

**Licensing Sub-Committee 1 – 4<sup>th</sup> November 2008**

**Report of the Director of Law and Property**

**Application to Vary a Premises Licence**

**Purpose of Report**

1. To consider the application for variation of the premises licence in respect of The Old Court House, 55 High Street, Kingswinford, West Midlands.

**Background**

2. On the 12<sup>th</sup> September 2008, an application was received from Flint Bishop, Solicitors on behalf of Alastair James Donson, in respect of The Old Court House, High Street, Kingswinford, West Midlands, to vary a premises licence. The application for variation of licence is attached to this report at Appendix 1.
3. The application had the following documents enclosed:-
  - Correct Fee (£315.00)
  - Plan of the premises
4. On the 8<sup>th</sup> September, 2005, an application to convert the licence was granted, that licence was subsequently transferred on the 26<sup>th</sup> August 2008, the license is issued for the following:

**Supply of Alcohol/Making Music**

Monday – Saturday inc	10.00 – 23.00
Sundays & Good Friday	12.00 – 22.30
Christmas Day	12.00 – 15.00
Christmas Day	19.00 – 22.30

**Playing of Recorded Music**

No limitation pursuant to S 182 Licensing Act 1964

**Late Night Refreshments**

Monday – Saturday 23.00 – 23.30

5. An application to vary this licence has been received as follows:-

To carry out minor alterations inside the premises in accordance with drawing no 2964/L2, dated 05.09.08 deposited with the application. This element of the variation shall have no effect until such time as the works envisaged by it have been completed.

To extend the current operating hours for playing of recorded music, making music and sale of alcohol to

Sunday – Thursday inc 10.00 – 24.00

Friday & Saturday 10.00 – 01.00

To extend the current operating hours for late night refreshment to

Sunday – Thursday inc 23.00 – 24.00

Friday & Saturday 23.00 – 01.00

Bank Holiday Sunday until 01.00

24<sup>th</sup> & 26<sup>th</sup> December until 01.00

New Years Eve – end of permitted hours New Years Eve to start of permitted hours New Years Day.

Christmas Day – as per the day it falls.

6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Three letters of objection and a petition have been received from local residents in respect of public nuisance. A copy of those letters and petition have been sent to the Committee members, interested parties and the applicant in accordance with the Licensing Act 2003.
8. The current premises licence holder and designated premises supervisor is Mr Alastair James Donson.
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 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.
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 it 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.

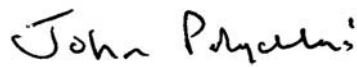
20. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

21. That the Sub-Committee determine the application.

### **Background Papers**

22. None.



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DIRECTOR OF LAW AND PROPERTY

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### **List of Background Papers**