

**Licensing Sub-Committee 2 – 29<sup>th</sup> May 2012**

**Report of the Director of Corporate Resources**

**Application to Vary a Premises Licence**

**Purpose of Report**

- 1 To consider the application for variation of the premises licence in respect of The Danilo Suite, (formerly the Picture Bowl Complex), 27 – 29, Hagley Road, Stourbridge, West Midlands. DY8 1QH.

**Background**

2. Historically the premises situated at 27-29 Hagley Road, Stourbridge was issued with two separate premises licences, one for the area on the second floor and one for the ground floor/first floor as follows:-

Ground floor/First floor	-	Stourbridge Academy (Nightclub)
Second floor	-	Picture Bowl Ten Pin Bowling Complex

3. The Stourbridge Academy (Ground and first floor of the premises) currently holds a premises licence for the following:-

Sale of Alcohol/Regulated Entertainment (Films/Live Music/Recorded Music/Performance of Dance/Entertainment of a similar description to Live Music, Recorded Music, Dance/Making Music/Dancing/Entertainment of a similar description to Dancing, Making Music.

Where the premises are used for pre-booked functions only	10.00 - 02.00
Monday to Sunday (Ground floor only)	10.00 - 03.00
Monday to Sunday (First floor only)	10.00 - 04.00

Late Night Refreshment

Where the premises are used for pre-booked functions only	23.00 - 02.00
Monday to Sunday (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 31<sup>st</sup> December to the standard finish time on 1<sup>st</sup> January.

The first floor also holds a Sexual Entertainment Venue Licence issued on the 7<sup>th</sup> February 2012.

4. On the 13<sup>th</sup> May 2005, Young & Pearce, Solicitors, made application on behalf of Enteramma Limited, in respect of the premises formerly known as the Picture Bowl Complex, for the existing licence to be converted to a premises licence under the Licensing Act 2003, and to vary the premises licence simultaneously. That licence was granted on the 23<sup>rd</sup> May 2005.

5. The current premises licence is issued for the following:

Playing of Recorded Music	Mondays to Wednesday	11.00 - 01.30
Playing of Recorded Music	Thursdays to Saturdays	11.00 - 02.00
Playing of Recorded Music	Sundays	11.00 - 00.00
Sale of Alcohol	Monday to Saturdays	11.00 - 23.00
Sale of Alcohol	Sundays & Good Friday	12.00 - 22.30
Sale of Alcohol	Christmas Day	12.00 - 15.00
Sale of Alcohol	Christmas Day	19.00 - 22.30
Sale of Alcohol	New Years Eve Extension under the regulatory Reform (Special Occasion Licensing) Order 2002	
Indoor Sporting Event	Mondays to Wednesdays	11.00 - 01.30
Indoor Sporting Event	Thursdays to Saturdays	11.00 - 02.00
Indoor Sporting Event	Sundays	11.00 - 00.00

6. That licence was subsequently transferred on the 10<sup>th</sup> November 2011, and the name of the premises changed to the Danilo Suite.

7. The current premises licence holder for both licences is The Stourbridge Academy Ltd.

8. On the 2<sup>nd</sup> November 2011, Young & Pearce, Solicitors, made application for the variation of the premises licence on behalf of the Stourbridge Academy Ltd in respect of The Danilo Suite, 27 – 29, Hagley Road, Stourbridge, West Midlands. DY8 1QH, a copy of that application was circulated to the Committee Members and Interested parties in accordance with the Licensing Act 2003.

9. The application had the following documents enclosed:-

- Correct Fee (315.00)
- Plan of the premises:

10. The application was as follows:

Sale of Alcohol (Films/Indoor Sporting Events/Boxing & Wrestling/Live Music/Recorded Music/Performance of Dance/Provision of facilities for making music/Provision of facilities for dance/Late Night Refreshment.

Monday – Sunday 11.00 – 03.00

An additional hour to the standard timings when British Summer Time Commences. From the standard start time on 31<sup>st</sup> December to the Standard finish time on 1<sup>st</sup> January.

Alteration of layout

Removal of all conditions and embedded restrictions with the exemption of those required by statute and replacement by conditions as set out in Operating Schedule.

It is intended to operate the premises as a multi use venue providing entertainment of various types ranging from Sunday lunches, pre-booked functions, live shows, dinners with speakers and entertainment, parties and boxing and wrestling.

The hours applied for were to provide the operator with flexibility.

The application stated that the unique nature of the venue in this vicinity is such that the facilities provided are different to any others provided within Stourbridge and with regard to the cumulative impact policy will not have a significant effect on the maintenance of the licensing objectives in the area.

11. Confirmation that copies of the application form and supporting documentation had been served on the relevant authorities was received.
12. Representations were also received from all 3 Ward Members representing Stourbridge Town Centre. A copy of those representations were served on the applicant and all interested parties in accordance with the Licensing Act 2003.
13. This matter was due to be considered by the Licensing Sub-Committee on the 21<sup>st</sup> December 2011. On the 7<sup>th</sup> December 2011, the Stourbridge Academy withdrew that application.
14. On the 12<sup>th</sup> April 2012, C N A Risk Management Limited made application on behalf of Stourbridge Academy for variation of the premises licence in respect of the premises known as the Danilo Suite (2<sup>nd</sup> floor). A copy of that application has been circulated to the Committee members and interested parties in accordance with the Licensing Act 2003.

The application had the following documents enclosed:-

- Current fee (£315.00)
- Plan of the premises

The application is as follows:-

Sale of Alcohol (Plays/Films/Indoor Sporting Events/Boxing or Wrestling/Live Music/Recorded Music/Performance of Dance/Facilities for making music and dance

Monday to Sunday                      11.00 – 03.00 inc

Late Night Refreshment

Monday to Sunday                      23.00 – 03.00 inc

An additional hour to the standard timings when British Summer Time commences. From the start time on 31<sup>st</sup> December to the standard finish time on the 1<sup>st</sup> January.

Alteration of layout

Alteration to rear fire exit escape route which would allow disabled and the elderly to escape more quickly and safely along a constructed bridge directly onto car park.

Removal of all conditions and embedded restrictions with the exception of those required by statute and replacement by conditions as set out in the Operating Schedule.

It is the intended to operate the premises as a multi use venue providing entertainment of various types ranging from Sunday lunches, pre-booked functions, live shows, dinners with speakers and entertainment, parties, boxing and wrestling.

The hours applied for are to provide the operator with flexibility.

The unique nature of the venue in this vicinity is such that the facilities provided are different to any others provided within Stourbridge with regard to the cumulative impact policy will not have a significant effect on the maintenance of the licensing objectives in the area.

15. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
16. On the 9<sup>th</sup> May 2012, the Senior Environmental Health Officer (Health & Safety Team), Environmental Health made representation to the application, a copy of those representations have been circulated to the applicant, Committee members and interested parties.
17. On the 10<sup>th</sup> May 2012, representations were also received from the Planning Control Manager. A copy of those representations have also been circulated to the applicant, Committee members and interested parties.
18. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

## **Finance**

19. There are no financial implications.

## **Law**

20. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

26. 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**

27. This report takes into account the Council's policy on equal opportunities.
28. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
29. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

30. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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### **List of Background Papers**