

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.



.....
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers