

Licensing Sub-Committee 2

26th June 2007

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 Hurst Hill Tavern, Caddick Street, Coseley, West Midlands.

Background

2. On the 10th May 2007, an application was received from Flint Bishop Solicitors in respect of the Hurst Hill Tavern, Caddick Street, Coseley, West Midlands, to vary a premises licence. The application for variation of licence is attached to this report as Appendix 1.
3. The application had the following documents enclosed: -
 - Correct fee (£190.00)
 - Plan of the premises
4. On the 1st August 2005, an application was received from John Gaunt & Partners, Solicitors, on behalf of the Wolverhampton and Dudley Breweries, in respect of the Hurst Hill Tavern, Caddick Street, Coseley, West Midlands, to convert an existing licence into a premises licence and to vary the premises licence simultaneously.
5. On the 26th September 2005 this application was considered by Committee. The Committee resolved that the licence be issued for the following days and times:

Sale of alcohol and regulated entertainment (recorded music, dancing, exhibition of a film, indoor sporting event, performance of a dance, live music, making music)

(Regulated Entertainment)

Monday to Thursdays	10.00 – 22.30
Friday to Saturday	10.00 – 23.30
Sunday	12.00 – 22.30

New years eve/day shall end at 00.30

(Sale of alcohol)

Monday to Thursday	10.00 – 23.00
Friday and Saturday	10.00 – 12.00
Sunday	12.00 – 22.30

To permit sale of alcohol until 00.00 on Friday, Saturday, Sunday and Monday and bank holiday weekends, Christmas Eve and Boxing Day, New Years Eve 10.00 to New Years Day terminal hour as proposed.

(Late night refreshment)

Friday to Saturday when hours for sale of alcohol are extended hereunder these hours are also extended.

Conditions

The Beer Garden and other external drinking areas shall not be used after 23.00.

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.

All conditions as recommended by Environmental Health.

To permit the broadcast of televised sporting events of national/international interest outside normal operating hours to be confirmed upon 14 days prior notice in writing to the police, the police having 10 days to object prior to the event.

6. Maslin Neale is the current premises licence holder and Stuart Barry Franklin is the current designated premises supervisor.

7. An application to vary that licence has now been received as follows: -
 1. To carry out alterations to the premises in accordance with Drawing No. 02, dated 03/07 deposited with the application and is attached to this report as Appendix 2.
 2. To remove the condition that 'The Beer Garden and other external drinking areas shall not be used after 23.00' to enable the premises to comply with the forthcoming No Smoking legislation.
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 Directorate of Urban Environment. A copy of the representations are attached to this report as Appendix 3.
10. 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

11. There are no financial implications.

Law

12. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, Section 11, Part 3 and Schedule 8, Part 1.
13. 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.

14. 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.
15. 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.
16. If the Licensing Authority refuse to grant the application to vary the premises licence, there is a right of appeal to the Magistrates' Court pursuant to Schedule 5, Part 1(b).
17. Pursuant to Section 4(1), (2) and (3), Schedule 5 of the Licensing Act 2003, 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.

Where a person who made relevant representations to the application desires to contend: -

- that any variation made ought not to have been made, or
- 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

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.

John Prynne

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

None.