
LICENSING SUB-COMMITTEE 3 – 1ST JULY 2008

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATION TO VARY A PREMISES LICENCE

BULLS HEAD, 62 HIGH STREET, WOLLASTON

PURPOSE

1. To consider the application for variation of the premises licence in respect of the Bulls Head, 62 High Street, Wollaston, Stourbridge, West Midlands.

BACKGROUND

2. On 25th July 2005, an application was received from TLT, Solicitors, on behalf of Punch Taverns, in respect of the Bulls Head, 62 High Street, Wollaston, Stourbridge, to convert an existing licence into a premises licence and to vary the premises licence simultaneously.
3. The application had the following requisite certified copies of documents enclosed:-
 - (1) Relevant Justices On Licence
 - (2) Correct Fee (£190.00)
 - (3) Plan of the premises
 - (4) Consent of the proposed Designated Premises Supervisor
 - (5) Consent of the current licensee
4. The application to vary the premises licence was as follows:

To allow sale of alcohol and regulated entertainment (Recorded Music/Live Music)

Mon – Thurs	10.00 – 00.00
Fri – Sat	10.00 – 01.00
Sun	11.00 – 23.00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve
A further additional hour every Boxing Day
To reflect existing New Years Eve/Day hours.

To remove all embedded restrictions under Licensing Act 1964, Children & Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol) Act 1985.

5. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities was received.
6. Representations were received from the Directorate of the Urban Environment and brought to the attention of the Committee.
7. This application was considered by the Licensing Sub-Committee on 15th September 2005. The Committee resolved that the licence be issued for the following days, times and conditions:-

Sale of alcohol

Monday to Thursday	10.00 to 00.00
Friday and Saturday	10.00 to 01.00
Sunday	11.00 to 23.00

Conditions:

All conditions set out as in the operating schedule

- All regulated entertainments shall end at 23.30 Monday – Saturday
- All regulated entertainment shall end at 23.00 – Sunday
- Any regulated entertainment must be inaudible to the nearest residents to these premises
- All doors and windows shall be kept closed during regulated entertainments save to access and egress
- Secondary glazing shall be provided to the front and side of the premises by April 2006
- All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises
- Signs in the car park to state: No sounding of horns and to leave the car park quietly
- Regulated entertainment on Bank Holidays. A further additional hour as per the operating schedule beyond 23.30 or 23.00 if a Sunday
- All power sockets likely to be used for the purpose of providing electrical power to entertainment equipment shall be protected by a residual current device (RCD) having rated residual operating current not exceeding 30 milli-amps to operate within 40 milli-seconds in accordance with the relevant British Standard and the Institute of Electrical Engineers

8. The current Premises Licence is issued for the following days and times:

Sale of alcohol

Monday to Thursday	10.00 - 00.00
Friday and Saturday	10.00 - 01.00
Sunday	11.00 - 23.00

Playing of recorded music

Monday to Saturday	10.00 - 23.30
Sundays	12.00 – 23.00

Performance of live music

Monday to Saturday	10.00 - 23.30
Sunday	11.00 - 23.00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day. To reflect existing New Year's Eve and Day hours.

9. The Licensing Enforcement Team dealt with complaints from local residents in respect of disorderly conduct and breach of condition of licence in respect of secondary glazing in June 2007.
10. On 12th May 2008, an application was received from TLT, Solicitors on behalf of Punch Taverns plc, in respect of the Bulls Head to vary the Premises Licence. The application for variation of the licence is attached to this report as Appendix 1.
11. The application for variation is for the following days and times:-

Late night refreshment

Monday to Thursday	23.00 - 00.00
Friday and Saturday	23.00 - 01.00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Year's Eve to close of permitted hours New Year's Day.

12. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
13. Representations have been received from the Directorate of the Urban Environment and are attached to this report as Appendix 2.
14. We have received five letters of objection and a signed petition from local residents concerning public nuisance, a copy of those letters and the petition has been sent to the Committee Members, interested parties and the applicant, in accordance with the Licensing Act 2003.
15. The current Premises Licence Holder is Punch Taverns plc and the current Designated Premises Supervisor is a Ms Rachel Poppitt.
16. 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

17. There are no financial implications.

LAW

18. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, Section 11, Part 3 and Schedule 8, Part 1.
19. Pursuant to Section 35(3)(a) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - (a) 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
 - (b) 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.
 - (c) The steps are:-
 - (1) to modify the conditions of licence;
 - (2) to reject the whole or part of the application.
20. 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:-
 - (a) the applicant;
 - (b) any person who made relevant representations in respect of the application and

- (c) the Chief Officer of Police for the police area in which the premises are situated.
21. 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.
22. If the Licensing Authority refuse to grant the application to vary the premises licence, there is a right of appeal to the Magistrates' Court pursuant to Schedule 5, Part 1(b).
23. Pursuant to Section 4(1), (2) and (3), Schedule 5 of the Licensing Act 2003, 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.

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

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

RECOMMENDATION

27. That the Sub-Committee determine the application.

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers - none