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**Dudley Metropolitan Borough**

**Licensing Sub-Committee 1 – 25<sup>th</sup> April 2006**

**Report of the Director of Law and Property**

**Review of a Premises Licence**

**Purpose of Report**

- 1 To consider the review of the premises licence in respect of The Rock Café 2000, Mill Race Lane, Stourbridge, West Midlands.

**Background**

- 2 On the 2<sup>nd</sup> August 2005, an application was received from Mark Ellis in respect of The Rock Café 2000, Mill Race Lane, Stourbridge, West Midlands, to convert his existing licences to a premises licence.
- 3 Confirmation that copies of the application form and supporting documentation were served on the relevant authorities was received.
- 4 On the 23<sup>rd</sup> September 2005, the application to convert the licence was granted, a copy of that licence is attached as Appendix 1 to this report.
- 5 The West Midlands Police made application for the review of the premises licence, a copy of their representations are attached to this report, together with witness statement of PC Hale and written agreement of Police, Fire Authority and Premises Licence holder, as Appendix 2.
- 6 The Council has advertised the application for review of the premises licence in respect of The Rock Café in accordance with Licensing Regulation SI 2004 NO42 Section 38.
- 7 Following the application for review of the premises licence, the West Midlands Fire Service made representations which are attached to this report, together with witness statement of Assistant Divisional Officer, Jack Kernohan as Appendix 3.
- 8 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.

**Proposal**

- 9 That the Sub-Committee review the licence in respect of The Rock Café 2000, Mill Race Lane, Stourbridge, West Midlands.

## **Finance**

10 There are no financial implications.

## **Law**

11 The law relating to the review of licences is governed by the Licensing Act 2003 Section 52(1).

12 Determination of application for review

52 (1) This section applies where-

- (a) The relevant licensing authority receives an application made in accordance with section 51,
- (b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- (c) the authority has complied with any requirement imposed on it under subsection (3) (b) or (d) of that section.

(2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

(3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are -

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

(5) Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

(6) Where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

(7) In this section "relevant representations" means representations which -

- (a) are relevant to one or more of the licensing objectives, and
- (b) meet the requirements of subsection (8).

(8) The requirements are-

- (a) that the representations are made-

- (i) by the holder of the premises licence, a responsible authority or an interested party, and
- (ii) within the period prescribed under section 51 (3) (c),
- (b) that they have not been withdrawn, and
- (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

(9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.

(10) Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to-

- (a) the holder of the licence
- (b) the applicant
- (c) any person who made relevant representations, and
- (d) the chief officer of police for the police area (or each police area) in which the premises are situated.

(11) A determination under this section does not have effect-

- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.

### **Equality Impact**

- 12 This report complies with the Council's policy on equal opportunities.
- 13 The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
- 14 There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

- 15 That the Sub-Committee review this licence.

*John Poyce*

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DIRECTOR OF LAW AND PROPERTY

Contact Officer: Mrs. J. Elliott 5377  
Telephone: 01384 815377  
Email: [janetelliott@dudley.gov.uk](mailto:janetelliott@dudley.gov.uk)

### **List of Background Papers**

None