

AGENDA ITEM NO.

DUDLEY METROPOLITAN BOROUGH

LICENSING AND SAFETY COMMITTEE

26TH MAY, 2005

DIRECTOR OF LAW AND PROPERTY

GRANT OF A PUBLIC ENTERTAINMENTS LICENCE

1.0. PURPOSE

- 1.1. To consider the application by Jennifer Davies for the grant of a public entertainments licence in respect of The Crestwood Public House, Blenheim Road, Kingswinford.

2.0. BACKGROUND

- 2.1. On the 28th July 1999 Mr Hill made application for the grant of a public entertainments licence in respect of the Crestwood for the following days and times:-

Fridays and Saturdays	7.00 p.m. - 11.00 p.m.
Sundays	7.00 p.m. - 10.30 p.m. (music only).

- 2.2. The application was circulated to the West Midlands Police, the West Midlands Fire Service, and the Directorate of the Urban Environment.
- 2.3. The Fire Service, the Planning Department and the West Midlands Police did not have any objections to this application.
- 2.4. The Directorate of the Urban Environment made observations which were brought to the attention of the Committee.
- 2.5. Proof of the requisite public notice was received together with a current electrical certificate.
- 2.6. This matter was considered by the Committee on the 25<sup>th</sup> November, 1999. The Committee resolved that a licence be issued for a period of six months. That

licence was subsequently renewed and transferred into the name of Ms. Jenny Davies and issued for the following days and times:-

Monday to Saturday	12.00 noon - 11.00 p.m.
Sundays	12.00 noon - 10.30 p.m.

- 2.7. On the 30<sup>th</sup> December, 2003, Ms. Davies made application for the renewal of that licence for the following days and times:-

Monday to Saturday	7.00 p.m. - 11.00 p.m.
Sunday	7.00 p.m. - 10.30 p.m.

- 2.8. That application was circulated as in paragraph 2.2 above. None of the agencies made objections.
- 2.9. A letter of objection was received from a local resident, who wished to remain anonymous.
- 2.10. A satisfactory electrical certificate was received but was due to expire on the 1<sup>st</sup> July, 2004.
- 2.11. At the time of preparation of that Committee report, a copy of the requisite public notice had not been received by the Licensing Office.
- 2.12. This matter was considered by the Licensing and Safety Committee on the 28th April 2004. The Committee resolved that the matter be deferred in the absence of Ms. Davies and until a public notice had been received.
- 2.13. A further satisfactory electrical certificate was received on the 5th August 2004.
- 2.14. Proof of publication of the requisite public notice was received on the 10<sup>th</sup> September, 2004.
- 2.15. This matter was considered by the Committee on the 26<sup>th</sup> October, 2004. The Committee resolved that the application for renewal of the public entertainments licence be refused on the grounds of the objection which was received to the application.
- 2.16. On the 5<sup>th</sup> November, 2004 an e-mail was received from Mr. J.M. Hodge owner of the premises, requesting that the matter be reheard. A copy of the e-mail was brought to the attention of the Committee.
- 2.17. This matter was re-heard by the Committee on the 29<sup>th</sup> November, 2004. The Committee resolved that the application be granted on the same conditions as the previous licence. That licence bears the expiry date of the 10<sup>th</sup> January, 2005.

2.18 On the 18<sup>th</sup> January, 2005, Ms. Jennifer Davies made application for the grant of a public entertainments licence for the following days and times.

Monday – Saturday	11.00am – 11.00pm
Sunday	12.00 noon – 10.30pm

2.19 This application was circulated as in paragraph 2.2 above.

2.20 The Director of the Urban Environment made comments which are attached to the report as Appendix 1. None of the other agencies raised objections.

2.21 Proof of publication of the requisite public notice has been received together with a satisfactory electrical certificate.

### 3.0. PROPOSAL

3.1. That the Committee consider the application for the renewal of a public entertainments licence in respect of the Crestwood Public House.

### 4.0. FINANCE

4.1. There are no financial implications.

### 5.0. LAW

5.1. The law relating to the licensing of public entertainments is governed by Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982, which gives an absolute discretion to the Council to grant or refuse any applications for the grant, renewal or transfer or any licence.

5.2. Pursuant to Paragraph 4 Schedule I of the Local Government (Miscellaneous Provisions) Act 1982, the Council may in certain specified circumstances grant a licence on terms and conditions and subject to certain restrictions. Schedule 4 also allows the Council to impose conditions so as to prevent persons in the neighbourhood being unreasonably disturbed by noise.

### 6.0. EQUAL OPPORTUNITIES

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

### 7.0. RECOMMENDATION

7.1. That the Committee consider Ms. Davies' application.

8.0. BACKGROUND PAPERS

8.1. Application form.

*John Poyellis*

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DIRECTOR OF LAW AND PROPERTY

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