

## **Meeting of the Licensing Sub-Committee 4 – 30<sup>th</sup> April 2024**

### **Report of the Director of Environment**

#### **Application to Vary a Premises Licence – The Red Lion, Bull Ring, Sedgley, West Midlands, DY3 1RU**

#### **Purpose**

- 1 To consider the application for variation of the premises licence in respect of the premises known as The Red Lion, Bull Ring, Sedgley, West Midlands.

#### **Recommendation**

2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

#### **Background**

3. The Red Lion was first issued with a premises licence on the 18<sup>th</sup> June 2007. The current premises licence holder is The Craft Union Pub Company Limited, the licence is issued for the following days and times:

<b>E: Live Music</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>23:00</b>
<b>E: Live Music</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>00:00</b>
<b>E: Live Music</b>	<b>Sunday</b>	<b>12:00</b>	<b>22:30</b>
<b>F: Recorded Music</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>23:00</b>
<b>F: Recorded Music</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>00:00</b>
<b>F: Recorded Music</b>	<b>Sunday</b>	<b>12:00</b>	<b>22:30</b>
<b>G: Performance of Dance</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>23:00</b>
	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>00:00</b>

<b>G: Performance of Dance</b>	<b>Sunday</b>	<b>12:00</b>	<b>22:30</b>
<b>G: Performance of Dance</b>	<b>Monday to Sunday</b>	<b>23:00</b>	<b>03:00</b>
<b>I: Late Night Refreshment</b>	<b>Monday to Saturday</b>	<b>10:00</b>	<b>03:00</b>
<b>J: Supply of Alcohol</b>	<b>Sunday</b>	<b>12:00</b>	<b>03:00</b>
<b>J: Supply of Alcohol</b>	<b>New Years Eve 36 hours.</b>		
<b>J: Supply of Alcohol</b>	<b>An additional hour to the standard and non-standard times on the day when British Summertime commences.</b>		

### **Hours premises open to the public Monday – Sunday 10.00 – 03.30.**

- On the 8th March 2024, The Craft Union Pub Company Limited made application for the variation of the premises licence as set out below. A copy of that application is attached to this report as appendix 1.

To extend the end time for live and recorded music on Monday to Sunday until 03.00

To vary the start time for the sale of alcohol on a Sunday only to 10.00.

To delete the existing premises licence conditions and replace them with conditions agreed with the West Midlands Police. The agreed conditions are attached to this report as appendix 2.

- The current conditions of the premises licence are attached to this report as appendix 3.
- Confirmation that copies of the application form and supporting documentation have been served on the responsible authorities has been received.

7. Representations to the application have been received from a Local Ward Councillor, a Member of Parliament together with 12 local residents, and the Environmental Safety and Health Department. A copy of the representations are attached to this report as appendix 4.

## **Finance**

8. There are no financial implications.

## **Law**

9. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
10. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a responsible 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 appropriate 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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.

### **Risk Management**

16. There are no risk management implications.

### **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 commercial/procurement implications.

### **Commercial/Procurement**

21. There are no commercial/procurement implications.

### **Environment/Climate Change**

22. There are no environment/climate change implications.

### **Council Priorities and Projects**

23. This application falls within the Council's statutory responsibility for Licensing as a direct link to the Council's Plan 2022-25 as a place where communities can lead stronger, safer and healthier lives.

- Dudley the borough of opportunity
- Dudley the safe and healthy borough
- Dudley the borough of ambition and enterprise
- Dudley borough the destination of choice



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### **Appendices**

Appendix 1 – Application  
Appendix 2 – Conditions agreed with West Midlands Police  
Appendix 3 – Current conditions of premises licence  
Appendix 4 – Representations

### **List of Background Documents**

None