

**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**

**Longlands Tavern, 24 Western Road, Stourbridge, West Midlands, DY8 3XU.**

**Purpose**

- 1 To consider the application for variation of the premises licence in respect of the premises known as The Longlands Tavern, 24 Western Road, Stourbridge, West Midlands.

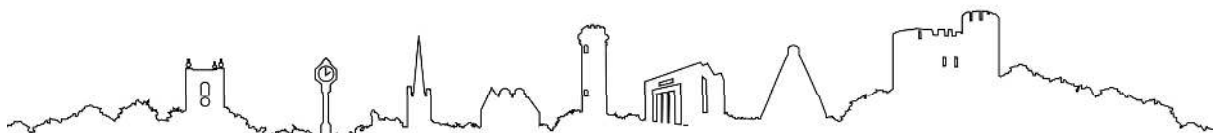
**Recommendation**

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

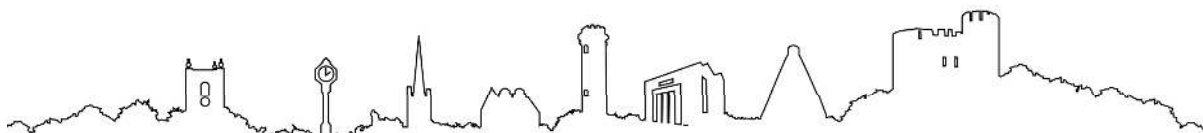
**Background**

3. The Longlands Tavern, was first issued with a premises licence on the 23<sup>rd</sup> September 2005.
4. The current premises licence holder is Marston's PLC, the current licence is issued for the following days and times:

<b>B:Exhibition of a Film</b>	<b>Monday to Sunday</b>	<b>11:00</b>	<b>23:00</b>
<b>B:Exhibition of a Film</b>	<b>When hours for the sale of alcohol are extended hereunder these hours are also extended</b>		



<b>C:Indoor Sporting Event</b>	<b>Monday to Sunday</b>	<b>11:00</b>	<b>23:00</b>
<b>C:Indoor Sporting Event</b>	<b>When hours for the sale of alcohol are extended hereunder these hours are also extended</b>		
<b>E:Performance of Live Music</b>	<b>Monday to Sunday</b>	<b>11:00</b>	<b>23:00</b>
<b>E:Performance of Live Music</b>	<b>When hours for the sale of alcohol are extended hereunder these hours are also extended</b>		
<b>F:Playing of Recorded Music</b>	<b>Monday to Sunday</b>	<b>11:00</b>	<b>23:00</b>
<b>F:Playing of Recorded Music</b>	<b>When hours for the sale of alcohol are extended hereunder these hours are also extended</b>		
<b>G:Performance of a Dance</b>	<b>Monday to Sunday</b>	<b>11:00</b>	<b>23:00</b>
<b>G:Performance of a Dance</b>	<b>When hours for the sale of alcohol are extended hereunder these hours are also extended</b>		
<b>I:Late Night Refreshment</b>	<b>When hours for the sale of alcohol are extended hereunder these hours are also extended</b>		
<b>J:Supply of Alcohol</b>	<b>Monday to Sunday</b>	<b>11:00</b>	<b>23:00</b>
<b>J:Supply of Alcohol</b>	<b>To permit sale of alcohol and such other regulated entertainment until 00:00hrs Friday, Saturday, Sunday &amp; Monday at Bank Holiday weekends, Christmas Eve &amp; Boxing Day. New Years Eve 10:00 to New Years Day Terminal Hour as Proposed</b>		
	<b>To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 14 days prior notice in writing to the police before the premises intend to</b>		



	<b>open, such notification to include the opening times and the sporting event which is to be shown.</b>		
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The opening hours of the premises: -			
Monday:	<b>11:00 - 23:30</b>		
Tuesday:	<b>11:00 - 23:30</b>		
Wednesd	<b>11:00 - 23:30</b>		
ay:	<b>11:00 - 23:30</b>		
Thursday	<b>11:00 - 23:30</b>		
:	<b>11:00 - 23:30</b>		
Friday:	<b>11:00 - 23:30</b>		
Saturday:	<b>The premises will close 30 minutes after the end of non standard</b>		
Sunday:	<b>timings for the sale of alcohol.</b>		
Others:			

5. On the 1<sup>st</sup> December 2021, John Gaunt & Partners, Solicitors, made application on behalf of Marston's PLC in respect of the premises known as the Longlands Tavern for variation of the premises licence as follows:

**Supply of alcohol**

Monday to Sunday inc 11.00 until 00.00

**Late Night Refreshment**

Monday to Sunday inc 23.00 until 00.00

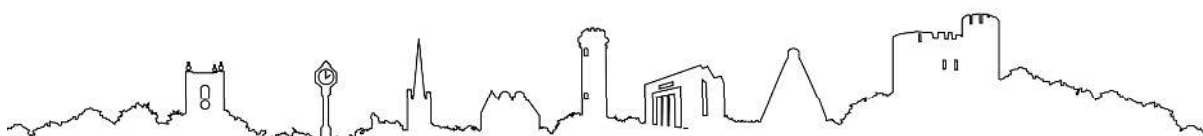
**Hours Premises Open to the Public**

Monday to Sunday inc 11.00 until 00.30

To update the approved licensing plan to include the long established beer garden to the rear of the premises for the purpose of retail sale of alcohol.

The Longlands Tavern has liaised with interested parties who have expressed concerns about the proposed extension on Sunday to Wednesday and have subsequently withdrawn the request of the extension of the terminal hours for Sunday to Wednesday inclusive.

6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.



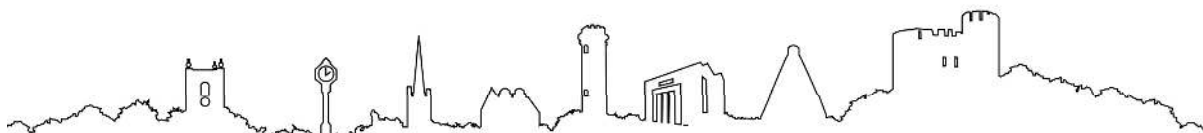
7. Representations in respect of the application have been received from 26 local residents, 2 Ward Councillors, Environmental Safety and Health Department, the West Midlands Police and the Licensing Authority.

### **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.

### **Risk Management**

16. There are no risk management implications.

### **Equality Impact**

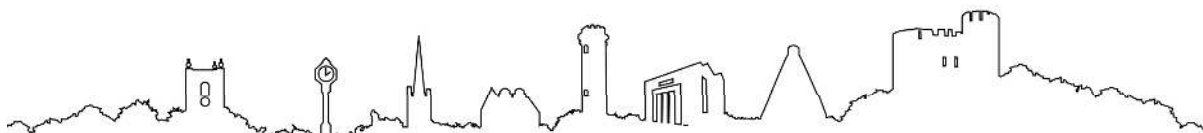
17. This report complies with the Council's policy on equal opportunities.
18. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
19. There has been no consultation or involvement of children and young people in developing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

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

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

### **Commercial/Procurement**

21. There are no commercial/procurement implications.



## **Council Priorities**

22. 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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**Acting Director of Public Realm**

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