

Licensing Sub-Committee 3 - 10th March 2020

Report of the Director of Public Realm

Application to Vary a Premises Licence

The Barnett Lane Post Office

Purpose

- 1 To consider the application for variation of the premises licence in respect of the premises known as The Barnett Lane Post Office, 3 Barnett Lane, Kingswinford, DY6 9PJ.

Recommendation

2. That the Sub-Committee determine the application for variation of hours for the Supply of Alcohol together with the opening hours in respect of the premises known as the Barnett Lane Post Office.

Background

3. The Barnett Lane Post Office was first issued with a premises licence on the 9th May, 2006 by the Licensing Sub-Committee, following objections from local residents.
4. The current premises licence was transferred into the name of Mrs Nekalaya Kuganesan and Mr Shanmugasuntharam Kathirgamuttiah on the 9th February 2018, and is issued for the following:

Supply of Alcohol/ - Monday to Sunday inclusive 06.30 until 20.00
Opening Hours

5. On the 17th January 2020, PMB Licensing made application on behalf of Mrs Nekalaya Kuganesan and Mr Shanmugasuntharam Kathirgamuttiah in respect of the premises known as Barnett Lane Post Office for the following variation:



The variation is to extend the hours for Licensable Activity and the opening hours:

Supply of Alcohol/ Hours premises open to the public. - Monday to Sunday inc 06.30 until 23.00

6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations objecting to the application have been received from a local Ward Councillor and the West Midlands Police.
8. Representations in the form of a petition signed by local residents in support of the application has been received from PMB Licensing. Copies of all representations have been forwarded to Committee Members and interested parties in accordance with the Licensing Act 2003.

Finance

9. There are no direct financial implications.

Law

10. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, Part 3, Section 34.
11. Pursuant to Section 35(3)(a) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
 - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
 - The steps are:-
 - To modify the conditions of licence;
 - To reject the whole or part of the application.



12. Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
- the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
13. In pursuance of 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. In pursuance of Schedule 5, Section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
15. In pursuance of Schedule 5, Section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of Section 35 of the Licensing Act 2003.
16. In pursuance of Schedule 5 Section 4(3) where a person who made relevant representations to the application desires to contend:-
- a) that any variation made ought not to have been made, or
 - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified item in a different way, under subsection 4(a) of Section 35 of the Licensing Act.
- They have the right of appeal to the Magistrates' Court.

Equality Impact

17. This report complies with the Council's policy on equal opportunities.
18. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.



19. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

20. There are no direct Human Resources/Organisational Development implications.

Commercial/Procurement

21. There are no direct commercial/procurement implications.

Health, Wellbeing and Safety

22. 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.

Matt Williams

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Appendices

None

List of Background Documents

None

