

Meeting of the Licensing Sub-Committee 3

Tuesday 21st December, 2021 at 10.00am

In the Council Chamber at the Council House, Priory Road, Dudley

Agenda - Public Session

(Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 26th October, 2021 as a correct record.

The following application is to be considered under the provisions of the Licensing Act 2003:-

5. Application to Vary a Premises Licence – The New Inn, 2 Cherry Street, Stourbridge (Pages 1 - 5)
6. Application for Grant of a New Premises Licence – Anatolia Grill Bar, 41 High Street, Stourbridge (Pages 6 - 10)
7. Application to Vary a Premises Licence – The Jolly Crispin, 25 Clarence Street, Upper Gornal, Dudley (Pages 11 - 15)
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 8th December, 2021



**Distribution:
Members of the Licensing Sub-Committee 3**

Councillor A Taylor (Chair)
Councillors C Elcock and P Drake

Please note the following concerning meetings at Dudley Council House:

Covid-19 Secure Working

Hands

- Hand Sanitiser and antibacterial wipes are available at various locations. Everyone is asked to sanitise their hands when arriving and leaving the building. Hand washing facilities are also available on site.

Face

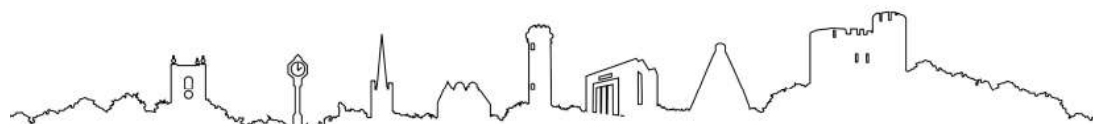
- All attendees are strongly advised to wear face coverings in situations where 2m distancing cannot be maintained. There is a supply of masks available for your use. These need to be worn correctly, covering nose and mouth. To assist this, a provision of surgical grade type 2R masks are available. The masks can be removed when you are speaking at the meeting.
- All persons entering or working in the building are strongly encouraged to wear face masks in communal areas and when moving around the building.

Space

- Please be respectful of everyone's personal space and preferences when you attend meetings.

Testing

- All people attending are encouraged to undertake Lateral Flow Tests twice a week (a supply of kits is available). Anyone testing positive should not attend and should seek further advice including self-isolation and taking a PCR test.
- Anyone unwell should not attend. Or if you have tested positive for Covid-19 in the last 10 days; if you are self-isolating or if you suspect that you are symptomatic.



Ventilation

- Windows will be opened in advance of meetings and will be maintained in an open position during meetings to maximise air flow and air changes within the room.
- Heating on site will be used to ensure minimum welfare requirements are met. The windows are open for ventilation, and this may make the environment cooler, so please dress accordingly.
- Carbon Dioxide Monitors will be situated in the meeting rooms. Data captured is used to monitor and assure effectiveness of ventilation.

Vaccination

- All persons attending meetings are strongly encouraged to be double vaccinated to limit ill-health effects should a transmission of coronavirus occur.

Toilets

- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

No smoking

- There is no smoking on the Council House premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

In Case of Emergency

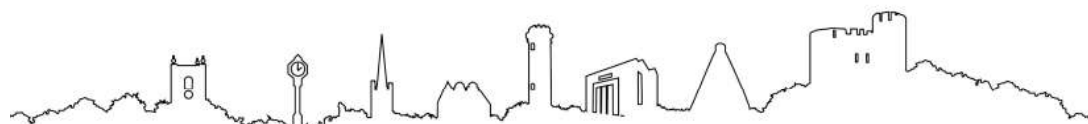
- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

Private and Confidential Information

- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.



General

- Public Wi-Fi is available in the Council House.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk

