

Licensing Sub-Committee 3 – 25th September 2012

Report of the Director of Law 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 premises known as Katie Fitzgerald's, 187 Enville Street, Stourbridge, West Midlands, DY8 3TB.

Background

2. Katie Fitzgerald's made application on the 4th August 2005 for the conversion of an existing licence into a premises licence. That application was granted on the 26th September 2005.
3. That premises licence is issued as follows:-

Sale of Alcohol

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

Regulated entertainment (recorded music/performance of dance/performance of live music)

Monday – Saturday	20.00 – 23.00
Sundays	20.00 – 22.30

4. The current premises licence holder is Mrs P R Keane.
5. On the 3rd August 2012, Mrs Petrina Keane made application for the variation of the premises licence in respect of the premises known as Katie Fitzgerald's, 187 Enville Street, Stourbridge, West Midlands. A copy of that application has been circulated to the Committee Members and interested parties in accordance with the Licensing Act 2003.

6. The application had the following documents enclosed:-

- Correct fee (£190.00)
- Plan of the premises

7. The application is as follows:-

To include the sale of alcohol from the bar servery on the rear patio area as shown on the amended plans attached to the application. To include the change of hours on the upstairs bar, cellar bar and marquee bar as follows:-

Monday – Saturday	10.00 – 01.00
Sunday	12.00 – 01.00

8. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
9. Representations have been received from 15 local residents, and also a petition. A copy of those representations have been served on the applicant, Committee Members and all interested parties in accordance with the Licensing Act 2003.
10. Some residents have made reference to problems with parking. However this is not an issue for the Licensing Sub-Committee.
11. On the 22nd August 2012, Dudley Public Health made comments, which have been circulated, to the applicant, Committee Members and interested parties.
12. On the 31st August 2012, representations were received from Food and Occupational Safety (Directorate of the Urban Environment). A copy of that report has been circulated to the applicant, Committee Members and interested parties.
13. 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

14. There are no financial implications.
15. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

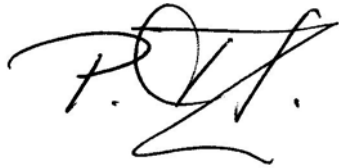
Equality Impact

22. This report takes into account the Council's policy on equal opportunities.

23. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
24. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

25. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers