

WYRE FOREST DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

19TH NOVEMBER 2010

**Application to Vary a Premises Licence:
The Robin Hood Inn, Drayton Road, Near Belbroughton**

| OPEN | |
|-------------------------|--|
| DIRECTOR: | Director of Planning and Regulatory Services |
| CONTACT OFFICER: | Brian Kent Ext. 2593 brian.kent@wyreforestdc.gov.uk |
| APPENDICES | Appendix 1 – Premises Licence Appendix 2 – Photographs of the Robin Hood Inn (To follow) Appendix 3 – Map to show position of premises relative to other residences Appendix 4 – Application to vary the premises licence Appendix 5 – New Instructions to Vary Premises Licence Appendix 6 – Letters / Petition of Objection |

1. PURPOSE OF REPORT

- 1.1 To determine an application to vary a Premises Licence on behalf of Mr Gary Attwood, Robin Hood Inn, Drayton Road, Drayton, Near Belbroughton, Stourbridge.

2. RECOMMENDATION

The Sub-Committee is asked to **CONSIDER** the application to:

- 2.1 **replace the existing Licence Condition endorsed on the Premises Licence disallowing children to be on the premises after the time of 21:00 hours with a condition that children accompanied by a parent or guardian to be allowed on the premises after the time of 21:00 hours.**
- 2.2 **to permit the sale and supply of alcohol from an outside bar in the outside area of the premises between the hours of 12 noon and 9.30pm each day.**

3. BACKGROUND

- 3.1 The Robin Hood Inn is a detached property situated within the village of Drayton, Nr Belbroughton, Stourbridge.
- 3.2 The building has a Premises Licence subject to certain operating Conditions, under the Licensing Act 2003 (copy at Appendix 1).
- 3.3 The premises has a large car park set away from the public highway and beyond that an open field of approximately two acres bounded by high trees.
- 3.4 Photographs of the premises to follow (copies at Appendix 2).
- 3.5 The position of the premises relative to residences is shown in the plan attached (copy at Appendix 3).

The Application

- 3.6 An application to vary the Premises Licences was made to the Council on the 18th August 2010 (copy at Appendix 4).
- 3.7 New instructions were received following the posting of a Public Notice saying the provision of music and facilities for dancing outside had been withdrawn (copy at Appendix 5).
- 3.8 The application is to consider the variation of the Premises Licence to:
 - replace the existing Licence Condition endorsed on the Premises Licence disallowing children to be on the premises after the time of 21:00 hours with a condition that children accompanied by a parent or guardian be allowed on the premises after the time of 21:00 hours.
 - permit the sale and supply of alcohol from an outside bar in the outside area of the premises between the hours of 12 noon and 9:30pm each day.

Public Notice

- 3.9 Notice of the application to vary the premises licence was given by the applicant to all responsible authorities in accordance with the Licensing Act 2003, and a Public Notice was posted on the premises.

Relevant Representations

- 3.10 As a result of the Public Notice to vary the premises licence, letters and a petition have been submitted from persons living in the vicinity requesting the Licensing Authority to consider various matters relating to the application.
- 3.11 A copy of each letter is attached (copies at Appendix 6).

4. **KEY ISSUES**

Objections by Residents in the Vicinity.

4.1 Written objections have been included in the papers, from residents living in the vicinity stating inter alia that -

- the village of Drayton is a residential area and it is of concern to the residents that the opening of a bar in an outside area in a closer proximity to them will add to the possibility of public nuisance.
- residents are concerned that the highway could be obstructed outside of the Robin Hood Inn by indiscriminate parking.

Responsible Authorities

4.2 No objections have been made to the application by the Police or other responsible authorities.

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, including the following:

- 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 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 Statement of Licensing Policy for the District of Wyre Forest.