

**BROMSGROVE DISTRICT COUNCIL**

**Licensing  
Sub-Committee**

Date: 14<sup>th</sup> July 2015

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

Relevant Portfolio Holder	Councillor Peter Whittaker
Portfolio Holder Consulted	No
Relevant Head of Service	Ivor Pumfrey – Head of Worcestershire Regulatory Services.
Wards Affected	Hagley East
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 The Sub-Committee is asked to consider an application to vary a Premises licence for West One (Hagley) Ltd, 159 Worcester Road, West Hagley, DY9 0NW. 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 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 None

## **Licensing Sub-Committee**

Date: 14<sup>th</sup> July 2015

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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 as follows:
- 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, who have previously given notice of their wish to do so, and, of course, applicants themselves, should be allowed to address the Committee.

### **Service/Operational Implications**

- 3.8 An application for a variation of the Premises Licence for West One (Hagley) Ltd, 159 Worcester Road, West Hagley, DY9 0NW, made by Claire Louise Leddington was received by Bromsgrove District Council on the 21<sup>st</sup> May 2015.

The application seeks to amend the plan to include the beer garden at the rear of the premises and to include the front patio area as part of the premises licence to provide licensable activities as per the variation application attached as Appendix 1.

## **Licensing Sub-Committee**

Date: 14<sup>th</sup> July 2015

The premises is currently licensed to provide Recorded Music indoors, the applicant is seeking to amend the current licence to also provide Recorded Music outdoors until 21:30.

- 3.9 In addition the application seeks the removal of the following conditions from the current premises licence:

“No open bottles or glasses to be allowed off the premise”  
“A noise monitor is fitted in the restaurant on the first floor”

- 3.10 The premises currently holds a Premises Licence under the Licensing Act 2003. The existing Premises Licence is attached as **Appendix 2**.
- 3.11 The Licensing Authority has received 13 relevant representations from residence objecting to the grant of the variation. Copies of the representations are attached as **Appendix 3**.
- 3.12 The representations received relate to the following licensing objectives.
- \* The Prevention of Crime and Disorder
  - \* The Prevention of Public Nuisance
- 3.13 Bromsgrove District Council has also received a representation from one of the Responsible Authorities, namely Environmental Health (Worcestershire Regulatory Services). The representation is attached as **Appendix 4**.

### **Customer / Equalities and Diversity Implications**

- 3.14 None

## **4. RISK MANAGEMENT**

- 4.1 None

## **5. APPENDICES**

Appendix 1 Application Form  
Appendix 2 Existing Premise Licence  
Appendix 3 Representations from Residents  
Appendix 4 Representation from Environmental Health Officer

## **6. BACKGROUND PAPERS**

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

**BROMSGROVE DISTRICT COUNCIL**

**Licensing  
Sub-Committee**

Date: 14<sup>th</sup> July 2015

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