

Please ask for: Mrs. J. Hunt

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3 July, 2019

Dear Councillor,

**LICENSING SUB-COMMITTEE
10:00 A.M., THURSDAY 11 JULY, 2019
ESPERANCE ROOM, CIVIC CENTRE, CANNOCK**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,



**T. McGovern
Managing Director**

To: Councillors

Dudson, A.
Fisher, P.A.
Pearson, A.R.

AGENDA

PART 1

1. Appointment of Chairman

2. Apologies and Reconstitution of Membership

The Council will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the full Licensing and Public Protection Committee. In the event of this substitution taking place, all parties will be informed of the change of membership at the beginning of the hearing.

3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

4. Licensing Act 2003 – Application to Transfer a Premises Licence and Vary the Designated Premises Supervisor, Broadway Convenience Store, 50 Broadway, Hednesford, Staffordshire, WS12 4HP

Report of the Head of Economic Prosperity (Enclosure 4.1 – 4.4).

5. Exclusion of the Public

The Chairman to move:

That the public may be excluded from the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1 and 2, Part 1, Schedule 12A of the Local Government Act, 1972 (as amended) when the Not for Publication papers are being discussed.

6. Licensing Act 2003 – Application to Transfer a Premises Licence and Vary the Designated Premises Supervisor, Broadway Convenience Store, 50 Broadway, Hednesford, Staffordshire, WS12 4HP

Not for Publication Annexes to the Report of the Head of Economic Prosperity (Enclosure 6.1 – 6.13).

The Annexes are confidential due to the inclusion of information relating to any individual and information which is likely to reveal the identity of an individual.

CANNOCK CHASE COUNCIL

LICENSING SUB-COMMITTEE

**PROCEDURE FOR DEALING WITH LICENSING APPLICATIONS AND OTHER MATTERS
SUBMITTED UNDER THE LICENSING ACT 2003**

**PROCEDURE TO BE USED FOR APPLICATIONS TO TRANSFER A PREMISES LICENCE
AND VARY A DESIGNATED PREMISES SUPERVISOR**

Procedure for the Hearing


1. The Chairman shall introduce the Members of the Sub-Committee and supporting staff.
2. All other parties present shall introduce themselves.
3. The Chairman shall outline the procedure to be followed at the hearing.
4. The Officer representing the Licensing Authority shall present a report on the matter.
5. The Applicant (or their representative) shall have the opportunity to ask questions of the Officer from the Licensing Authority.
6. The Objector to the application (or their representative) shall have the opportunity to ask questions of the Officer from the Licensing Authority.
7. Members of the Sub-Committee may ask questions of the Officer from the Licensing Authority.
8. *Where the Officer of the Licensing Authority is legally represented, the legal representative may ask questions of clarification of the Officer of the Licensing Authority.*
9. The Objector to the application (or their representative) shall put their case in respect of the matter and may call witnesses.
10. The Applicant (or their representative) shall have the opportunity to ask questions of the Objector to the application (or their representative) and any witnesses called.
11. Members of the Sub-Committee may ask questions of clarification of the Objector to the application (or their representative) and any witnesses called.
12. The Applicant (or their representative) shall put their case in respect of the matter and may call witnesses.
13. The Objector to the application (or their representative) may ask questions of clarification of the Applicant (or their representative) and any witnesses called.
14. Members of the Sub-Committee may ask questions of clarification of the Applicant (or their representative) and any witnesses called.

15. The Officer of the Licensing Authority shall have the opportunity to sum up their case if they so wish.
16. The Objector to the application (or their representative) shall have the opportunity to sum up their case if they so wish.
17. The Applicant (or their representative) shall have the opportunity to sum up their case if they so wish.
18. Members of the Sub-Committee shall deliberate in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee, only recalling the other parties or their representatives to clarify points of uncertainty on evidence or submissions already given. If it is necessary to recall any party, all parties are to return, notwithstanding that only one party may be concerned with the points giving rise to doubt.
19. At the conclusion of their deliberations, the Chairman of the Sub-Committee may inform the Objector to the application (or their representative) and the Applicant (or their representative) of the decision of the Sub-Committee, briefly explaining the reasons for the decision.
20. The Applicant and Objector to the Application shall be written to **within seven working days** (or as soon as practicable if this cannot be completed) with confirmation of the Sub-Committee's decision and reasons for that decision.

CANNOCK CHASE DISTRICT COUNCIL**LICENSING SUB-COMMITTEE****11 JULY 2019****REPORT OF HEAD OF ECONOMIC DEVELOPMENT****LICENSING ACT 2003****APPLICATION TO TRANSFER A PREMISES LICENCE &****APPLICATION TO VARY THE DESIGNATED PREMISES SUPERVISOR****MR SORINDER SINGH****BROADWAY CONVENIENCE STORES, 50 BROADWAY, HEDNESFORD, STAFFS, WS12 4HP**1. Reason for referral

- 1.1 Staffordshire Police have made representations to the licensing authority in respect of an application to transfer the Premises Licence and to vary the Premises Licence in order to name an individual as the Designated Premises Supervisor (DPS). The objection has been made because the police believe that granting the applications to Mr Sorinder Singh will undermine the licensing objectives of the prevention of crime and disorder. A copy of the police letter of objection is given as a confidential Annex 1 to this report.

