
Licensing Sub-Committee 2 – 21st November 2006

Report of the Director of Law and Property

Application for Variation of a Premises Licence

Purpose of Report

1. To consider the application for the grant of a premises licence in respect of The Picture House, 27 – 29, Hagley Road, Stourbridge, West Midlands.

Background

2. On the 6th September, 2006, an application was received from Young & Pearce, Solicitors, on behalf of Enteramma Limited, in respect of the premises known as the Picture House, 27 – 29, Hagley Road, Stourbridge, West Midlands, for the variation of the premises licence. The application is attached to this report at Appendix 1.
3. The application had the following documents enclosed:-
 - Correct Fee (£315.00)
 - Plan of the premises
4. The Picture House holds a current premises licence for the following days and times:

| | | | |
|---|--------------------------------|-------|------|
| Sale of Alcohol and Regulated Entertainment | Mondays to Wednesdays | 11:00 | 1:30 |
| | Thursdays, Fridays & Saturdays | 11:00 | 2:00 |
| | Sundays | 11:00 | 0:00 |
| Late Night Refreshment | Mondays to Wednesdays | 11:00 | 1:30 |
| | Thursdays, Fridays & Saturdays | 11:00 | 2:00 |
| | Sundays | 11:00 | 0:00 |

5. The application for variation of premises licence is as follows:

To allow the sale of alcohol and regulated entertainment (films, live music, recorded music, performance of dance, provision of facilities for making music/dance)

Monday – Wednesday 11.00 – 01.30

Thursday – Sunday 11.00 – 04.00

To allow the provision of late night refreshment

Monday – Wednesday 23.00 – 02.00

Thursday – Sunday 23.00 – 05.00

An additional hour to the standard and non-standard timings when British summertime commences from the standard time on 31st December to the standard time on 1st January.

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 2 objections one from a local resident and one from a member of parliament on behalf of local residents concerning, noise nuisance a copy of these letters have been sent to the Committee Members and the Applicant in accordance with the Licensing Act 2003.
8. Objections have been received from the West Midlands Police and are attached to this report as Appendix 2.
9. 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

10. There are no financial implications.

Law

11. The law relating to the granting of applications for the grant of a premises licences is governed by the Licensing Act 2003, Section 11, Part 3 and Schedule 8, Part 1.
12. 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.
13. 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.
14. 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.
15. If the Licensing Authority refuse to grant the application , there is a right of appeal to the Magistrates' Court pursuant to Schedule 5, Part 1(b).
16. Pursuant to Section 4(1), (2) and (3), Schedule 5 of the Licensing Act 2003, where the Licensing Authority grant an application for 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.
17. 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

18. This report complies with the Council's policy on equal opportunities.
19. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

20. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

21. That the Sub-Committee determine the application.

John Poyell

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

None