

## **LICENSING SUB COMMITTEE**

**30<sup>th</sup> October 2013**

### **APPLICATION TO VARY A PREMISES LICENCE – BLUE INN HOTEL, FAR MOOR LANE, WINYATES GREEN**

Relevant Portfolio Holder	Councillor Rebecca Blake
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jorden – Head of Worcestershire Regulatory Services.
Wards Affected	All Wards / Winyates Ward

#### **1. SUMMARY OF PROPOSALS**

- 1.1 To consider an application to vary a premises licence made by Amitabh Bradoo for Blue Inn Hotel, Far Moor Lane, Winyates Green, Redditch, B98 0SD.
- 1.2 Mr Bradoo seeks to extend the hours for playing Recorded Music from the current timings of 10:00hrs to 00:00hrs to 07:00hrs to 02:00hrs Monday – Sunday, extend the Sale of Alcohol from the current terminal hour of 00:00hrs to 02:00hrs Monday – Sunday and also provide Live Music between 16:00hrs to 23:00 Monday – Sunday (indoors & outdoors).

#### **2. RECOMMENDATIONS**

**The Sub-Committee is asked to RESOLVE**

- i) **to grant or refuse the application for variation of the premises licence, as shown in the application form (Attached as Appendix 1); and**
- ii) **if the 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. 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 statutory framework is set down by the Licensing Act 2003 ("The Act").
- (Decisions to approve applications for Premises Licences are delegated to Officers where no representations are made but Member decision is required where the application has triggered relevant representations as in this case.)
- 3.3 The Licensing Authority must have a view to promoting the four licensing objectives contained in the Act: -
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 3.4 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 Sub-Committee if they wish to do so.
- 3.5 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to exercise their functions with due regard to the likely effect of the exercise of those functions on, and the need to do all they can to prevent, crime and disorder in their area.

### **Service/Operational Implications**

- 3.6 The applicant wishes to extend the hours for Sale of Alcohol & Recorded Music as detailed at 1.2 above. The applicant also seeks to provide Live Music between 16:00hrs – 23:00hrs, 7 days a week. The Blue Inn Hotel is currently not licensed for the performance of Live Music at the premises.
- The application is attached as **Appendix 1**.
- 3.7 The Blue Inn Hotel currently holds a premises licence. A copy of the Licence is attached as **Appendix 2**.
- 3.8 All the required consultations were completed and, in accordance with the requirements of the Act, an advertisement was placed in the Public Notices of the local press and a notice was placed on the premises.

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- 3.9 The Licensing Authority has received 86 representations to the application. 83 of the representations have been made on a pre-printed letter and are identical save for the names and addresses of those making the representation. Copies of the representations are attached as **Appendix 3**.
- 3.10 There have been no representations received from any responsible authorities.
- 3.11 A plan to show the location of the premises is attached as **Appendix 4**.

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

- 3.12 The Licensing Sub-Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity. Applications received will be treated in accordance with Redditch Borough Council's Equal Opportunities policy.

## **4. RISK MANAGEMENT**

- 4.1 See paragraph 3.3 above regarding the four licensing objectives, which seek to reduce the likely risks in the areas stated.

## **5. APPENDICES**

Appendix 1 Application form  
Appendix 2 Existing Licence  
Appendix 3 Representations from Residents  
Appendix 4 Location Plan

## **6. BACKGROUND PAPERS**

Guidance under section 182 Licensing Act 2003

### **AUTHOR OF REPORT**

Name: Sayful Alom  
Worcestershire Regulatory Services  
E Mail: [sayful.alom@worsregservices.gov.uk](mailto:sayful.alom@worsregservices.gov.uk)  
Tel: (01527) 881454