

BROMSGROVE DISTRICT COUNCIL

**LICENSING
SUB-COMMITTEE**

Date: 19th July 2012

APPLICATION FOR A PREMISES LICENCE – ONE STOP, 262 STATION ROAD, WYTHALL, BROMSGROVE, B47 6EY

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|----------------------------|--|
| 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 One Stop Stores Ltd to sell alcohol off the premise at One Stop, 262 Station Road, Wythall, Bromsgrove, B47 6EY. This application is brought before the Licensing Sub-Committee following receipt of relevant objections.

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 District Council's Statement of Licensing Policy, the applicant's proposed Operating Schedule and relevant representations made by responsible authorities;

- 1) **To grant or refuse the application, as shown in the application form attached at Appendix 1 to the report.**
- 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 representations received, whether to attach any appropriate conditions.**

3. KEY ISSUES

Financial Implications

- 3.1 The Statutory Fee of £190.00 has been paid, and the application has been duly advertised in accordance to the requirements of the Licensing Act 2003.

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Legal Implications

- 3.2 The Sub-Committee should have regard to any National Guidance set down under S182 of the Licensing Act 2003 and Bromsgrove District Council's Statement of Licensing Policy.
- 3.3 The Sub-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 Sub-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 Sub-Committee if they wish to do so.

Service/Operational Implications

- 3.8 An application, attached at **Appendix 1**, for a new Premises Licence for One Stop, 262 Station Road, Wythall, B47 6EY, made by One Stop Stores Ltd was received by Bromsgrove District Council on the 31st May 2012 for the:

Sale of alcohol off the Premises:

Monday to Sunday 06:00 – 23:00

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- 3.9 On the 18th June 2012, Bromsgrove District Council received a letter from Wythall Residents Association objecting to the application made by One Stop Stores Ltd. The Licensing Department received a further 4 letters of objection, and a letter of objection from a Ward Councillor objecting to the application for One Stop Stores. Copies of the letters are attached at **Appendix 2**.
- 3.10 The representations received relate to two of the four licensing objectives:
- * The Prevention of Crime and Disorder
 - * The Prevention of Public Nuisance
- 3.11 No objections have been received from any of the Responsible Authorities.
- 3.12 A Plan of the location of the premise is attached at **Appendix 3**.

Customer / Equalities and Diversity Implications

- 3.13 None

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 Application Form, Plan
Appendix 2 Objection letters from residents & Councillor
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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