

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

4TH JUNE 2008

APPLICATION FOR A PREMISES LICENCE – NEWS EXPRESS, 61 MAY LANE, HOLLYWOOD

Responsible Portfolio Holder	Councillor Peter Whittaker
Responsible Head of Service	Head of Planning and Environment Services

1. SUMMARY

- 1.1 To consider an application to grant a premises licence in respect of News Express, 61 May Lane, Hollywood.

2. RECOMMENDATION

- 2.1 That Members determine the application. The application may be refused, or it may be granted in whole or in part (with additional conditions, if appropriate), and all of it or part of it may be applied to the whole or part of the premises provided that the Sub-Committee's decision is consistent with the licensing objectives and the Council's Statement of Licensing Policy.

3. BACKGROUND

- 3.1 The Licensing Authority has received an application for a new Premises Licence, in accordance with the Licensing Act 2003.

- 3.2 The application to seeking the following permissions:

Retail sale of alcohol

- 07.00 a.m. – 23.00 p.m. every Monday through to Sunday.

- 3.3 As part of the application process, applicants are required to carry out a risk assessment of the effect the proposed licence would have on the four licensing objectives and what steps they intend to take in order to promote these objectives should the application be granted.

- 3.4 Details of the measures the applicant is prepared to take are set out at Appendix 'A'. Should the licence be granted, these measures will form part of the licence, which the applicant will have to adhere to.

- 3.5 In accordance with the Licensing Act, anyone residing in the vicinity of a premises for which an application has been made is entitled to make representations. 'Vicinity' is not defined in the Licensing Act.
- 3.6 Representations have been made by 8 residents living near to the premises, as well as Wythall Residents Association and Wythall Parish Council. A copy of each representation is attached at Appendix 'B'. The basis of their representations relate to the potential for an increase in anti social behaviour in the area associated with people being able to purchase alcohol from the premises till 11.00 p.m. They feel that the proposed application would undermine the licensing objective, prevention of public nuisance.
- 3.7 A plan showing the proximity of residential properties is attached at Appendix 'C'.
- 3.8 In addition to local residents, responsible authorities are also entitled to make representations. Responsible authorities include the Police Authority, Planning Authority, the Council's own Environmental Health Department, Fire & Rescue Authority, Trading Standards and the Area Child Protection Committee.
- 3.9 On this occasion, no representations have been received from any responsible authorities.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this Report. However if either party made a successful appeal to the Magistrates' Court against the decision of the Council, the Council may be liable for any legal costs.

5. LEGAL IMPLICATIONS

- 5.1 Each party is entitled to appeal to the Magistrates' Court if they are dissatisfied with the decision of the Council, within 21 days from the date of decision.
- 5.2 The Sub-Committee must have regard to the Statutory Guidance, issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 5.3 The Sub-Committee must have regard to the Council's Statement of Licensing Policy.
- 5.4 The conduct of the Sub-Committee is governed by the Licensing Act 2003 (Hearings) Regulations 2005, as amended.
- 5.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights.

6. COUNCIL OBJECTIVES

6.1 This item links with the Council Objective CO2.

7. RISK MANAGEMENT

7.1 The main risk associated with the details included in this report are:

- Decision made without having regard to Council Policy, Guidance issued by Secretary of State and governing legislation.

7.2 Currently the risk identified in the bullet point is not addressed by any risk register and will be added to the Planning and Environment Services risk register as follows:

- Ensure that all licensing applications are determined in accordance with the relevant Council Policy, any guidance issued by Central Government and any governing legislation.

8. CUSTOMER IMPLICATIONS

8.1 All parties will be notified of the Council's decision in writing.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 All applicants are dealt with on their own individual merits are accepted in line with legislation and Council Policy.

10. VALUE FOR MONEY IMPLICATIONS

10.1 None.

11. OTHER IMPLICATIONS

Procurement Issues – None
Personnel Implications – None
Governance/Performance Management – None
Community Safety including Section 17 of the Crime and Disorder Act 1998 – None
Policy – The Council's Statement of Licensing Policy applies to this application. This reads: " <i>We will consider every application sent to us, on its individual merits. When we make licensing decisions we will promote:</i> <ul style="list-style-type: none">▪ <i>prevention of crime and disorder;</i>▪ <i>protection of public safety;</i>▪ <i>prevention of public nuisance, and</i>▪ <i>protection of children from harm."</i>
Environmental - None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities and Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

Hollywood & Majors Green Ward.

14. APPENDICES

Appendix A - List of proposed conditions by the applicant

Appendix B – Letters of objection received from local residents, Wythall Parish Council and Wythall Residents Association.

Appendix C – Location plan of the premises.

15. BACKGROUND PAPERS

Application form received on 9th April 2008

Email received from the Police dated 9th April 2008

Letter received from Worcestershire County Council – Safeguarding and Quality Assurance dated 22nd April 2008

Letter received from Hereford & Worcester Fire and Rescue Authority dated 15th April 2008

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