

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING  
SUB-COMMITTEE**

**5<sup>th</sup> June 2015**

**APPLICATION FOR GRANT OF A PREMISES LICENCE UNDER THE  
LICENSING ACT 2003**

Relevant Portfolio Holder	Councillor P. Whittaker
Portfolio Holder Consulted	No
Relevant Head of Service	Ivor Pumfrey – Acting Head of Worcestershire Regulatory Services.
Wards Affected	Catshill South
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 To consider an application for a premise licence for Co-operative Food, 30 Gibb Lane, Catshill, Bromsgrove, B61 0JR. This application is brought before the Licensing Sub-Committee following receipt of relevant representations.

**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 other parties;**

- 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 £315.00 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 appropriate 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 who have made relevant representations, and of course, applicants themselves, should be allowed to address the Sub-Committee.

### **Service/Operational Implications**

- 3.8 An application for grant of premises licence for Co-operative Food, 30 Gibb Lane, Catshill, Bromsgrove, B61 0JR, made by Co-operative Group Food Ltd was received by Bromsgrove District Council on the 27<sup>th</sup> March 2015. The application seeks permission to use the premises for the sale by retail of alcohol for consumption off the premises during the following hours:

Every day: 06:00 – 23:00

The application is attached as **Appendix 1**.

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- 3.9 The Licensing Authority has received three relevant representations objecting to the application, made by members of the public. Copies of the representations received are attached as **Appendix 2**.
- 3.10 The representations raise concerns about the promotion of the following licensing objectives:
- Prevention of crime and disorder
  - Prevention of public nuisance
- 3.11 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  
Appendix 2 Relevant representations received  
Appendix 3 Location plan

**6. BACKGROUND PAPERS**

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

**AUTHOR OF REPORT**

Name: Dave Etheridge, Senior Licensing Practitioner  
E Mail: [d.etheridge@worcsregservices.gov.uk](mailto:d.etheridge@worcsregservices.gov.uk)  
Tel: (01905) 822799