

Meeting of the Licensing Sub-Committee 3 - 21st December 2021

Report of the Acting Director of Public Realm

Application to Vary a Premises Licence

Jolly Crispin, 25 Clarence Street, Upper Gornal, Dudley, West Midlands. DY3 1UL

Purpose

- 1 To consider the application for variation of the premises licence in respect of the premises known as The Jolly Crispin, 25 Clarence Street, Upper Gornal, Dudley, DY3 1UL.

Recommendation

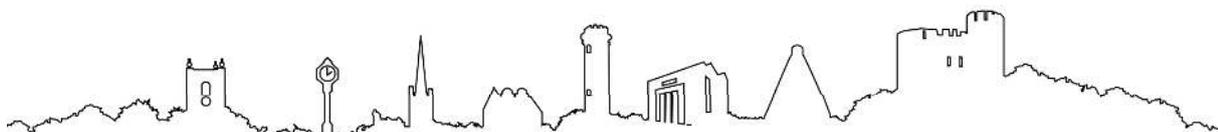
2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

Background

3. The Jolly Crispin, 25 Clarence Street, Upper Gornal, Dudley, was first issued with a premises licence on the 22nd July 2005.
4. The current premises licence holder is Red Oak Taverns Limited, the current licence is issued for the following days and times:

Playing of Recorded Music/Supply of Alcohol

Monday to Saturday	11.00 until 23.00
Sunday & Good Friday	12.00 until 22.30
Christmas Day	12.00 until 15.00
Christmas Day	19.00 until 22.30



Hours premises open to the public

Monday to Saturday	11.00 until 23.00
Sunday	12.00 until 22.30
Good Friday	12.00 until 22.30
Christmas Day	12.00 to 15.00 & 19.00 to 22.30

5. On the 18th October 2021, Poppleston Allen- Solicitors, made application on behalf of Red Oak Taverns Limited, in respect of the premises known as The Jolly Crispin for the variation of the premises licence as follows:

Live Music

Monday – Sunday inc 11.00 until 23.30 (**indoors only**)

Monday to Thursday 11.00 to 20.00 (**outdoors only**)

Friday to Sunday 11.00 to 21.00 (**outdoors only**)

From end of permitted hours on New Years Eve to start of permitted hours on New Years day.

Recorded Music

Monday – Sunday inc 08.00 until 24.00 (**indoors only**)

Monday to Thursday 11.00 to 20.00 (**outdoors only**)

Friday to Sunday 11.00 to 21.00 (**outdoors only**)

From end of permitted hours on New Years Eve to start of permitted hours on New Years day.

Late Night Refreshment

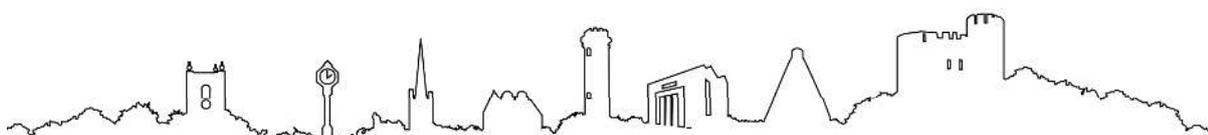
Monday to Sunday inc 23.00 until 24.00 (**indoors and outdoors**)

From end of permitted hours on New Years Eve to start of permitted hours on New Years day.

Supply of Alcohol

Monday to Sunday inc 08.00 until 24.00 (**indoors only**)

From end of permitted hours on New Years Eve to start of permitted hours on New Years day.



Hours premises are open to the public

Monday to Sunday inc 08.00 until 00.30 the following morning

From end of permitted hours on New Years Eve to start of permitted hours on New Years day.

To remove the restricted hours for Good Friday and Christmas Day to allow trading under the above hours.

The removal of all conditions under “Annex”- Conditions consistent with Operating Schedule. To be replaced by more up to date, appropriate conditions.

A copy of the application form and current licence with conditions has been forwarded to Committee Members in accordance with the Licensing Act 2003.

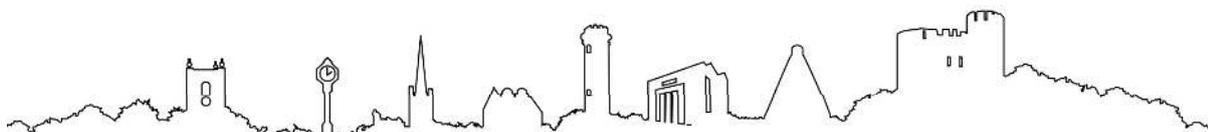
6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations in respect of the application have been received from 4 local residents. Copies of all representations have been forwarded to the Applicant and Committee Members in accordance with the Licensing Act 2003.
8. This matter was due to be considered by the Licensing Sub Committee on 7th December 2021 however the applicants Solicitor emailed the Licensing Office requesting an adjournment as the DPS of the premises and his wife were unable to attend. A copy of the email was forwarded to the Members and it was agreed the matter be deferred to the next hearing.

Finance

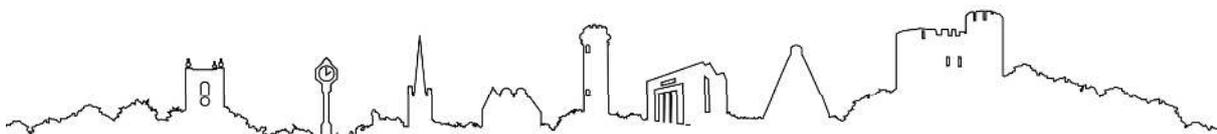
9. There are no financial implications.

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.

Risk Management

17. There are no risk management implications.

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.

Human Resources/Organisational Development

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

Commercial/Procurement

22. There are no commercial/procurement implications.

Council Priorities

23. 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.



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Heidi Marsh-Geyton
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