009 at 10.00 am.
13. 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

14. There are no financial implications.

Law

15. The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).
16. Determination of application for review:
S52(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 Sub-Section (3)(a) or (d) of that Section; and
 - (c) The authority has complied with any requirement imposed on it under Sub-Section (3) (b) or (d) of that Section.
17. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

18. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in Sub-Section (4) (if any) as it considers necessary for the promotion of the licensing objectives.
19. 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 of 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.
20. Sub-Section (3) is subject to Sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences).
21. Where the authority takes a step mentioned in Sub-Section (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.
22. 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 Sub-Section (8).
23. 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.
24. 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.

25. 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.
26. 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)
27. 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 person who made relevant representations in relation to the application for review

Equality Impact

28. This report complies with 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 review this licence.



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INTERIM DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

none