

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

**15<sup>TH</sup> AUGUST 2008**

**APPLICATION FOR A PREMISES LICENCE – WOODLANDS, COOPERS HILL, ALVECHURCH**

Responsible Portfolio Holder	Cllr. P. 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 Woodlands, Coopers Hill, Alvechurch.

**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 sort to provide the following:

**Retail sale of alcohol (outdoors)**

- Midday – 12.30 a.m. every Friday and Saturday;

**Regulated entertainment (outdoors)**

- 7.00 p.m. – 12.30 a.m. every Friday and Saturday;

**Retail sale of alcohol (indoors)**

- 24hours – for hotel guests only;

- 3.3 As a consequence of the number of letters of objection received during the consultation period, the applicant agreed to revise his application so that all references to outside permissions have been withdrawn.

3.4 The revised application now seeks the following permission:

**Retail sale of alcohol (indoors)**

- 24hours – for hotel guests only;

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 were initially made by 27 residents living near to the premises. However, since the applicant agreed to revise his application 15 residents agreed to withdraw their objections. A copy of each of the remaining representations are attached at Appendix 'A'. 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 'B'.

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 Initially representations were received from the Council's Environmental Health Section relating to the outside element of the application, however as a consequence of the submission of a revised application, Environmental Health have now withdrawn their representations.

3.10 No representations have been received from any of the other 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 Although the revised application may satisfy the concerns expressed by many of the residents, in accordance with section 9 of the Licensing Act 2003 (hearings) regulations 2005, it is necessary to obtain the consent of all parties before a hearing can be cancelled.
- 5.6 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 CO3.

## **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 This risk identified in the bullet point in 7.1 is being managed as follows:

- Risk Register: Planning and Environment Services.  
Key Objective Ref No: 07  
Key Objective: Effective, efficient and legally compliant Licensing Service

## **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"> <li>▪ <i>prevention of crime and disorder;</i></li> <li>▪ <i>protection of public safety;</i></li> <li>▪ <i>prevention of public nuisance, and</i></li> <li>▪ <i>protection of children from harm.”</i></li> </ul>
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**

13.1 All wards.

**14. APPENDICES**

Appendix A – Letters of objection received from local residents.  
Appendix B – Location plan of the premises.

**15. BACKGROUND PAPERS**

Application form received on 2<sup>nd</sup> July 2008  
Email received from the Police dated 2<sup>nd</sup> July 2008  
Memo received from Environmental Health on 23<sup>rd</sup> July 2008  
Letter received from Worcestershire County Council – Safeguarding and Quality Assurance dated 9<sup>th</sup> July 2008

Letter received from Hereford & Worcester Fire and Rescue Authority dated  
18th April 2008

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