

Licensing Sub Committee 2 – 29th July 2008

Report of the Director of Law and Property

Application to Vary a Premises Licence

Purpose of Report

1. To consider the application for the variation of the Premises Licence in respect of the Crown Inn, Holloway Street, Dudley, West Midlands, DY3 2EA.

Background

2. On 4th August 2005 an application was received from Ridgeway Licensing Services on behalf of Yvonne Julie Spence, in respect of the Crown Inn, Holloway Street, Dudley to convert an existing licence into a premises licence. That licence was granted on the 19th September 2005.
3. On 11th November 2005 an application was received from Ridgeway Licensing Services on behalf of Yvonne Julie Spence in respect of the Crown Inn, Holloway Street, Dudley, to vary the existing premises licence, that application was granted on the 9th December 2005.
4. On the 31st March 2006 an application was received from Fraser Brown Solicitors on behalf of Yvonne Julie Spence for the variation of Premises Licence (layout of premises only). That variation was granted on the 30th April 2006.
5. The premises licence was transferred into the name of Admiral Taverns on the 1st March 2007.
6. The current premises licence is issued for the following days and times:-

Sale of Alcohol

Sunday – Thursday	10.00 – 00.00
Friday & Saturday	10.00 – 01.00

Regulated Entertainment

(Live music/recorded music/dancing/making music)

Sundays to Thursdays	19.00 – 23.00
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Fridays & Saturdays 19.00 – 00.00

(Anything of a similar description to performance of live music/playing of recorded music and performance of dance)

Sunday – Friday 19.00 – 23.00

Saturday 19.00 – 00.00

(Film)

Sunday to Thursday 10.00 – 00.00

Friday & Saturday 10.00 – 01.00

Late Night Refreshment

Sunday to Thursday 23.00 – 00.00

Friday & Saturday 23.00 – 01.00

Non-standard timings – one extra hour after the finish times for New Year's Day, Valentine's Day, Thursday before Good Friday, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Sunday and Monday of all Bank Holiday weekends, St Patrick's day, St George's day, St David's day, St Andrew's day and 23rd to 30th December (inclusive).

New Year's Eve – 36 hours as existing

7. The current premises licence holder is Admiral Taverns (Cygnet) Limited and the current Designated Premises Supervisor is Ms K Beckett.
8. On the 29th May 2008 an application was received from Fraser Brown Solicitors on behalf of Admiral Taverns for the variation of the premises licence, that application is attached as Appendix 1

The application had the following requisite documents:-

1. Correct fee (£190.00)

2. Plan of the premises

9. The application to vary the licence was as follows:-

Regulated Entertainment

(Films/indoor sporting events/live music, recorded music, performance of dance and anything of a similar description to live music, recorded music and performance of dance/provision of facilities for making music/provision of facilities for dance).

Sunday– Thursday 08.00 – 00.00

Friday & Saturday 08.00 – 01.00

Late Night Refreshment

Sunday – Thursday	23.00 – 00.00
Friday & Saturday	23.00 – 01.00

Supply of Alcohol

Sunday – Thursday	08.00 – 00.00
Friday & Saturday	08.00 – 01.00

If applicable, an additional hour to the standard and non-standard times on the day when British summertime commences.

From the standard start timing on 31st December to the standard start timing on 1st January.

An additional hour on New Years Day, Valentines Day, the Thursday before Good Friday, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the Sunday and Monday of all bank holiday weekends, St Patrick's day, St George's day, St David's day, St Andrew's day and 23rd to 30th December inclusive.

10. Confirmation that copies of the application form and supporting documentation were served on the relevant authorities has been received.
11. Six letters of objection have been received from local residents concerning public nuisance. A copy of those letters has been sent to the Committee Members, interested parties and the applicant in accordance with the Licensing Act 2003.
12. Five emailed objections have also been received from members of the public wishing to remain anonymous.
13. 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

14. There are no financial implications.

Law

15. 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.
16. Pursuant to Section 35(3)(a) of the Licensing Act 2003 where a relevant authority has made representations, the Licensing Authority must:-
 - (a) Hold hearing to consider item, unless the authority, the application and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) 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.

- (c) The steps are:-
- (1) to modify the conditions of licence
 - (2) to reject the whole of part of the application
17. 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:-
- (a) the applicant
 - (b) any person who made relevant representations in respect of the application and
 - (c) the Chief Officer of Police for the police area in which the premises are situated.
18. In pursuant 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.
19. 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).
20. 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 application 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:-

- (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

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

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

Recommendation

24. 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