



Licensing Sub-Committee 3

**Tuesday 28th April, 2015 at 10.00am
in the Council Chamber at the Council House, Priory Road, Dudley**

Agenda - Public Session (Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 24th March, 2015 as a correct record.
5. Application to Vary a Premises Licence – The Stourbridge Academy, 27 - 29 Hagley Road, Stourbridge (Pages 1 – 4)
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Strategic Director (Resources and Transformation) (Council Procedure Rule 11.8).

A handwritten signature in black ink, appearing to be "P. Taylor", written over a horizontal line.

Strategic Director (Resources and Transformation)

Dated: 16th April, 2015

Distribution:

Councillors J Cowell (Chair), A Taylor and E Taylor

Please note the following important information concerning meetings at Dudley Council House:

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.
- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please contact the contact officer below in advance and we will do our best to help you.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail karen.taylor@dudley.gov.uk

Minutes of Licensing Sub-Committee 3

Tuesday 24th March, 2015 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillors J Cowell (Chair)
Councillors A Taylor and E Taylor

Officers:-

R Clark (Legal Advisor), L Rouse (Licensing Clerk) and K Griffiths (Democratic Services Officer) – All Directorate of Resources and Transformation

36 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

37 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 17th February, 2015, be approved as a correct record and signed.

38 **Application for a Licensed Premises Gaming Machine Permit – Halesowen Sports Club, Birmingham Street, Halesowen**

A report of the Strategic Director (Resources and Transformation) was submitted on an application for a Licensed Premises Gaming Machine Permit for three Category C machines, in respect of the premises known as The Halesowen Sports Club, Birmingham Street, Halesowen.

The, applicant, Ms L Moule, representative of FMS Ltd was in attendance at the meeting.

Following introductions, the Licensing Clerk presented the report on behalf of the Council. It was noted that a letter had been received indicating that the Premises Licence Holder was unable to attend the meeting.

Ms Moule indicated that the proposed third machine would be visible from the bar area allowing staff to monitor customers using the machine at all times. Following a brief discussion in relation to the positioning of the three machines, Ms Moule confirmed that the third machine would be sited next to the two existing machines, as shown on the map circulated.

Resolved

That the application for a Licensed Premise Gaming Machine Permit for three Category C machines in respect of Halesowen Sports Club, Birmingham Road, Halesowen, be approved.

39 **Application for Consent to Engage in Street Trading – Mr A J Carney – South Road, Stourbridge, outside Crematorium**

A report of the Strategic Director (Resources and Transformation) was submitted on an application made by Mr A J Carney for the grant of a consent to engage in street trading at a site in South Road, Stourbridge, outside Stourbridge Crematorium.

The applicant, Mr Carney was in attendance at the meeting.

Following introductions, the Licensing Clerk presented the report on behalf of the Council. It was reported that representations had been received from the Traffic Manager in support of the application, provided that there was no obstruction to the public footway.

Mr Carney indicated that his wife was heavily involved in the florist business and currently sold plants and flowers on Bilston Market. He stated that it was a good business opportunity and considered that the business would do particularly well in that locality.

In response to a question from a Member, Mr Carney confirmed the location he intended to trade from and that one table would be used to display flowers on.

Resolved

That the application made by Mr A J Carney for the grant of consent to engage in street trading at a site in South Road, Stourbridge, outside Stourbridge Crematorium, be approved for a period of twelve months with effect from 24th March, 2015, provided that there was no obstruction to the public footway.

Application for Consent to Engage in Street Trading – Mr A Wahid – Ryemarket, Stourbridge

A report of the Strategic Director (Resources and Transformation) was submitted on an application made by Mr A Wahid for the grant of a consent to engage in street trading at a site in Ryemarket, Stourbridge.

It was reported that the applicant had contacted the Licensing Office to indicate that he was unable to attend the meeting.

Following consideration of the information submitted, the Sub-Committee agreed to proceed with the meeting, in the absence of the applicant.

The Licensing Clerk presented the report on behalf of the Council. It was noted that representations had been received objecting to the application.

Following a brief discussion, it was

Resolved

That the application made by Mr A Wahid for the grant of a consent to engage in street trading at a site in Ryemarket, Stourbridge, be refused on the grounds that it would impede the flow of pedestrian traffic in the area and events currently licensed to use that area.

The meeting ended at 10.30am.

CHAIR

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 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.



.....

Strategic Director Resources and Transformation

Contact Officer: Mrs L Rouse
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers

None