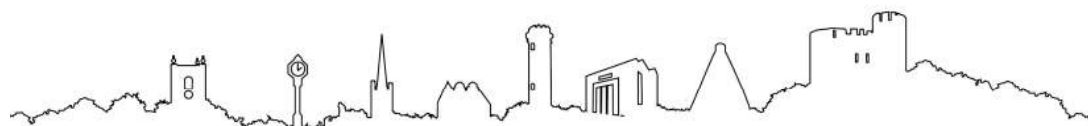
If you need advice or assistance

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk



Licensing Sub-Committee Procedure

- Chair to welcome parties and introduce Members and Officers
- Establish who the parties are and any representatives
- Chair to confirm that all parties have had disclosure of all documents that the Committee has before them and been allowed sufficient opportunity to read them prior to the meeting.
- Presenting Officer of the Local Authority or Solicitor to present the report to the Sub-Committee
- Relevant Authority to present their evidence and the Chair will then ask if any of the following have questions for the Officer:-
 - Objectors/or their representative
 - Applicant or representative
 - Sub-Committee Members and Legal Advisor
- Objectors or their representative/nominated person to present his/her case (including Ward Members)
 - Any witnesses to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of objectors (if present), if no representative, the objectors
- The Chair will then ask the following if they have any questions for the representative or the objectors:-
 - Presenting Officer Local Authority (or Solicitor)
 - Applicant or Representative
 - Sub-Committee Members and Legal Advisor
- Applicant or representative to introduce his or her case
 - Any witnesses for the applicant to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of Applicant (if present)
 - Presenting Officer Local Authority/Solicitor
 - Relevant Authority
 - Objector or Representative
 - Sub-Committee Members and Legal Advisor
- Presenting Officer of the Local Authority/Solicitor to sum up.
- Objectors/Representative to sum up



- Applicant or representative to sum up (must make final comments)
- Legal Advisor indicates to parties details of legal advice to be given to Sub-Committee
- Parties asked if they have had a fair hearing
- All parties, together with any members of the public to withdraw
- Sub-Committee to make their decision
- All parties invited to return and the Chair reads out the decision and the reasons for the decision.



**Minutes of Licensing Sub-Committee 3
Tuesday 26th October, 2021 at 11.00am
In the Council Chamber, The Council House, Dudley**

Present:

Councillor A Taylor (Chair)
Councillors P Drake and E Taylor

Officers:

L Rouse – Senior Licensing Clerk (Directorate of Public Realm); R Clark – Principal Solicitor, H Mills – Democratic Services Officer and G Gray – Assistant Democratic Services Officer (Observer) (Directorate of Finance and Legal).

4. **Apology for absence**

An apology for absence from the meeting was submitted on behalf of Councillor C Elcock.

5. **Appointment of Substitute Member**

It was reported that Councillor E Taylor had been appointed as a Substitute Member for Councillor C Elcock for this meeting of the Committee only.

6. **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

7. **Minutes**

Resolved

That the minutes of the meeting held on 31st August, 2021, be approved as a correct record and signed.



8. **Application to vary a premises licence – Skinny Tiger Limited (Ltd), St Giles House, 15-16 Lower High Street, Stourbridge**

A report of the Acting Director of Public Realm was submitted on an application for variation of the premises licence in respect of the premises known as Skinny Tiger Ltd, St Giles House, 15-16 Lower High Street, Stourbridge.

The following persons were in attendance at the meeting:-

P Tunnicliffe – Applicant
R Hopkins – Objector
T Glews – Public Protection Manager

The Chair welcomed everyone to the meeting. Following introductions, the Senior Licensing Clerk presented the report on behalf of the Local Authority.

T Glews, on behalf of Environmental Safety and Health, made representations on the grounds that the proposed extension of hours would be in contravention of the permitted planning use for the premises and the licensing objective of preventing public nuisance. The comments made in respect to Planning Application P20/0394 were referred to, in that the premises were within close proximity to residential properties and therefore a potential risk to cause noise disturbance to nearby residents.

R Hopkins then made representations, and in doing so, stated that the significant change in operating hours at the premises would lead to additional public and noise nuisance for local residents. It was considered that should the variation be granted, this would permit the premises to operate for twice as many hours, and suggested that it would be highly probable that further variations would be requested in the future, if granted.

It was commented that despite the Cumulative Impact Zone and the increase in criminal statistics for the area, new licensed premises continued to open, with a significant number of premises changing their primary purpose to become a bar once established. It was further stated that objections had been made when the application for grant of a new premises licence had been submitted and the applicant had been explicit at that time, that they had no intention or desire for the venue to become a bar.

In responding to a question from the Principal Solicitor in relation to the locality of residential properties in regard to the premises, T Glews confirmed that 60% of premises within Lower High Street were residential, with two or three flats directly above Skinny Tiger Beer Ltd. There were no residential properties located within the High Street, which was predominantly commercial.

Mr Tunnicliffe, the applicant, then presented his case, and in doing so, confirmed that there were no residents currently residing in the properties directly above, however the premises were soundproof to alleviate any noise disturbance. Due to the unforeseen impact of COVID-19 to the hospitality sector, it was essential for the business to adapt for sustainability purposes moving forward. The venue operated a café style approach, with no standing and table service for a maximum of 16 persons. Whilst a blanket variation had been submitted, there was no intention for the premises to be open every day and evening, however, it would be expected that the hours on Friday and Saturday evenings would be extended, with the occasional Sunday particularly during peak periods. Letters of support had been received from patrons that frequented the premises who favoured the niche environment and nature of the service.

