

Licensing Sub-Committee 3 – 14th July 2009

Report of the Interim Director of Law Property

Application to Vary a Premises Licence

Purpose

1. To consider the application for variation of the premises licence in respect of The Bell Hotel, 20 Market Street, Stourbridge, West Midlands.

Background

2. On the 27th May 2009, an application was received from Flint Bishop Solicitors on behalf of Marston's PLC in respect of The Bell Hotel, 20 Market Street, Stourbridge, 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 21st September, 2005 an application to convert the existing licence to a premises licence was granted, that licence was subsequently transferred on the 15th April 2007 and the 2nd April 2008, the current licence is issued for the following: -

Sale of Alcohol

Monday – Wednesday	07.00 – 00.00
Thursday – Sunday	07.00 – 02.00

Until 02.00 Monday at Bank Holiday Weekends, Christmas Eve and Boxing Day, New Years Eve 10.00 to New Years Day terminal hour as proposed. Residents in the accommodation should be entitled to be supplied with alcohol throughout the day or night.

Regulated Entertainment (playing of recorded music/dancing/exhibition of a film/indoor sporting events/performance of dance/live music/making music)

Monday – Wednesday 07.00 – 00.00
Thursday – Sunday 07.00 – 02.00

When hours for sale of alcohol are extended hereunder these hours are also extended New Years Eve 10.00 to New Years Day terminal hour as proposed.

Late Night Refreshment

Monday to Sunday 23.00 – 05.00

When hours for sale of alcohol are extended hereunder these hours are also extended New Years Eve 10.00 to New Years Day terminal hour as proposed.

5. The premises licence was then in the name of Ms J Willetts who was also the designated premises supervisor.
6. An application was then received from Flint Bishop Solicitors on behalf of Ms J Willetts to vary that licence on the 6th March 2009 for the following:-

Sale of Alcohol

Sunday – Thursday 07.00 – 02.00
Friday & Saturday 07.00 – 03.00

New Years Eve as per existing licence

Regulated Entertainment (films/indoor sporting events/live music/recorded music/dance/provision of facility for making music/dance)

Sunday – Thursday 07.00 – 02.00
Friday & Saturday 07.00 – 03.00

Late Night Refreshment

Sunday – Thursday 23.00 – 02.00
Friday – Saturday 23.00 – 03.00

Removal of occupancy limit as condition of licence

Removal of standard conditions 1 to 48

New Years Eve as per existing licence

7. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities was received.
8. Representations were received from a local resident, the West Midlands Police and the West Midlands Fire Service.
9. That application was subsequently withdrawn on the 24th March 2009.
10. On the 9th April 2009, the premises was transferred into the name of Marstons plc.

11. The current designated premises supervisor is a Mr A Waldron.
12. On the 27th May 2009, Flint Bishop Solicitors made application on behalf of Marstons plc for the variation of premises licence as follows:-

Sale of alcohol and regulated entertainment (film/indoor sporting events/live music/recorded music/dance/making music/facilities for dance)

Sunday – Thursday 07.00 – 02.00

Friday & Saturday 07.00 – 04.00

Late Night Refreshment

Sunday – Thursday 23.00 – 02.00

Friday & Saturday 23.00 – 04.00

New Years Eve as existing licence

That application was also to remove standard conditions 1 – 48.

13. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities was received.
14. The West Midlands Police made representations. A copy of that report is attached as appendix 2.
15. Representations have been received from a local resident along with a petition. A copy of that letter and petition has been circulated to Committee Members and the applicant in accordance with the Licensing Act 2003.
16. 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

17. There are no financial implications.

Law

18. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, Part 3 Section 34.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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

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

26. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
27. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

28. That the Sub-Committee determine the application.

A handwritten signature in black ink, appearing to be 'J. Elliott', written in a cursive style.

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INTERIM DIRECTOR OF LAW PROPERTY

Contact Officer: Mrs. J. Elliott 5377
Telephone: 01384 815377
Email: janet.elliott@dudley.gov.uk

List of Background Papers - none