

**Licensing Sub-Committee 1 – 9<sup>th</sup> June 2020**

**Report of the Director of Public Realm**

**Application to Vary a Premises Licence**

**The Wall Heath Tavern**

**Purpose**

- 1 To consider the application for variation of the premises licence in respect of the premises known as The Wall Heath Tavern, 14 High Street, Wall Heath, Kingswinford, DY6 0HD.

**Recommendation**

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

**Background**

3. The Wall Heath Tavern was first issued with a premises licence on the 26<sup>th</sup> September 2005.
4. The current premises licence was transferred into the name of Mr Thomas Evans on the 25<sup>th</sup> September 2019, and is issued for the following:

<b>E: Live Music</b>	<b>Up to three days per week at licensees discretion</b>	<b>11:00</b>	<b>23:00</b>
<b>F: Recorded Music</b>	<b>Up to three days per week at licensees discretion</b>	<b>11:00</b>	<b>23:00</b>



<b>J: Supply of Alcohol</b>	<b>Sunday</b>	<b>12:00</b>	<b>00:00</b>
<b>J: Supply of Alcohol</b>	<b>Monday to Saturday</b>	<b>11:00</b>	<b>00:00</b>
<b>J:Supply of Alcohol</b>	<b>Good Friday</b>	<b>12:00</b>	<b>00:00</b>
<b>J:Supply of Alcohol</b>	<b>Christmas Day</b>	<b>12:00</b>	<b>00:00</b>

5. On the 23<sup>rd</sup> April 2020, Flint Bishop Solicitors made an application on behalf of Mr Thomas Evans in respect of the premises known as The Wall Heath Tavern for the following variation:

**Amendment to the licensing plan as set out in appendix 1**

**Films (indoors only)**

Sunday to Thursday inc 08.00 until 00.00  
Friday & Saturday 08.00 until 01.00

**Late Night Refreshment**

Sunday to Thursday inc 23.00 until 00.00  
Friday & Saturday 23.00 until 01.00

**Supply of Alcohol**

Sunday to Thursday 10.00 until 00.00  
Friday & Saturday 10.00 until 01.00

**Live/Recorded Music**

Friday & Saturday 11.00 until 00.00 (**indoors only after 23.00**)

**Hours open to the public**

Friday and Saturday until 01.30

The removal of all existing non-standard timings on Good Friday and Christmas Day

The addition of further non-standard timings

An additional 1 hour to be added to terminal hour on New Years Eve into New Years Day.

The removal of all existing Annex 2 and 3 conditions see appendix 2 attached to this report as the majority of these conditions are now either outdated or converted



by other primary legislation, and replaced with updated and proportionate conditions

A copy of the application has been forwarded to Committee Members and Interested Parties in accordance with the Licensing Act 2003.

6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations to the application have been received from 8 local residents.

### **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 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.
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.

### **Equality Impact**

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

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

19. There are no commercial/procurement implications.



## **Commercial/Procurement**

20. There are no commercial/procurement implications.

## **Health, Wellbeing and Safety**

21. This applications falls within the Council's responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

*Matt Williams*

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**Director of Public Realm**

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## **Appendices**

Appendix 1 - Plan of the premises showing the proposed alterations  
Appendix 2 - Annex 2 and 3 conditions to be removed

## **List of Background Documents**

None