Mr Tunnicliffe responded to questions raised by all parties, and in doing so, confirmed that no standing was permitted within the venue and that revenue was currently 50:50 ratio between bar and shop sales. No large groups were permitted, with the largest table available onsite catering for up to four people and drinks were not permitted outside of the premises. Mr Tunnicliffe confirmed that he was aware that any changes to the licence would also require a change in planning conditions, and he proposed to apply for temporary planning permission in the first instance, to monitor how the change was perceived. He conversed that he would be willing to accept conditions to the licence that the Sub-Committee considered reasonable and necessary.

In providing clarification for the Sub-Committee, T Glews confirmed that he was not aware of any noise complaints received with regard to the premises.

Following submissions and questions, all parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened and it was

Resolved

That, following careful consideration of the information contained in the report submitted and presented at the meeting, the application for variation of the premises licence in respect of the premises known as Skinny Tiger Ltd, St Giles House, 15-16 Lower High Street, Stourbridge, be granted in part, as outlined below, and subject to the following conditions:-

Supply of Alcohol

Monday to Thursday (inclusive) 11.00 until 20.00

Friday to Saturday (inclusive) 11.00 until 21.30 (on sales)

Friday to Saturday (inclusive) 11.00 until 22.00 (off sales)



LSBC/8

Conditions

- 1) No alcohol shall be served to customers who do not have a seat within the premises and service shall be table service only.
- 2) The maximum number of customers in the premises at one time, consuming alcohol, shall be sixteen.

The meeting ended at 12.20pm

CHAIR

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

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.

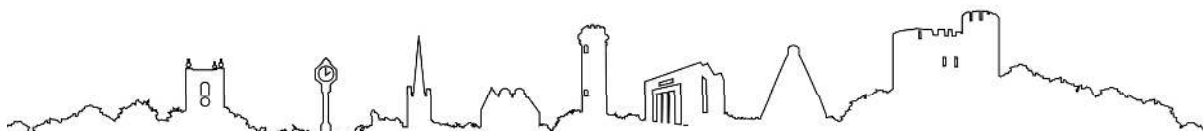
Recommendation

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 8th April 2005.
4. The current premises licence holder is Punch Partnership (PTL) Ltd, the current licence is issued for the following days and times:

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



Opening Hours of the premises

| | |
|---------------------------|--|
| Monday to Saturday | 10.00 until 23.00 |
| Sunday | 12.00 until 22.30 |
| Christmas Day | 12.00 – 15.00 & 19.00 – 22.30 |

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

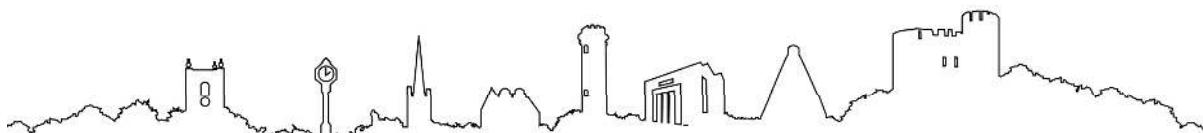
| | |
|------------------------|-------------------|
| Monday to Thursday inc | 08.00 until 23.30 |
| Friday & Saturday | 08.00 until 00.30 |
| Sunday | 08.00 until 23.00 |

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 25th 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 21st 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.



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

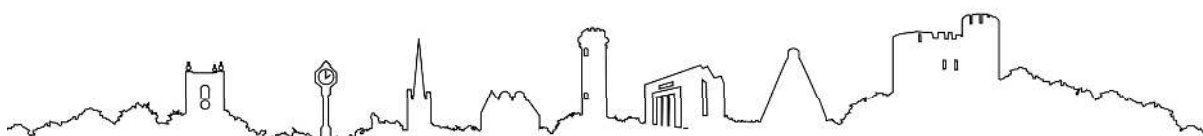
18. This report complies with the Council's policy on equal opportunities.
19. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
20. There has been no consultation or involvement of children and young people in developing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

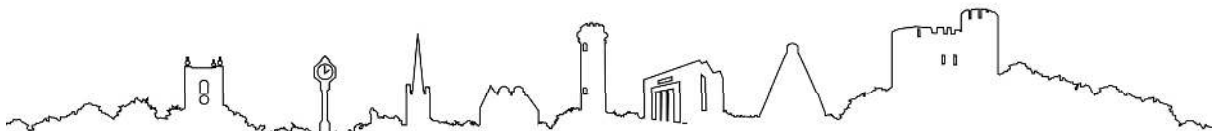
Contact Officer: Mr S Smith
Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

None

List of Background Documents

None



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

Report of the Acting Director of Public Realm

Application for Grant of a New Premises Licence

Anatolia Grill Bar, 41 High Street, Stourbridge, West Midlands, DY8 1DA.

