

**Licensing Sub-Committee 4 – 7<sup>th</sup> June 2011**

**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 Painters Arms, Avenue Road, Coseley, West Midlands.

**Background**

2. On the 15<sup>th</sup> July 2005, an application was received from Holden's Brewery, in respect of the Painters Arms, Avenue Road, Coseley, West Midlands, 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 (£250.00)
  - (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 regulated entertainment:

(recorded music)

Monday – Sunday                      10.00 – 00.30

To allow the sale of alcohol

Monday – Sunday                      10.00 – 00.00

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 had been served on the relevant authorities was received.
6. Representations were received from local residents and brought to the attention of the Committee.
7. This matter was considered by the Licensing Sub-Committee on the 9<sup>th</sup> September 2005. The Committee resolved that the licence be issued as follows:-

Sale of Alcohol

Monday – Sunday                      10.00 – 00.00

Recorded Music

Monday – Sunday                      10.00 – 23.00

**Conditions**

All conditions set out as in the operating schedule.

- All regulated entertainments, recorded music only 10.00 – 23.00 Monday – Sunday
  - No live music to be held on these premises
  - No consumption of alcohol to take place at the front or side of the premises
  - All doors and windows to the front and side of the premises shall be kept closed during regulated entertainment, save for access and egress
  - Indoor sporting events to be permitted on these premises
  - 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 ball games, no sounding of horns and to leave the car park quietly
  - Angle of deflection of external lighting to be reviewed to ensure coverage only of footway to the front of the premises and no consequent nuisance to local residents
8. That licence was subsequently transferred on the 12<sup>th</sup> December 2007 and again on the 10<sup>th</sup> September 2009.
  9. On the 7<sup>th</sup> July 2010, an application for the grant of a minor variation was received but was rejected and the applicant informed that a full application for variation must be submitted.

10. On the 8<sup>th</sup> April 2011, Grewty96 Ltd, Licensed Trade Consultants made application on behalf of Graham Roy Watkins for the variation of the premises licence in respect of the premises known as the Painters Arms, 31 Avenue Road, Coseley, Bilston, West Midlands. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
11. The application had the following requisite certified copies of documents enclosed:-
- 1) Correct fee (£190.00)
  - 2) Plan of the premises
  - 3) Current licence

12. The application to vary the premises licence is as follows:-

Sale of Alcohol and Regulated Entertainment (films/indoor sporting events/live music/recorded music/anything of a similar description to live music and recorded music/provision of facilities for making music and dance)

Monday – Sunday 10.00 – 02.00

Late Night Refreshment

Monday – Sunday 23.00 – 02.00

The removal of the following conditions of licence

- All regulated entertainments, recorded music only 10.00 to 23.00 Monday to Sunday
- No live music shall be held on these premises
- No consumption of alcohol to take place at the front or side of the premises
- All doors and windows to the front and side of the premises shall be kept closed during regulated entertainments save for access and egress
- Indoor sporting events to be permitted on these premises
- All exit doors within the premises to have signs asking customers to leave premises quietly and respect local residents and their premises
- Signs in the car park to state – no ball games, no sounding of horns and to leave the car park quietly
- Angle of deflection of external lighting to be reviewed to ensure coverage only of footway to the front of premises and no consequent nuisance to local residents

13. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
14. Representations have been received from local residents and have been circulated to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
15. On the 4<sup>th</sup> May 2001, representations were received from Environmental Health (Food & Occupational Safety). A copy of that report has also been circulated to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
16. The current premises licence holder is Mr G R Watkins.
17. Mediation has taken place between the West Midlands Police and the Applicant who have agreed the following additional conditions.

The premises has CCTV covering the entrance/exit door, bar, lounge and car park area.

The recording will be kept for 30 days secure as per the provisions of the Data Protection Act and will be handed to the Police or authorised authorities on demand.

Ongoing risk assessments will be made by the management and any door staff used will be SIA registered door staff.

The details of the doorstaff will be kept showing name, address, badge number, hours and days worked and handed to the Police or authorised responsible authorities on demand.

18. 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**

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**