

DUDLEY METROPOLITAN BOROUGH

LICENSING SUB-COMMITTEE

15TH NOVEMBER, 2005

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

RENEWAL OF PUBLIC ENTERTAINMENTS LICENCE

PURPOSE

1. To consider the application on behalf of Mr. Bryan Wilson for the renewal of the public entertainments licence for the premises known as the Corn Exchange, Amblecote Road, Brierley Hill.

BACKGROUND

2. The Corn Exchange was first issued with a public entertainments licence on the 23rd April, 1997 for the following days and times:-

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

That licence was subsequently renewed and transferred in the name of Patricia Foley expiring on the 8th October, 2002 for the following days and times:-

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

3. On the 21st February, 2002, an application was received from Messrs. Hammond, Suddard and Edge, Solicitors, on behalf of Mr. Bryan Wilson for the variation of hours on the public entertainments licence to the following hours:-

Monday to Wednesday 11.00 a.m. - 11.00 p.m.
Thursday to Saturday 11.00 a.m. - 12.30 a.m.
Sundays 12.00 noon - 12.30 a.m.
 (2.00 a.m. on a Sunday preceding a Bank Holiday)

An application was also received for structural alteration to the premises.

4. On the 28th February, 2002, Mr. Bryan Wilson made application for the transfer of the public entertainments licence. This application was circulated to the West Midlands Fire Service, West Midlands Police and the Directorate of the Urban Environment.
5. Proof of publication of the requisite public notice was received together with a satisfactory electrical certificate.
6. Mr. Wilson also made application for the grant of a cinematograph licence to which there was no objections raised from the various agencies.
7. On the 30th August 2002, Mr Wilson made application for the renewal of the public entertainments licence in respect of the premises for the following days and hours

Monday - Saturday	7.00pm-11.00pm
Sunday	7.00pm-10.30pm

This application was circulated as in paragraph 4. above.

8. The Directorate of the Urban Environment made various comments which were brought to the attention of the Committee. None of the other agencies raised objections.
9. Proof of publication of the requisite Public Notice was received.
10. On the 24th September 2002 Messrs Hammond Suddard and Edge Solicitors withdrew the application for the variation of hours. Accordingly the application before the Committee was for the renewal and transfer of Public Entertainments Licence in respect of the Corn Exchange to Mr. Bryan Wilson for the days and times set out in paragraph 7. of this report.
11. This matter was considered by the Committee on the 24th September 2002 and the 2nd December, 2002. The Committee resolved that the matter should be deferred until a further meeting to allow for objections to be heard in relation to the renewal of the Public Entertainment Licence.
12. This application was again considered by the Committee on the 23rd January 2003. It was resolved that the matter should be deferred to allow a meeting between the applicant and the objectors and that this meeting take place within 28 days of the January Committee meeting.
13. This matter was considered by the Committee on the 13th March 2003. The Committee resolved that the licence be renewed/transferred on the same terms and conditions as previously issued. The Committee also resolved that all points of the residents concerns be honoured. That licence has subsequently been renewed and bears the expiry date of the 8th October, 2005.

14. On the 15th March 2005, Mr Wilson made application for the variation of hours permitted on the public entertainments licence as follows:-

Monday - Saturday	11.00am - 1.00am (the following morning)
Sunday	12.00 noon - 12.00 midnight.

15. That application was circulated as in paragraph 4. above.
16. The Director of the Urban Environment made comments which were brought to the attention of the Committee. None of the other agencies raised objections.
17. Various letters of objections were also received from local residents which were brought to the attention of the Committee.
18. Proof of publication of the prescribed Public Notice was received, together with a satisfactory electrical certificate.
19. This matter was considered by the Committee on the 20th July, 2005. The Committee resolved that the application for the variation be refused and that accordingly, the hours and days of the licence remain as follows:-

Monday - Saturday	7.00pm - 11.00pm
Sunday	7.00pm - 10.30pm

With the following additional condition:-

Environmental Health Officers to undertake monitoring of the premises including a check on the noise limiter and that the licensee be requested to consider the issues raised on his behalf and matters raised by the public present which would need to be pursued within an application for a premises licence and undertake constitution with the public and obtain the support of the brewery for any changes needed.

20. On the 7th October, 2005, an application was received from Bevan Brittan, Solicitors, on behalf of Bryan Wilson for the renewal of the Public Entertainments Licence for the following days and times:-

Monday - Saturday	7.00pm - 11.00pm
Sunday	7.00pm - 10.30pm

21. That application was circulated as in paragraph 4. above.
22. Representations have been received from the Director of the Urban Environment and are attached to this report as Appendix 1.
23. Representations have also been received from local residents and are attached to this report as Appendix 2.

PROPOSAL

- 24. That the Committee consider the application for the renewal of a public entertainments licence in respect of the Corn Exchange.

FINANCE

- 25. There are no financial implications.

LAW

- 26. 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.
- 27. 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.

EQUALITY IMPACT

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

RECOMMENDATION

- 29. That the Committee determine this application.

BACKGROUND PAPERS

- 30. Application form.

John Poyellis

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DIRECTOR OF LAW AND PROPERTY

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