Purpose

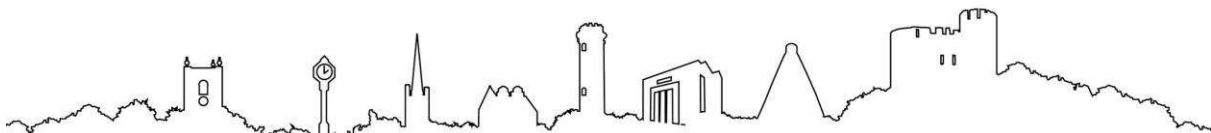
1. To consider the application for the grant of a new premises licence in respect of the premises known as Anatolia Grill Bar, 41 High Street, Stourbridge, West Midlands, DY8 1DA.

Recommendation

2. That the Sub-Committee determine the application for the grant of a premises licence in light of representations raised.

Background

3. On the 29th September 2021, an application for the grant of a new premises licence was received from Yusuf Ozdemir, in respect of the premises known as Anatolia Grill Bar, 41 High Street, Stourbridge. A copy of that application has been forwarded to the Committee Members and interested parties in accordance with the Licensing Act 2003.
4. The application had the following documents enclosed:-
 - Plan of the premises
 - Correct fee
 - Consent of the DPS
5. The application for a premises licence is as follows:



Supply of Alcohol

Tuesday to Saturday 10.00 until 23.00
Sunday 10.00 until 22.00

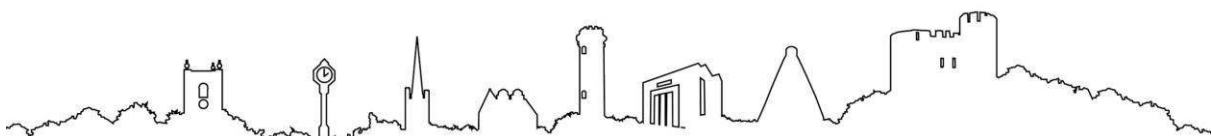
6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations have been received from the West Midlands Police, a copy of the representations has been forwarded to the Applicant, Committee Members and Interested parties in accordance with the Licensing Act 2003.
8. This matter was considered on the 23rd November 2021 by the Licensing Sub Committee where it was resolved the matter be deferred to a future hearing in order for the applicant to arrange an interpreter to assist him to understand the proceedings and so the Committee can be satisfied that he is fully aware of his responsibilities under the Licensing Act.

Finance

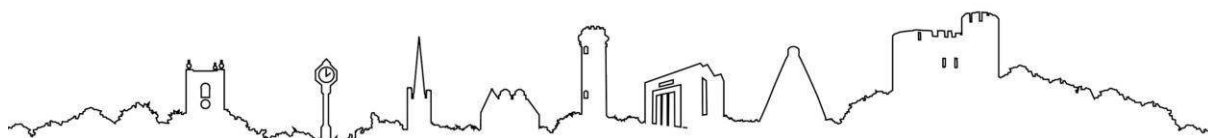
9. There are no financial implications.

Law

10. The law relating to the determination of applications for the grant of a premises licence is governed by the Licensing Act 2003, part 3, section 18.
11. Pursuant to Section 18(3) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - (a) hold a hearing to consider them, unless the authority, the applicant each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the Licensing objectives.
12. Pursuant to Section 18 (4) the steps are:-
 - (c) to grant the licence subject to:-



- (i) such conditions as are consistent with the operating schedule accompanying the application modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (d) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (e) to refuse to specify a person in the licence as the premises supervisor;
- (f) to reject the application
13. Pursuant to Section 23(1) of the Licensing Act 2003 where an application (or any part of an application) is granted under section 18 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-
- 1 (a) (i) the applicant
 - 1 (a) (ii) any person who made relevant representations in respect of the application and
 - 1 (a) (iii) the Chief Officer of Police for the police area in which the premises are situated and
 - 1 (b) issue the application with the licence and a summary of it
14. Pursuant to section 23(2) where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authority's reasons for its decisions as to the steps (if any) to take under section 18(3)(b).
15. Pursuant to section 23(3) where an application is rejected under section 18, the licensing authority must forthwith give a notice to that effect stating its reasons for the decision, to
- (g) the applicant
 - (h) any person who made relevant representations in respect of the application, and
 - (i) the Chief of Police for the police area or each police area in which the premises are situated



