

WYRE FOREST DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

26TH MAY 2010

**Application to vary a Premises Licence:
The Angel, 76 Load Street, Bewdley, DY12 2AW**

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	Brian Kent – Principal Licensing Officer Ext. 2593 brian.kent@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 – Scale plan of premises Appendix 2 – Plan of position of premises relative to residences Appendix 3 – Current premises licence Appendix 4 – Application to vary the premises licence Appendix 5 to 8 – Letters of representation Appendix 9 – Letter from the Principal Pollution Control Officer

1. PURPOSE OF REPORT

- 1.1 To determine an application to Vary a Premises Licence on behalf of: Punch Taverns plc, Jubilee House, Second Avenue, Burton on Trent, Staffordshire, DE14 2WF.

2. RECOMMENDATION

- 2.1 **The Sub-Committee is asked to DETERMINE the application to Vary the Premises Licence taking into account representations made by residents.**

3. BACKGROUND

- 3.1 The Angel is a large public house located in a mixed residential, commercial area in Load Street, Bewdley. It has private land at the front and rear. A copy of the premises plan is attached at **Appendix 1**.
- 3.2 The position of the premises, relative to residential accommodation, is shown on a separate plan at **Appendix 2**.
- 3.3 A Premises Licence has been granted by the Licensing Authority under the Licensing Act 2003. A copy of the current Premises Licence is attached at **Appendix 3**.

3.4 The Angel has been renovated by Punch Taverns Plc.

4. **KEY ISSUES**

The Application (Appendix 4)

4.1 The application to Vary the Premises Licence is made in respect of two issues:

Outdoors – front and rear

1. *To permit late night refreshment on Sundays to Thursdays, 11pm until midnight, and Friday and Saturdays from 11pm until 1a.m.*
2. *To permit live music, recorded music, performance of dance, provision of facilities for making music, provision of facilities for dancing and entertainment of a similar description on Mondays to Sundays from 10am until 11pm.*

Public Notice

4.2 Notice of the licence application was given to all responsible authorities in accordance with the Licensing Act 2003, and a public notice was posted on the premise, and in a local newspaper (Kidderminster Shuttle / Times) on Thursday, 8th April 2010.

Relevant Representations – Objections

4.3 As a result of the Public Notice, a number of residents in the vicinity of Load Street and Severnside North, Bewdley, submitted letters requesting the Licensing Authority to consider various matters relating to the Licensing Objectives.

Mediation

4.4 Punch Taverns, on hearing the concerns of residents, is anxious to allay fears over the application, and has offered to amend the application to read:

- *Regulated Entertainment to finish at 10pm each day.*
- *No more than 40 outdoor evening events to take place in each calendar year (operating 7pm – 10pm).*

This offer was circulated by the Licensing Team to all of the objectors.

As a result, some have found the 10pm closing hours acceptable and have withdrawn their representations.

Objections

4.5 The objections are now:

- Six signatories from a Residents' Petition attached at **Appendix 5**.
- Three individual letters attached at **Appendices 6, 7, and 8**.
- A report from the Council's Principal Pollution Control Officer attached at **Appendix 9**.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from this report.

6. LEGAL AND POLICY CONSIDERATIONS

Licensable Activities - Licensing Act 2003

6.1 The Licensing Act 2003 specifies those activities which are required to be licensed, namely:

- Retail sale of alcohol
- Provision of regulated entertainment
- Late night refreshment (after 11pm)

6.2 The Licensing Policy adopted by the District states that:

"The Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the District.

The Licensing Authority will consider every application on its individual merits and will promote the four statutory objectives:

- *Prevention of crime and disorder*
- *Protection of public safety*
- *Prevention of public nuisance*
- *Protection of children from harm.*

Licensing Hours

6.3 *The Licensing Authority will have a flexible approach to hours when alcohol can be sold or supplied. It will give more freedom to responsible licensees, but may impose stricter controls on particular licensed premises, such as those affecting residential properties".*

7. RISK MANAGEMENT

7.1 There are no risk management issues arising from this report.

8. EQUALITY IMPACT ASSESSMENT

8.1 There are no issues arising from the Equality Impact Assessment.

9. CONCLUSION

9.1 It is for the Licensing Authority to determine in the first instance whether or not representations are relevant representations, and should consider whether the individual's residence, or business, is likely to be directly affected by disorder and disturbance occurring, or potentially occurring on those premises, or immediately outside the premises.

9.2 The Licensing Authority cannot impose conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of representations.

10. CONSULTEES

10.1 Director of Legal and Corporate Services.

11. BACKGROUND PAPERS

11.1 Guidance issued under Section 182 of the Licensing Act 2003.

11.2 District Statement of Licensing Policy.