

**Meeting of the Licensing Sub-Committee 3 –
26th October 2021**

Report of the Acting Director of Public Realm

Application to Vary a Premises Licence

**Skinny Tiger Ltd, St Giles House 15 – 16 Lower High Street,
Stourbridge, DY8 1TA**

Purpose

- 1 To consider 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, DY8 1TA.

Recommendation

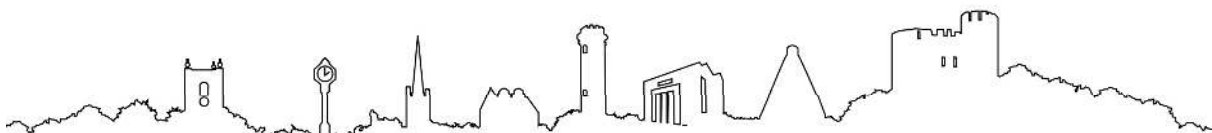
2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

Background

3. The Skinny Tiger Ltd, St Giles House, 15 – 16 Lower High Street, Stourbridge, was first issued with a premises licence on the 4th August 2020, by the Licensing Sub-Committee 1. A copy of the minutes of that meeting are attached to this report as Appendix 1.
4. The current premises licence holder is Skinny Tiger Limited, the current licence is issued for the following days and times:

Supply of Alcohol

Tuesday to Saturday inc 12.00 until 20.00



5. On the 13th September 2021, Skinny Tiger Limited, made application on behalf of St Giles House, 15 – 16, Lower High Street, Stourbridge, for the variation of the permitted hours for the supply of alcohol as follows:

Supply of Alcohol

Monday to Sunday inc 11.00 until 22.00 (off sales)

Monday to Sunday inc 11.00 until 21.30 (on sales)

A copy of the application 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 Environmental Safety and Health together with 1 local resident. In addition 5 letters of support have also been received. Copies of all representations have been forwarded to the Applicant and Committee Members in accordance with the Licensing Act 2003.

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 organisational development/transformation implications.

Commercial/Procurement

21. There are no commercial/procurement implications.

Council Priorities

22. 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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Acting Director of Public Realm

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Appendices

Appendix 1 – Minutes of the Licensing Sub-Committee 4th August 2020.