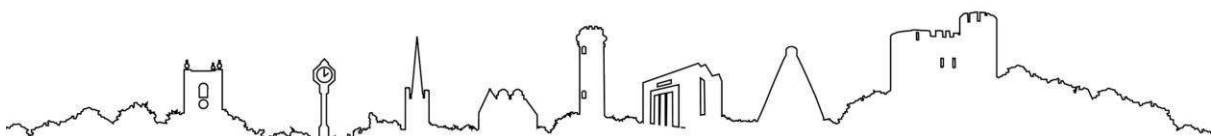
16. Where a Local Authority grant a licence under section 18 pursuant to schedule 5 of the Licensing Act, section 2 the holder of the licence may appeal against any decision:-
- (j) to impose conditions on the licence under subsection (2)(a) or 3(b) of that section, or
 - (k) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor)
17. Where a person who made relevant representations in relation to the application desires to contend:-
- (l) that the licence ought not to have been granted, or
 - (m) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
18. In pursuance of regulation 26(2) of the Licensing Act 2003 (Hearing Regulations 2005) the Licensing Authority must make its determination within 5 working days of the conclusion of the hearing.
19. If the Licensing Authority refuse to grant the application, there is a right of appeal. The appeal under this part must be made to a Magistrates' Court pursuant to schedule 5 section 9 of the Licensing Act 2003.

Risk Management

20. There are no risk management implications.

Equality Impact

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



Human Resources/Organisational Development

24. There are no organisational development/transformation implications.

Commercial/Procurement

25. There are no commercial/procurement implications.

Council Priorities

26. 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.



Heidi Marsh-Geyton
Acting Director of Public Realm

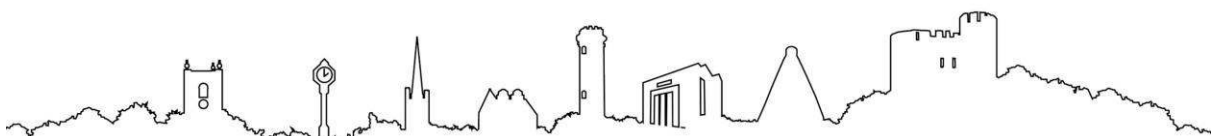
Contact Officer: Mr S Smith
Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

None

List of Background Documents

None



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

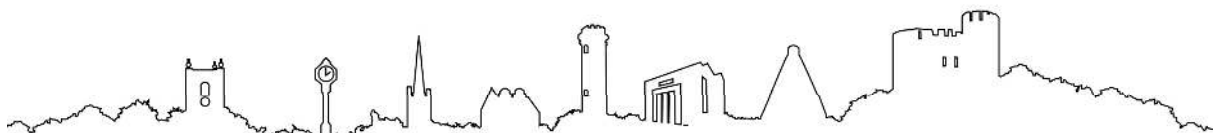
2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

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.

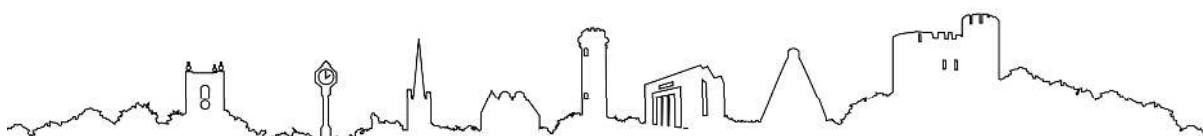
6. Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
7. Representations in respect of the application have been received from 4 local residents. Copies of all representations have been forwarded to the Applicant 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

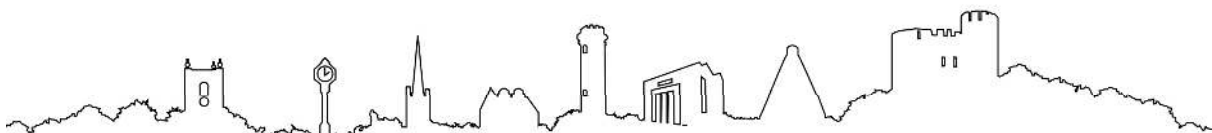
9. There are no financial implications.

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
Acting Director of Public Realm

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