

Licensing

Sub-Committee

Central Ward

16 July 2009

Application to vary a premises licence under the Licensing Act 2003

Kings Arms, Beoley Road West, Redditch, B98 8LT

(Report of Head of Environment)

1. Summary of Proposals

To consider an application received from Punch Taverns to vary the layout and design of the above premise.
See attached Appendix 2

The application is brought before the Sub-Committee in view of relevant representations received from Environmental Health.

2. Recommendation

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 Borough Council's Statement of Licensing Policy, the applicant's proposed variation of premises layout, as subsequently amended; relevant representations made by a responsible authority:

- 1) to grant the requested variation, as shown in the application form attached at Appendix 2 to the report; and**
- 2) if the Sub-Committee is minded to approve the application, to consider, with due regard to the statutory licensing objectives and the relevant representations received, whether to attach any appropriate conditions.**

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 The statutory fee of £190.00 has been paid.**

Legal

- 3.2 The statutory framework is set by the Licensing Act 2003 ("The Act").

(Decisions to approve variations to existing Licences are delegated to Officers where no representations have been made but Member decision is required where the variation applied for 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: -
- a) the prevention of crime and disorder;
 - b) public safety;
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm.
- 3.4 The Licensing Act 2003 includes that mandatory conditions should be attached to certain licences. The conditions set out in Appendix 1 will attach to this licence.
- 3.5 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.
- 3.6 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.

Policy

- 3.7 The Council's adopted Licensing Policy is based upon the Act and is in accordance with the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Act.

Risk

- 3.8 See paragraph 3.3 above regarding the four licensing objectives, which seek to reduce the likely risks in the areas stated.
- 3.9 The applicant proposes no additional steps in order to promote the four licensing objectives.

Report

4. Background

In August 2005 Punch Taverns Plc applied for a conversion of the Justices Licence and Public Entertainment Licence for the Kings Arms. This was granted without objection from any responsible authorities in November 2005. A copy of this licence is attached at Appendix 2.

5. Key Issues

- 5.1 The licensees have now made an application for variation to the licence previously granted. The variation requested is to vary the layout and design of the premises. See attached Appendix 2.
- 5.2 All the statutory consultations were completed. An advertisement was placed in the Public Notices of a local newspaper on 27 May 2009.
- 5.3 The Council has received a relevant representation from Environmental Health. See attached Appendix 3
- 5.4 The premises are situated in a residential area as shown on the location plan at Appendix 4.
- 5.5 No representations have been received from the other Responsible Authorities which include the:
 - i) Fire Safety Officer;
 - ii) West Mercia Police
 - iii) Borough Planning Officers; or
 - iv) County Trading Standards and Child Protection Agency.

6. Other Implications

- 6.1 No Human Resources, Social Inclusion or Sustainability implications have been highlighted.
- 6.2 Community Safety issues are dealt with in the Applicant's Operating Schedule.

7. Conclusion

- 7.1 The Sub-Committee is asked to consider the following options:

whether to

- 1) grant the Variation, as applied for
- 2) grant the Variation, subject to additional conditions
- 3) amend or restrict the Variation (for example hours)
- 4) refuse the Variation
- 5) take other appropriate action.

In each case, relevant explanations / reasons must be recorded.

- 7.2 In all cases mandatory conditions relevant to this application will apply.

8. Background Papers

With the exception of the Council's approved Licensing Policy, which is separately available, all relevant background papers are appended to the report, namely:

Relevant Extracts from Application Forms
Copy of existing Premises Licence

9. Consultation

- 9.1 Consultation has been undertaken with the responsible authorities as detailed in paragraph 5.3 and 5.5 above.
- 9.2 Relevant Council Officers have been consulted in the preparation of the report.

10. Author of Report

The author of this report is Amitabh Singh (Licensing Officer) who can be contacted on Ext 3222 (email: amitabh.singh@redditchbc.gov.uk) for more information.

11. Appendices

Appendix 1	Mandatory Conditions
Appendix 2	Application to Vary Premises Licence with existing and proposed plans
Appendix 3	Relevant Representations.
Appendix 4	Copy of current Licence
Appendix 5	Map of the area showing the premises.