2.

Person specified in the applications as the new Premises Licence Holder and new DPS.	Mr Sorinder Singh 
Name and address of premises concerned.	Broadway Convenience Stores 50 Broadway Hednesford Staffordshire WS12 4HP
Representations received	SGT James Finn Staffordshire Police Southern Licensing Department Burton Police Station Horningslow Street Burton-on-Trent Staffordshire DE14 1PA

Date of application to transfer the Premises Licence.	5 June 2019. A copy of the application to transfer the Premises Licence is given as a confidential Annex 2 to this report.
Date of application to vary the Designated Premises Supervisor (DPS).	5 June 2019. A copy of the application to vary the Designated Premises Supervisor is given as a confidential Annex 3 to this report.
Date of representation from the Police.	17 June 2019. By email to the Council's Licensing Unit.
Matters of note.	<p>The Licensing Sub-Committee will note that the day following Mr Singh's' application to the licensing authority to transfer the Premises Licence into his name, he also made application to vary the Premises Licence in order to specify himself as the DPS.</p> <p>Both applications were made to have immediate effect whilst the 14 day period of objection expired. Within the application to transfer the Premises Licence, Mr Singh advised that the previous licence holder is untraceable and that he has taken reasonable steps to contact them in order to obtain their consent to the transfer.</p> <p>The Police objection is to both the transfer of the Premises Licence into Mr Singh's name and the proposed variation of the Premises Licence to specify Mr Singh as the Designated Premises Supervisor.</p> <p>Because an application to vary the Premises Licence in order to specify the DPS can only be made by the Licence Holder, it is necessary for the Licensing Sub-Committee to first determine the application to transfer the Premises Licence into Mr Singh's name.</p> <p>If the Sub-Committee determines that the application for the transfer of the Premises Licence should be granted, then Mr Singh will also become the DPS at the premises unless the Licensing Sub-Committee determines otherwise.</p> <p>If the application to transfer the Premises Licence is refused, this would invalidate the application from Mr Singh to become the DPS. The Premises Licence would also revert back to the previous licence holder who is declared bankrupt.</p>

	<p>The Licensing Act 2003 prohibits bankrupt persons from holding a premises licence. In consequence, the Premises Licence would lapse.</p> <p>The Licensing Sub-Committee will note that Mr Singh has previously been convicted of three offences which are relevant offences under the Licensing Act 2003.</p>
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3. Human Rights Act 1998 Implications

- 3.1 Article 6 of the Act provides that where a person's civil rights and obligations are being determined, s/he is entitled to a "fair trial". The Council complies with Article 6 in that it gives the person the opportunity to state their case, will make a decision within a reasonable period of time and will give reasons for its decision.
- 3.2 The Article also provides for the issue to be determined by an independent tribunal. The right of appeal to the Court against the Council's decision fulfils this.

4. Legal Implications

- 4.1 Where the Chief Officer of Police has given a notice of objection to the transfer of the Premises Licence under section 42(6) of the Act, and given an objection notice to the variation of the licence in order to specify the Designated Premises Supervisor under section 37(5) of the Act, the Licensing Sub Committee must consider both objection notices and the circumstances in which they were given.
- 4.2 The Committee must have regard to the notices and must reject the applications if it considers it appropriate for the promotion of the crime prevention objective to do so.
- 4.3 After the committee has made its decision, as to whether to approve or reject the application to transfer the Premises Licence and to the variation of the licence in order to specify the Designated Premises Supervisor, the Council must give notice of the determination to the applicant and the police and the premises licence holder. Sections 45 and 39 require the Council to give reasons as to why the application was granted or rejected.
- 4.4 Where the applications are granted, sections 45(3) and 39(6) of the Act require the notice of determination to specify the time when the transfer and DPS variation take effect.
- 4.5 If the Sub-Committee determines that the application for transfer of the Premises Licence should be granted, then Mr Singh will also become the DPS at the premises unless the Licensing Sub-Committee determines otherwise.

5.

Confidential annexes attached	Annex 1 Letter of objection from Staffordshire Police in respect of the application to transfer the Premises Licence to Mr Singh and to name him as the Designated Premises Supervisor.
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	<p>Annex 2 Copy of the application to transfer the Premises Licence.</p> <p>Annex 3 Copy of the application to vary the Designated Premises Supervisor.</p>
<p>6. Determination Required</p>	<p>Members are asked to determine whether to grant the application to transfer the premises licence. The determination must be made as per section 44(5) of the Act.</p> <p>The section states that Members must have regard to the notice of objection from the Police when they consider the application to transfer, and must reject the application if they consider it appropriate for the promotion of the crime prevention objective to do so.</p> <p>If Members decide to grant the application to transfer the premises licence then a determination is also required as to whether to allow the application to vary the premises licence to change the Designated Premises Supervisor. Members must determine that application as per section 39(3) of the Act.</p> <p>The section also states that Members must have regard to the notice of objection from the Police when they consider the application to vary the DPS, and must reject the application if they consider it appropriate for the promotion of the crime prevention objective to do so.</p>