

REDDITCH BOROUGH COUNCIL

**LICENSING
SUB COMMITTEE**

Monday 22nd September 2014

APPLICATION – NEW PREMISES LICENCE

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – 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 ASDA Stores Ltd for ASDA, Jinnah Road, Smallwood, Redditch, B98 7ER
- 1.2 ASDA Stores Ltd seek to apply for the following licensable Activities:

Late Night Refreshment: Monday to Sunday 23:00 – 05:00
Sale of Alcohol (Off the Premises): Monday to Sunday 00:00-24:00

2. RECOMMENDATIONS

2.1 The Sub-Committee is asked to RESOLVE

- i) to grant, grant with conditions or refuse the application for a new premises licence as shown in the application form (Attached as Appendix 1)
- 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 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.

Legal Implications

**LICENSING
SUB COMMITTEE**

Monday 22nd September 2014

- 3.2 The statutory framework is set 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 will 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 All the required consultations were completed and, in accordance with the requirements of the Act, an advertisement was placed in the Public Notices section of the local press and a notice was placed on the premises. The application was also advertised on the Local Authority’s Licensing page website.

- 3.7 Redditch Borough Council’s Licensing Authority has received 4 relevant representations to the application, under **Crime & Disorder, Public Safety, Public Nuisance and the Protection of Children from Harm**. Copies of the representations are attached as **Appendix 2**.

- 3.8 There have been no representations received from any responsible authorities other than Safeguarding Service (Child Protection Services) who have confirmed that they have no child protection concerns. (Appendix 3).

**LICENSING
SUB COMMITTEE**

Monday 22nd September 2014

- 3.9 A plan to show the location of the premises is attached as **Appendix 4**.

Customer / Equalities and Diversity Implications

- 3.10 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 Representations
- Appendix 3 Response from Child Protection
- Appendix 4 Location Plan

6. BACKGROUND PAPERS

Guidance under section 182 Licensing Act 2003

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