

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

MONDAY 9 JULY 2018

LICENSING ACT 2003

APPLICATION FOR VARIATION OF A PREMISES LICENCE

DUKE OF YORK, 83 BROAD STREET, BROMSGROVE, B61 8LN

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Dave Etheridge Senior Licensing Practitioner 01905 822799 enquiries@worcsregservices.gov.uk
Ward(s) affected:	Sidemoor
Appendices:	Appendix 1 – Application Form Appendix 2 – Existing Licence Appendix 3 – Existing Plan Annexed to Licence Appendix 4 – Proposed Plans Appendix 5 – Representations from other parties

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for variation of the premises licence in respect of the premises below:

**Duke of York
83 Broad Street
Bromsgrove
Worcestershire
B61 8LN**

A copy of the application is attached at **Appendix 1.**

- 1.2 A copy of the existing licence is attached at **Appendix 2.**

2. BACKGROUND

2.1 On 17 May 2018 an application was received from Mr Robin Davidson for variation of the premises licence in respect of

Duke Of York
83 Broad Street
Bromsgrove
Worcestershire
B61 8LN

2.2 The application contained all the requisite documentation including the fee.

2.3 It can be confirmed that the application has been advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations and that the application has also been served on all responsible authorities.

2.4 The applicant is applying to vary their existing licence to permit alterations and amend the plan that is annexed to the licence. The existing plan of the premises is at shown at **Appendix 3** and the proposed plan is shown at **Appendix 4**.

3. REPRESENTATIONS

Responsible Authorities

3.1 None of the responsible authorities have made representations regarding the application. Hereford and Worcester Fire and Rescue Service has confirmed it has no objections to the variation application.

Other Persons

3.2 Representations have been received from four other persons in relation to the application. Copies of the representations received can be seen at **Appendix 5**.

4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.
- 4.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email wrsenquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

- 5.1 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.
- 5.2 In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- 5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 5.4 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) Grant the application as requested
 - (b) Modify the conditions of the licence, by altering or omitting or adding to them.
 - (c) Reject the application in whole or in part.
- 5.5 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.

- 5.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 5.7 Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 5.8 The hearing should be conducted in accordance with the agreed procedure.

6. FOR DECISION

- 6.1 The Sub-Committee must consider and determine the application.