

## **Meeting of the Licensing Sub-Committee 1 – 25<sup>th</sup> January 2022**

### **Report of the Acting Director of Public Realm**

### **Application to Vary a Premises Licence**

### **New Inn, 2 Cherry Street, Stourbridge, DY8 3YQ.**

#### **Purpose**

- 1 To consider the application for variation of the premises licence in respect of the premises known as The New Inn, 2 Cherry Street, Stourbridge, DY8 3YQ.

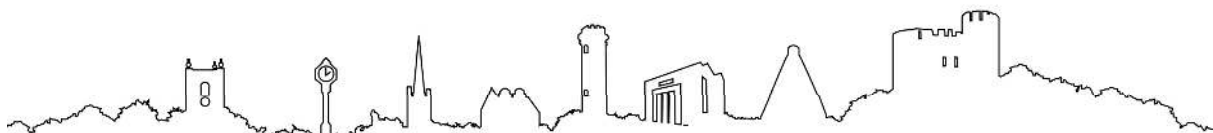
#### **Recommendation**

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

#### **Background**

3. The New Inn, 2 Cherry Street, Stourbridge, was first issued with a premises licence on the 8<sup>th</sup> April 2005.
4. The current premises licence holder is Punch Partnership (PTL) Ltd, the current licence is issued for the following days and times:

<b>The times the licence authorises the carrying out of licensable activities: -</b>			
<b>Playing of Recorded Music/ Supply of Alcohol</b>	<b>Mondays to Saturdays</b>	<b>10:00</b>	<b>23:00</b>
	<b>Sundays</b>	<b>12:00</b>	<b>22:30</b>
	<b>Christmas Day</b>	<b>12:00</b>	<b>15:00</b>
	<b>Christmas Day</b>	<b>19:00</b>	<b>22:30</b>



## Opening Hours of the premises

<b>Monday to Saturday</b>	<b>10.00 until 23.00</b>
<b>Sunday</b>	<b>12.00 until 22.30</b>
<b>Christmas Day</b>	<b>12.00 – 15.00 &amp; 19.00 – 22.30</b>

5. On the 1st October 2021, Flint Bishop LLP, made application on behalf of Punch Partnership (PTL) Limited, in respect of the premises known as the New Inn, 2 Cherry Street, Stourbridge for the variation of the premises licence as follows:

Playing of Recorded Music Friday and Saturday 10.00 until 00.00 (**Withdrawn**)

Supply of Alcohol Friday and Saturday 10.00 until 00.00

Hours premises are open to the public

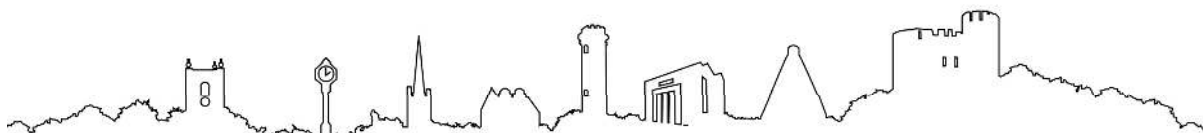
Monday to Thursday inc	08.00 until 23.30
Friday & Saturday	08.00 until 00.30
Sunday	08.00 until 23.00

To remove the Christmas Day non-standard timing restriction for all licensable activities and opening hours.

A copy of the application has been forwarded to Committee Members in accordance with the licensing Act 2003.

**The closing date for representations in respect of this application was extended until 25<sup>th</sup> November 2021 due to the public notice displayed at the premises not being visible.**

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 Environmental Health and Trading Standards, a local Ward Member and 9 local residents. Copies of all representations have been forwarded to the Applicant and Committee Members in accordance with the Licensing Act 2003.
8. On the 21<sup>st</sup> October 2021, Flint Bishop LLP confirmed that their client Punch Taverns Partnership (PTL) now wish to amend the major variation by removing the request for extending the terminal hour for recorded music on Friday and Saturday until midnight.



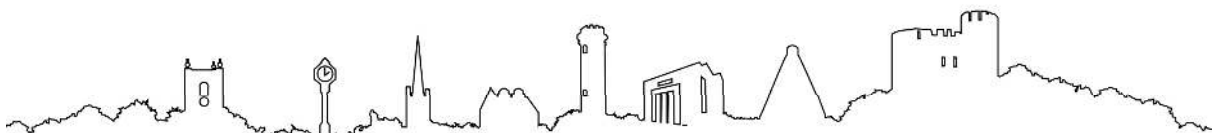
9. This matter was due to be considered by the Licensing Sub Committee on the 21<sup>st</sup> December 2021 however prior to the meeting the Committee agreed to defer the matter at the request of the applicant's solicitor.

### **Finance**

10. There are no financial implications.

### **Law**

11. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
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. 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.
16. 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.
17. 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**

18. There are no risk management implications.

### **Equality Impact**

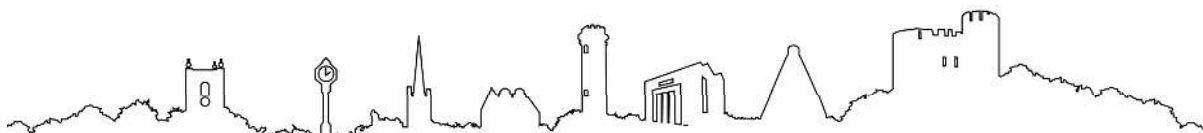
19. This report complies with the Council's policy on equal opportunities.
20. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
21. There has been no consultation or involvement of children and young people in developing these proposals.

### **Human Resources/Organisational Development**

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

### **Commercial/Procurement**

23. There are no commercial/procurement implications.



## **Council Priorities**

24. 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.



.....  
**Heidi Marsh-Geyton**  
**Acting Director of Public Realm**

Contact Officer: Mr S Smith  
Telephone: 01384 815377  
Email: [simon.smith@dudley.gov.uk](mailto:simon.smith@dudley.gov.uk)

