

# REDDITCH BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

15<sup>th</sup> December 2014

### **APPLICATION TO VARY PREMISES LICENCE – PREM0069 STEPS BAR & BISTRO, 163 EVESHAM ROAD, REDDITCH, B97 5EN**

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.
Wards Affected	Headless Cross & Oakenshaw
Non-Key Decision	

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

- 1.1 To consider an application for variation of a premises licence made by Punch Taverns PLC in respect of Steps Bar and Bistro, 163 Evesham Road, Headless Cross, Redditch, Worcestershire, B97 5EN.
- 1.2 The applicants seek to extend the hours permitted for the sale of alcohol, live music, recorded music and anything similar to live and recorded music. The applicants also wish to extend the permitted hours for providing late night refreshment. The applicants also wish to extend the hours that the premises can be open to the public and to remove some of the conditions attached to the premises licence.
- 1.3 Representations in relation to this application have been received from a responsible authority and also from a number of members of the public.

#### **2. RECOMMENDATIONS**

- 2.1 **The Sub-Committee is asked to determine the application for variation of the premises licence and RESOLVE whether:**
  - (i) To grant the application as applied for, or
  - (ii) To reject the application in whole or in part, and
  - (iii) If the application is not rejected in its entirety, to modify the conditions of the licence by altering, omitting or adding conditions to the licence.

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### 3. KEY ISSUES

#### Financial Implications

- 3.1 The statutory fee for the application (£315) has been paid. Should the application be refused by the Sub-committee, there is a right of appeal to Magistrates Court. Should an appeal be successful the Magistrates may make an order for costs.

#### Legal Implications

- 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 Punch Taverns PLC currently holds a premise licence in respect of the premises. A copy of the Licence is attached as **Appendix 1**.

- 3.7 The licence holders have applied to the licensing authority for variation of the premises licence under section 34 of the Licensing Act 2003. The licence holders have applied for the following variations to the licence:

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- (a) To extend the sale of alcohol to commence at 09:00 every day (currently permitted from 10:00 every day)
  - (b) To extend sale of alcohol, live music, recorded music and anything similar to live/recorded music on a Thursday, Friday and Saturday until 02:00 the following morning (currently permitted until 00:00 on a Thursday and 01:00 the following morning on a Friday and Saturday)
  - (c) To extend late night refreshment on Thursday, Friday and Saturday until 02:00 the following morning (currently permitted until 00:00 on a Thursday and 01:00 the following morning on a Friday and Saturday)
  - (d) To maintain 30 minutes “drinking up time” following the last permitted sale of alcohol
  - (e) To permit the premises to open to the public from 08:00 every day (currently 10:00 every day)
  - (f) To remove the conditions carried over from the Public Entertainment Licence (save for condition 39 relating to door supervisors) and also “A no smoking area provided” which is under Annex 2.
- 3.8 The variation application can be seen in its entirety at **Appendix 2**.
- 3.9 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.
- 3.10 Representations objecting to the grant of the application have been received from Environmental Health acting in their capacity as a responsible authority. The Environmental Health officer’s representations can be seen at **Appendix 3**.
- 3.11 Redditch Borough Council’s Licensing Authority has received 16 representations to the application from members of the public. Copies of the representations are attached as **Appendix 4**.
- 3.12. A plan to show the location of the premise is attached as **Appendix 5**.

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### Customer / Equalities and Diversity Implications

- 3.13 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 Existing Licence
- Appendix 2 Application form
- Appendix 3 Representations from Environmental Health
- Appendix 4 Representations from Residents
- Appendix 5 Location Plan

### **6. BACKGROUND PAPERS**

Guidance under section 182 Licensing Act 2003  
Redditch Borough Council Statement of Licensing Policy.

### **AUTHOR OF REPORT**

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