

Meeting of the Licensing Sub-Committee 4 – 2nd May 2023

Report of the Interim Director of Environment Directorate

Application to Vary a Premises Licence

The Red Lion, Abbey Road, Gornal Wood, Dudley, West Midlands.

Purpose

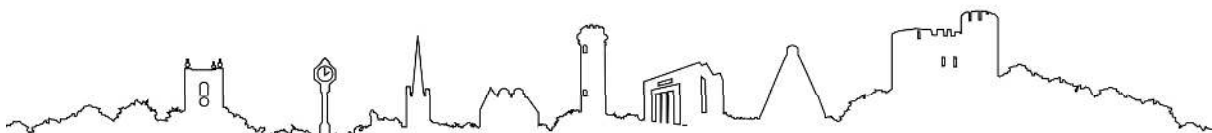
- 1 To consider the application for variation of the premises licence in respect of the premises known as The Red Lion, Abbey Road, Gornal Wood, Dudley, West Midlands, DY3 2PQ.

Recommendation

2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

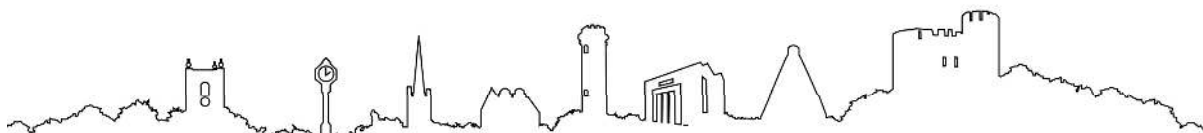
Background

3. The Red Lion was first issued with a premises licence on the 23rd September 2005, that licence was transferred into the name of the current premises licence holder Marston's PLC on the 22nd March 2011.
4. The current premises licence is issued for the following days and times:



Supply of Alcohol / Premises Open to the Public

The times the licence authorises the carrying out of licensable activities: -			
B: Films	Monday to Saturday	09:00	23:00
B: Films	Sunday	12:00	22:30
B: Films	Non-standard timings -When hours for the sale of alcohol are extended hereunder these hours are also extended.		
C: Indoor Sporting Events	Monday to Saturday	09:00	23:00
C: Indoor Sporting Events	Sunday	12:00	22:30
C: Indoor Sporting Events	Non- standard timings - When hours for the sale of alcohol are extended hereunder these hours are also extended.		
E: Live Music	Monday to Saturday	09:00	23:00
E: Live Music	Sunday	12:00	22:30
E: Live Music	Non- standard timings - When hours for the sale of alcohol are extended hereunder these hours are also extended.		
F: Recorded Music	Monday to Saturday	09:00	23:00
F: Recorded Music	Sunday	12:00	22:30
F: Recorded Music	Non- standard timings - When hours for the sale of alcohol are extended hereunder these hours are also extended.		

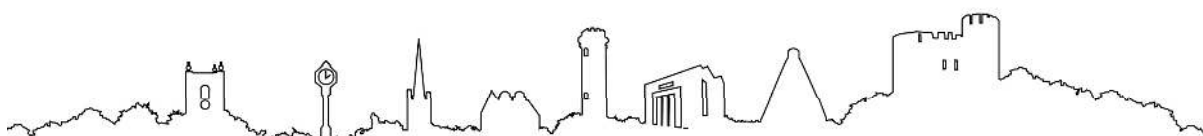


G: Performance of Dance	Monday to Saturday	09:00	23:00
G: Performance of Dance	Sunday	12:00	22:30
G: Performance of Dance	Non-standard timings - When hours for the sale of alcohol are extended hereunder these hours are also extended.		
J: Supply of Alcohol	Monday to Saturday	09:00	23:00
J: Supply of Alcohol	Sunday	12:00	22:30
J: Supply of Alcohol	Non-standard timings – To permit the sale of alcohol and such regulated Entertainment as authorised hereunder until 00.00 on Friday, Saturday Sunday and Monday at Bank Holiday Weekends, Christmas Eve and Boxing Day. 10:00hrs on New Years Eve to terminal hour as proposed On New Years Day.		

Opening Hours

Monday to Saturday inc 09.00 until 23.30
Sunday 12.00 until 23.00

To permit sale of alcohol and such regulated entertainment until 00.00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day, New Years Eve: 10.00 to New Years Day terminal hour.



5. On the 9th March 2023, John Gaunt & Partners, made application on behalf of Marston's PLC, in respect of the premises known as the Red Lion for the variation of the premises licence as follows:

A review of the licence has identified that the premises has restricted hours, with Sundays commencing significantly later than the remainder of the week.

Application is made to provide consistency to those hours as follows:

Sale of Alcohol and Regulated Entertainment (Films/Indoor Sporting Events/Live Music/Recorded Music/Dance)

Monday to Sunday 09.00 until 00.00

Late Night Refreshment

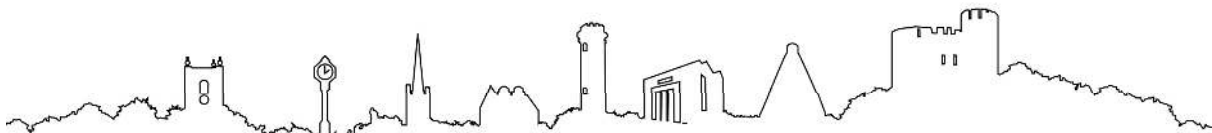
Monday to Sunday 23.00 until 00.00

Hours Open to the Public

Monday to Sunday inc 09.00 until 00.30

Also a review of the conditions endorsed upon the licence has been undertaken and it is noted that the children's condition prohibits entry of children after 21.00 hrs and is proposed to be amended as follows:

Children under the age of 16 shall not be permitted to enter the premises after 21.00 hrs unless attending a pre-booked function or dining.



6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations in respect of the application have been received from the Planning Department and a Local Resident. Copies of all representations have been forwarded to Committee Members, Interested Parties and the Applicant in accordance with the Licensing Act 2003.

Finance

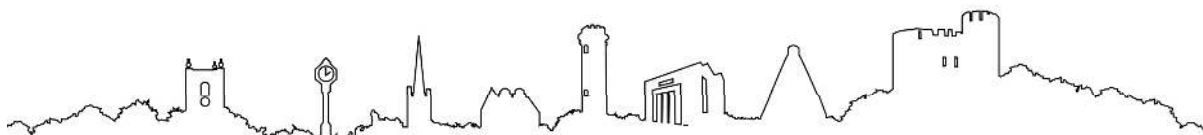
8. There are no financial implications.

Law

9. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
10. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant representation is made, 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.



11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

Risk Management

16. There are no risk management implications.

Equality Impact

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

18. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

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

Human Resources/Organisational Development

20. There are no Human Resources/organisational Development implications.

Commercial/Procurement

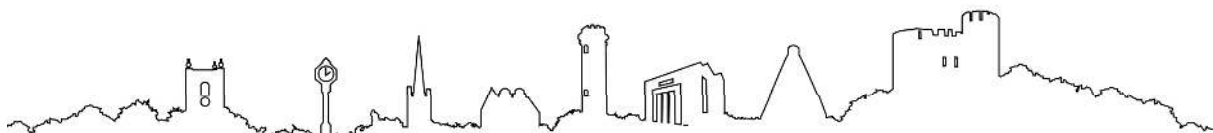
21. There are no commercial/procurement implications.

Environment/Climate Change

22. There are no Environment/Climate Change implications.

Council Priorities and Projects

23. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



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Appendices

None

List of Background Documents

None

