

Licensing Sub-Committee 1

**Tuesday, 16th September, 2014 at 10.00am
in the Council Chamber at the Council House, Priory Road, Dudley**

Agenda - Public Session (Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 8th July, 2014 as a correct record.
5. Application to Vary a Premises Licence – The Red Lion, Brettell Lane, Stourbridge.
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).



Director of Corporate Resources

Dated: 4th September, 2014

Distribution:

Councillor D Russell (Chair); Councillors D Blood and C Perks

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- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail karen.taylor@dudley.gov.uk

Minutes of the Licensing Sub-Committee 1

Tuesday 8th July, 2014 at 10.00 am
in the Council Chamber, The Council House, Dudley

Present:-

Councillor D Russell (Chair)
Councillors D Blood and C Perks

Officers:-

R Clark (Legal Advisor), L Rouse (Licensing Clerk) and K Griffiths (Democratic Services Officer) – All Directorate of Corporate Resources.

1 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

2 **Minutes**

Resolved

That the minutes of the meeting of the Sub-Committee held on 28th May, 2014, be approved as a correct record and signed.

3 **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined under Part I of Schedule 12A to the Local Government Act 1972, as amended.

4

Variation of Designated Premises Supervisor – The Dock and Iron, 104 Delph Road, Brierley Hill

A report of the Director of Corporate Resources was submitted on an application for the variation of Designated Premises Supervisor in respect of the Dock and Iron, 104 Delph Road, Brierley Hill.

Ms K Turley, Planning and Licensing Officer, West Midlands Police, was in attendance at the meeting.

Following introductions, it was noted that the applicant was not in attendance at the meeting and reasons for his non-attendance had not been received.

Following consideration of the information submitted, it was

Resolved

That consideration of the application made for the variation of Designated Premises Supervisor in respect of the Dock and Iron, 104 Delph Road, Brierley Hill, be deferred to a future meeting.

The meeting ended at 10.40am.

CHAIR

Dudley Metropolitan Borough

Licensing Sub-Committee 1 - 16th September, 2014

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 premises known as The Red Lion, Brettell Lane, Stourbridge, West Midlands, DY8 4BA.

Background

2. The Red Lion, was first issued with a premises licence on the 20th December 2005, that licence was subsequently transferred on the 1st October 2010, and the 3rd June 2014.
3. The current premises licence is issued for the following:

Sale of Alcohol/Recorded Music

Monday – Saturday inc	10.00 until 23.00
Sundays & Good Fridays	12.00 until 22.30
Christmas Day	12.00 until 15.00 19.00 until 22.30

4. The current premises licence holder is Furious Pub Company Limited.
5. On the 25th July 2014, Furious Pub Company Limited, made application for the variation of the premises licence in respect of the Red Lion.
6. The application for variation of licence is as follows:

Sale of Alcohol/Recorded Music

Monday – Saturday inc	10.00 until 01.00
Sunday	12.00 until 01.00

7. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
8. On the 14th August 2014, representations were received from a local resident, a copy of those representations have been circulated to the premises licence holder, Committee members and Interested parties in accordance with the Licensing Act 2003.
9. On the 22nd August 2014, representations were also received from the Senior Environmental Health Officer, a copy of those representations have also been circulated to the Premises Licence Holder, Committee members and Interested parties in accordance with the Licensing Act 2003.
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, part 3, section 34.
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 appropriate 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. 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.
17. 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.
18. 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

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

Recommendation

22. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers