

**LICENSING
SUB-COMMITTEE**

Date: 14th June 2012

**APPLICATION FOR A PREMISES LICENCE – MANOR HILL HOUSE,
SWAN LANE, UPTON WARREN, BROMSGROVE, B61 9HE**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jorden – Head of Worcestershire Regulatory Services.
Wards Affected	All Wards
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider an application for a Premise licence made by Mr Michael Moffett & Mrs Emma Kathleen Moffett to sell alcohol and provide regulated entertainment both on and off the premise at Manor Hill House, Swan Lane, Upton Warren, Bromsgrove, B61 9HE. This application is brought before the Licensing Sub-Committee following receipt of a relevant objection.

2. RECOMMENDATIONS

- 2.1 **The Sub-Committee is asked to RESOLVE**

whether or not, having regard to the licensing objectives, the Guidance issued under section 182 of the Licensing Act 2003, the Borough Council's Statement of Licensing Policy, the applicant's proposed Operating Schedule and relevant representations made by responsible authorities;

To grant or refuse the application

- 2) **If the Licensing Sub-Committee is minded to approve the application;**
- a) **to attach relevant Mandatory Conditions; and**
 - b) **to consider, with due regard to the statutory licensing objectives and the relevant representation received, whether to attach any appropriate conditions.**

3. KEY ISSUES

Financial Implications

- 3.1 The Statutory Fee of £100.00 has been paid.

Legal Implications

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- 3.2 The Sub-Committee should have regard to any National Guidance set down under S182 of the Licensing Act 2003 and the Bromsgrove District Council Statement of Licensing Policy.
- 3.3 The Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm.
- 3.4 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 3.5 The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- (a) Grant the application as asked
 - (b) Modify or impose conditions on the licence, by altering or omitting or adding to them.
 - (c) Reject the application.
- 3.6 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.
- 3.7 The Human Rights Act 1998 incorporates human rights under the European Convention into English law. Article 6 provides that, in the determination of a person's civil rights, everyone is entitled to a fair and public hearing. In this respect, third parties whose property rights may be adversely affected and, of course, applicants themselves, should be allowed to address the Committee if they wish to do so.

Service/Operational Implications

- 3.8 An application for a new Premises Licence for Manor Hill House, Swan Lane, Upton Warren, Bromsgrove, B61 9HE, made by Mr Michael Moffett & Mrs Emma Kathleen Moffett was received by the Bromsgrove District Council on the 18th April 2012. Application attached as **Appendix 1**.
- 3.9 On the 21st May 2012 Bromsgrove District Council received a letter objecting to the application made by Mr & Mrs Moffett. A copy of the letter is attached as **Appendix 2**.
- 3.10 The applicant's have confirmed that the application has been advertised in the local paper.

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3.11 No objections have been received from the Responsible Authorities which includes:

- Police Licensing Officer
- Fire Safety Officer;
- Borough Planning Officers;
- County Trading Standards and Child Protection Agency

3.12 A Plan of the location of the premise is attached as **Appendix 3**.

Customer / Equalities and Diversity Implications

3.12 None

4. RISK MANAGEMENT

4.1 None

5. APPENDICES

Appendix 1 Application Form, Plan
Appendix 2 Objection letter from resident
Appendix 3 Plan of location of premise

6. BACKGROUND PAPERS

Licensing Act 2003
Guidance under S182 of the Licensing Act 2003
Statement of Licensing Policy

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