

**Licensing Sub-Committee 4 – 26<sup>th</sup> September 2006**

**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 Glass House, High Street, Stourbridge, West Midlands.

**Background**

- 2 On the 20<sup>th</sup> July 2006, an application was received from Portwood Services Ltd, in respect of The Glass House, High Street, Stourbridge, West Midlands, to vary a premises licence. The application for variation of licence is attached to this report at Appendix 1.
- 3 The application had the following documents enclosed:-
  - Correct Fee (£190.00)
  - Plan of the premises
- 4 On the 19<sup>th</sup> September 2005, an application to convert the licence was granted for the following:-

Playing of	Monday to Wednesday	10.00	00.00
Recorded Music	Thursday to Saturday	10.00	01.00
	Sunday	12.00	00.00
	(1100 to 0100 on all Bank or Public holidays including Christmas Eve, Boxing Day, Easter Monday and New Years Day and on any Sunday or Monday forming part of a Bank or Public holiday weekend).		
Sale of Alcohol	Monday to Wednesday	10:00	01:00
	Thursday to Saturday	10.00	02.00
	Sunday	12.00	00.00
	(An additional 60 minutes on the day when British summer time commences. 11.00 to 02.00 on all bank or public holidays (including Christmas Eve, Boxing Day, Easter Monday and New Years Day and on any Sunday or Monday forming part of a Bank or Public		

holiday weekend).

Performance of Live	Thursday to Saturday	19.00	01.00
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(1100 to 0100 on all Bank or Public holidays including Christmas Eve, Boxing Day, Easter Monday and New Years Day and on any Sunday or Monday forming part of a Bank or Public holiday weekend).

- 5 That licence has subsequently been transferred, we have now received an application to vary this licence, which is as follows:

To allow regulated entertainment (films/live music/recorded music/anything of a similar description to live music/recorded music/performance of dance) making music (provisions of facilities to entertainment of a similar description to making music/dance)

Monday – Sunday 07.00 – 02.30

To allow the sale of alcohol.

Monday – Sunday 09.00 – 02.00

Late night refreshment.

Monday – Sunday 07.00 to 02.00

Christmas Day & Boxing Day until 0300 hours.

New Years Eve until commencement of permitted hours the following day.

Additional Hour to the finish times on Burns Night, Australia Day.

Saints Days, and on the morning the clocks go forward (in order to negate the loss of one hours trading on the relevant day. 06.00 – 03.00 hours on no more than 12 occasions per year. These extensions for the supply of alcohol can only take place if at least 7 days notice is supplied to the Police and Licensing authority and only if the Police give their consent.

- 6 Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
- 7 We have received representations from the Director of the Urban Environment, which are attached to this report as Appendix 2.
- 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

## **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:-
- 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.
- 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:-
- 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.
- 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:-

- 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**

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

### **Recommendation**

- 19 That the Sub-Committee determine the application.

*John Poyce*

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DIRECTOR OF LAW AND PROPERTY

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### **List of Background Papers**

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