

# Licensing Sub-Committee

18<sup>th</sup> September 2013

## APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003

Relevant Portfolio Holder	Councillor Blake
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jorden – Head of Worcestershire Regulatory Services.
Wards Affected	Central Ward
Non-Key Decision	

### 1. SUMMARY OF PROPOSALS

- 1.1 To consider an application for a Premises licence made by Mrs Viktorijia Rimele to sell alcohol for consumption off the premises at 209 Mount Pleasant, Redditch, B97 4JG. This application is brought before the Licensing Sub-Committee following receipt of a relevant representation.

### 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 the relevant representations received;**

- 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 £100.00 has been paid, and the application has been duly advertised in accordance with the requirements of the Licensing Act 2003. Should the application be refused by the Sub-Committee, there is a right of appeal to the Magistrates Court. Should an appeal be successful the Magistrates may make an order for costs.

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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 Redditch Borough Council's Statement of Licensing Policy.
- 3.3 The 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 representation made and the evidence it hears.
- 3.5 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 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 whose property rights may be adversely affected and, of course, applicants themselves, should be allowed to address the Committee if they wish to do so.

### **Service/Operational Implications**

- 3.8 An application for a new Premises Licence for 209 Mount Pleasant, Redditch, B97 4JG made by Mrs Viktorijia Rimele was received by Redditch Borough Council on the 25<sup>th</sup> July 2013, for the:

Sale of alcohol for consumption off the Premises:  
Monday to Sunday 10:00 – 21:00.

Application attached as **Appendix 1**.

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- 3.9 The Licensing Authority has received 1 relevant representation to the application. The representation is attached as **Appendix 2**.
- 3.10 Attached as **Appendix 3** is a plan showing the location of the premise.

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

- 3.11 None

## **4. RISK MANAGEMENT**

- 4.1 None

## **5. APPENDICES**

Appendix 1 Application Form, Plan  
Appendix 2 Objection letter from Resident  
Appendix 3 Location Plan

## **6. BACKGROUND PAPERS**

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

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