

Meeting of the Licensing Sub-Committee 2

Tuesday 27th August, 2019 at 10.30am

(or upon the conclusion of the prior Sub-Committee meeting)

In the Council Chamber at the Council House, Priory Road, Dudley

Agenda - Public Session

(Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.

The following application is to be considered under the provisions of the Licensing Act 2003:-

4. [Application for Review of a Premises Licence – Darby End Stores, 63B Northfield Road, Dudley \(Pages 1 - 4\)](#)
5. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 14th August, 2019



Distribution:
Members of Licensing Sub-Committee 2

Councillor M Evans (Chair)
Councillors J Baines and P Drake

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Licensing Sub-Committee 2 - 27th August 2019

Report of the Strategic Director Place

Application for Review of a Premises Licence

Darby End Stores, 63B Northfield Road, Dudley, DY2 9JQ.

Purpose

1. To consider the application for the review of the premises licence in respect of the Darby End Stores (previously known as Premier Convenience Store), 63B, Northfield Road, Dudley, DY2 9JQ.

Recommendation

2. That the Sub-Committee determine the application for the review of the premises licence received from the Public Protection Manager (Food and Consumer Safety) in respect of the premises known as the Darby End Stores, 63B, Northfield Road, Dudley, DY2 9JQ.

Background

3. Darby End Stores was first issued with a premises licence on the 26th September 2005. The current premises licence holder is Mr Harjinder Singh. The current licence is for the following:

Supply of Alcohol	Monday to Saturday	8:00	23:00
	Sunday	10:00	22:30
	Good Friday	8:00	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) on the grounds of the prevention of crime and disorder and the protection of children from harm. A copy of that application has been forwarded to the Premises Licence Holder, Committee Members, Relevant Authorities and Interested Parties in accordance with the Licensing Act 2003.
5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.

6. Representations have been received from the Chief Officer Health and Wellbeing, HM Immigration Department and the West Midlands Police.
7. Copies of all representations have also been forwarded to the Premises Licence Holder, Committee Members and Interested Parties.

Finance

8. There are no financial implications.

Law

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

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
10. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
 11. 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.
 12. 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.

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

14. 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.
15. 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).
16. 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.
17. 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.
18. 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.
19. 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
20. 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

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

Organisational Development/Transformation

- 24. There are no organisational development/transformation implications.

Commercial/Procurement

- 25. There are no commercial/procurement implications.

Health, Wellbeing and Safety

- 26. 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.



Strategic Director Place

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Appendices

None

List of Background Documents

None