

DUDLEY METROPOLITAN BOROUGH

LICENSING SUB-COMMITTEE 4

26TH OCTOBER 2005

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATION TO VARY A CLUB PREMISES CERTIFICATE

PURPOSE

1. To consider the application for variation of Club Premises Certificate in respect of the Coseley Conservative Club, 35 Avenue Road, Coseley.

BACKGROUND

2. On the 21st June 2005, an application was received from Poppleston Allen, Licensing Solicitors, in respect of the Coseley Conservative Club, Coseley, West Midlands. to convert an existing club certificate into a club premises certificate and to vary that licence simultaneously. The application for conversion and variation of licence is attached to this report at Appendix 1.
3. The application had the following requisite certified copies of documents enclosed:-
 - (1) Club Registration Certificate
 - (2) Correct Fee (£190.00)
 - (3) Plan of the premises
 - (4) Copy of the Club Rules.
4. The application to vary the club premises certificate is as follows:

To extend hours for the sale of alcohol and regulated entertainment:

Live Music & Recorded Music: -

Monday – Sunday 12.00 – 01.00

Supply of Alcohol: -

Monday – Sunday 12.00 – 01.00

To sell alcohol to guests.

5. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been made by local residents. Copies of such objections are attached as Appendix 2.
7. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority safety matters.

PROPOSAL

8. That the Sub-Committee consider the application made on behalf of Poppleston Allen, Licensing Solicitors, in respect of the Coseley Conservative Club, 35 Avenue Road, Coseley, West Midlands, to vary the club premises certificate.

FINANCE

9. There are no financial implications.

LAW

10. 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.
11. Pursuant to Section 35(3)(a) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - (a) 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
 - (b) 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.
 - (c) The steps are:-
 - (1) to modify the conditions of licence;
 - (2) to reject the whole or part of the application.
12. 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:-
 - (a) the applicant;

- (b) any person who made relevant representations in respect of the application and
 - (c) the Chief Officer of Police for the police area in which the premises are situated.
13. 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.
14. 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).
15. 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:-

- (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

16. This report complies with the Council's policy on equal opportunities.

RECOMMENDATION

17. That the Sub-Committee determine the application.

BACKGROUND PAPERS

18. None.

John Pyrellis

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DIRECTOR OF LAW AND PROPERTY

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