

Licensing Sub-Committee 3 - 28th April 2015

Report of the Strategic Director Resources and Transformation

Application to Vary a Premises Licence

Purpose of Report

- 1 To consider the application for variation of the premises licence in respect of the premises known as The Stourbridge Academy, 27 – 29 Hagley Road, Stourbridge, DY8 1QH.

Background

- 2 The Stourbridge Academy was first issued with a premises licence on the 2nd October 2006, that licence was subsequently transferred on the 18th November 2011 and then again on the 6th June 2013.
- 3 The current premises licence is issued for the following:

Sale of Alcohol & Regulated Entertainment (Films/Live Music/Recorded Music/Dance)

Where the premises are used for pre-booked functions only: 10.00 – 02.00

Monday to Sundays (Ground Floor Only): 10.00 – 03.00

Mondays to Sundays (First Floor Only): 10.00 – 04.00

An additional hour to the standard and non-standard timings when British Summertime commences

From the standard start time on 31st December to the standard finish time on 1st January.

Late Night Refreshment

Where the premises are used for pre-booked functions only: 23.00 – 02.00

Monday to Sundays (Ground Floor Only): 23.00 – 03.00

Monday to Sundays (First Floor Only): 23.00 – 04.00

An additional hour to the standard and non-standard timings when British Summertime commences

From the standard start time on 31st December to the standard finish time on 1st January.

- 4 The current premises licence holder is Stourbridge Academy Arena Entertainment Limited.
- 5 On the 4th March 2015, Stourbridge Academy Arena Entertainment Limited made application for the variation of the premises licence in respect of the Stourbridge Academy 27 – 29 Hagley Road, Stourbridge, DY8 1QH.

The application for variation of licence is as follows:

Variation of Licensable activities.

Sale of Alcohol

Friday & Saturday (Ground Floor & First Floor): 10.00 – 05.30

Regulated Entertainment

Friday & Saturday (Ground Floor & First Floor): 10.00 – 06.00

Late Night Refreshment

Friday & Saturday (Ground Floor & First Floor): 23.00 – 05.00

Minor Variation

Minor Variation in the layout of the premises as per the licensing plan.

- 6 Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
- 7 Objections to the application have been received from the West Midlands Police, representations in support of the Police Objections have also been received from Ward Councillor's, copies of those objections/representations have been circulated to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
- 8 On the 1st April 2015, 4 objections were received from local residents, copies of those objections have also been sent to the application, interested parties and the Committee Members.
- 9 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

- 10 There are no financial implications.

Law

- 11 The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
- 12 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 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.
- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 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

- 18 This report complies with the Council's policy on equal opportunities.
- 19 The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
- 20 There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

- 21 That the Sub-Committee determine the application.



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Strategic Director Resources and Transformation

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List of Background Papers

None