

Licensing Sub-Committee 3 - 17th June, 2014

Report of the Director of Corporate Resources

Application to Vary a Premises Licence

Purpose of Report

1. To consider the application for variation of the premises licence in respect of the premises known as The Hare & Hounds, Wynnall Lane, Stourbridge, West Midlands, DY9 9AB.

Background

2. The Hare & Hounds, Wynnall Lane, Stourbridge, West Midlands, was first issued with a premises licence on the 9th January 2006, that licence was subsequently transferred on the 11th June 2010.
3. The current premises licence is issued for the following:

Sale of Alcohol

Monday – Saturday	10.00 until 00.00
Sundays	11.00 until 00.00

New Years Eve 10.00 to New Years day terminal hour as proposed.

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interests outside normal operating hours. Such opening times for this purpose to be confirmed 14 days prior, notice in writing to the Police before the premises intend to open. Such notification to include the opening times and the sporting event which is to be shown, with the right of Police veto within 7 days.

Films/Indoor Sporting Events/Live Music/Recorded Music/Performance of Dance

Monday – Saturday	10.00 until 00.00
Sundays	11.00 until 00.00

(When the hours for sale of alcohol are extended hereunder these hours are also extended).

Late Night Refreshments

Monday to Sunday inc 23.00 until 00.00

(When the hours for sale of alcohol are extended hereunder these hours are also extended).

4. The current premises licence holder is Marstons Plc.
5. On the 22nd April 2014, John Gaunt and Partners, Solicitors, made application on behalf of Marston's plc for the variation of the premises licence in respect of the Hare and Hounds, Wynnall Lane, Stourbridge.
6. The application for variation of licence is as follows:

To extend the terminal hour for licensable activities on Fridays and Saturdays until 01.00 the following mornings, with the premises closing to the public 30 minutes thereafter.
7. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
8. Representations have been received from a local Councillor, and 9 letters of objection from local residents copies of those representations have been circulated to the premises licence holder, Committee members and interested parties in accordance with the Licensing Act 2003.
9. 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

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 appropriate 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.

Equality Impact

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

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

Recommendation

21. That the Sub-Committee determine the application.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers