

BROMSGROVE DISTRICT COUNCIL

**Licensing
Sub-Committee**

6th November 2012

**APPLICATION FOR A PREMISE LICENCE UNDER THE LICENSING ACT
2003**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jorden – Head of Worcestershire Regulatory Services.
Wards Affected	Drakes Cross & Walkers Heath
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, 1A Drakes Cross Parade, Wythall, Bromsgrove, B47 5HD. 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 representation 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.

Service/Operational Implications

- 3.8 An application for a new Premises Licence for One Stop, 1A Drakes Cross Parade, Wythall, Bromsgrove B47 5HD, made by One Stop Stores Ltd was received by Bromsgrove District Council on the 10th September 2012, for the:

Sale of alcohol off the Premises:

Monday to Sunday 06:00 – 23:00

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- 3.9 The Licensing Authority has received 4 letters of representations objecting to the application made by One Stop Stores Ltd. Copies of the letters are attached as **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 Map of the location of the premise is attached as **Appendix 3** and an aerial view of the location is provided at **Appendix 4**

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
Appendix 3 Map of location of premise
Appendix 4 Aerial view of the location.

6. BACKGROUND PAPERS

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

AUTHOR OF REPORT

Name: Sayful Alom – Licensing Officer
E Mail: sayful.alom@worcsregservices.gov.uk
Tel: (01527) 881454