

Licensing Sub-Committee 2 – 26th September 2017

Report of the Strategic Director Place

Application to Vary a Premises Licence

The Black Horse, 52, Delph Road, Brierley Hill, West Midlands

Purpose

- 1 To consider the application for variation of the premises licence in respect of the premises known as the Black Horse, 52, Delph Road, Brierley Hill, West Midlands, DY5 2TP.

Recommendation

2. That the Sub-Committee determine the application for variation of hours in respect of Recorded Music, and variation to layout and conditions of licence.

Background

3. The Black Horse was first issued with a premises licence on the 22nd September 2005, that licence was subsequently transferred into the name of Mr Ross Jonathon Bayley on the 31st October 2016 who remains the current licence holder.
4. The current premises licence is issued for the following:

B:Exhibition of a Film	Monday to Wednesday	10:00	23:00
B:Exhibition of a Film	Thursday to Saturday	10:00	23:30
B:Exhibition of a Film	Sunday	10:00	22:00
B:Exhibition of a Film	Bank Holiday (inc.Fridays & Saturdays) Christmas Day & Boxing Day	10:00	00:30
C:Indoor Sporting Event	Monday to Wednesday	10:00	23:00

C:Indoor Sporting Event	Thursday to Saturday	10:00	23:30
C:Indoor Sporting Event	Sunday	10:00	22:00
C:Indoor Sporting Event	Bank Holiday (inc. Fridays & Saturdays), Christmas Day & Boxing Day	10:00	00:30
E:Performance of Live Music	Monday to Wednesday	10:00	23:00
E:Performance of Live Music	Thursday to Saturday	10:00	23:30
E:Performance of Live Music	Sunday	10:00	22:00
E:Performance of Live Music	Bank Holidays (inc.Fridays & Saturdays) Christmas Day & Boxing Day	10:00	00:30
F:Playing of Recorded Music	Monday to Wednesday	10:00	23:00
F:Playing of Recorded Music	Thursday to Saturday	10:00	23:30
F:Playing of Recorded Music	Sunday	10:00	22:00
F:Playing of Recorded Music	Bank Holidays (inc.Fridays & Saturdays) Christmas Day & Boxing Day	10:00	00:30
H:Ent. of a Similar Description to E,F,G	Monday to Wednesday	10:00	23:00
H:Ent. of a Similar Description to E,F,G	Thursday to Saturday	10:00	23:30
H:Ent. of a Similar Description to E,F,G	Sunday	10:00	22:00

H:Ent. of a Similar Description to E,F,G	Bank Holidays (inc.Fridays & Saturdays) Christmas Day & Boxing Day	10:00	00:30
L:Late Night Refreshment	Mondays to Sundays	23:00	00:00
L:Late Night Refreshment	Bank Holidays (inc.Fridays & Saturdays) Christmas Day & Boxing Day	23:00	01:00
M:Supply of Alcohol	Mondays to Sundays	10:00	00:00
M:Supply of Alcohol	Bank Holidays (inc.Fridays & Saturdays) Christmas Day & Boxing Day	10:00	01:00

5. On the 8th August 2017, Mr Bayley, made application for the variation of the premises licence in respect of the Black Horse, 52, Delph Road, Brierley Hill, West Midlands DY5 2TP..

The application for variation of licence is as follows:

To extend licensing hours for Recorded Music:-

Requested: Monday to Sunday - 23:00 – 00:00

**Currently: Monday to Wednesday - 10:00 – 23:00
Thursday to Saturday - 10:00 – 23:30
Sunday - 10:00 – 22:00**

In addition:

- **To amend plans to include a wooden built structure adjacent to the main building containing a kitchen and small bar.**
- **To amend Condition 3 to allow customers to smoke outside in the Smoking Area after 23:00hrs, with no drinks to be taken outside.**

6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representation have been received from Environmental Safety & Health Department, a copy of the representations has been circulated to the applicant, Committee Members and interested parties in accordance with the Licensing Act 2003.
8. This application falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters

Finance

9. There are no financial implications.

Law

10. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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

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/Transformation

20. There are no Human Resources/Transformation implications



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Strategic Director Place

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List of Background Papers

None