



<u>Committee and Date</u> Licensing Act Sub-Committee 28 th August 2013 10.00 a.m.
--

<u>Item</u> 3 Public

LICENSING ACT 2003 APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Responsible Officer Angela Smith – Public Protection Officer (Specialist)
Email: licensing@shropshire.gov.uk Telephone: 0345 6789026

1.0 Summary

- 1.1 **Premises:** Costcutter, 12 Coder Road, Ludlow, Shropshire SY8 1XE. A location plan is attached to the report as Appendix A.
- 1.2 The purpose of this report is to consider an application for a review of the above Premises Licence.
- 1.3 Shropshire Council being the authorised licensing authority for the above premises has received an application for a review of a premises licence.
- 1.4 The application has been accepted as a valid application. Review applications are required to be determined by way of a hearing of the Licensing Sub-Committee.
- 1.5 In determining the application the licensing authority must give appropriate weight to:
- the steps that are necessary to promote the licensing objectives;
 - the representations (including supporting information) presented by all parties;
 - guidance issued under Section 182 of the Licensing Act 2003;
 - the Shropshire Council Licensing Policy .
- 1.6 After considering all the relevant issues the licensing authority may:
- take no further action
 - issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence holder
 - modify conditions of the licence
 - exclude a licensable activity from the scope of the licence
 - remove the designated premises supervisor
 - suspend the licence for a period not exceeding three months
 - revoke the licence

- 1.7 Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.
- 1.8 All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

2.0 Recommendations

- 2.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant and the parties/authorised bodies making relevant representations.
- 2.2 That the Sub-Committee determines the application in accordance with the options in paragraph 7.
- 2.3 That the Sub-Committee provides the reasons for its decision.

3. Risk Assessment and Opportunities Appraisal

- 3.1 There are no risks associated with this report

4. Financial Implications

- 4.1 There are no financial issues associated with this report; however each party has the right of appeal on the decision made.

Report

5. Purpose of Report

5.1 To consider an application for a review of a premises licence for Costcutter, 12 Coder Road, Ludlow, Shropshire SY8 1XE.

6.0 Background

6.1 Shropshire Council's Public Protection, Trading Standards, has made an application for a review of a Premises Licence on the grounds that operations at the premises undermine the Protection of Children from Harm Licensing Objective. The application is supported by evidence of persistent sales of alcohol to under age persons.

6.2 The Premises Licence was first granted on 17/11/2005.

6.3 On 22nd February 2013 a test purchase was made resulting in an underage sale.

6.4 On the 29th May 2013 a further test purchase was made resulting in another underage sale. An application for a review of the licence by Trading Standards, on the grounds that the Protection of Children from Harm Licensing Objective had been undermined.

6.5 Further investigation by Trading Standards has also revealed that the premises licence holder operated a similar family business in Bedfordshire and had received written advice following making underage sales there.

6.6 No further representations have been received in response to the application.

7.0 Options Considered

7.1 The options available to the Licensing Act Sub-Committee having considered all the relevant information are as follows:

- take no further action
- issue informal/formal warnings to the Designated Premises Supervisor and/or Premises Licence holder
- modify conditions of the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the licence

7.2 Members of the Sub-Committee should be advised that the applicant and licence holder may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

8.0 Standard of Decision Making

- 8.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications where a relevant representation has been made need to be determined by this Sub-Committee.
- 8.2 When determining the application, the Sub-Committee should only consider issues, which relate to the grounds for review in this instance the licensing objective is:
- The protection of Children from Harm
- 8.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 8.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.
- 8.5 Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Shropshire Council Licensing Policy.
- Guidance issued under section 182 of the Licensing Act 2003 (April 2012).
- The Licensing Act 2003 (Hearings) Regulations 2005.
- Application form and associated papers.
- Copies of representations received.

Human Rights Act Appraisal

None apparent

Environmental Appraisal

Not applicable.

Risk Management Appraisal

Not applicable.

Community / Consultations Appraisal

Not applicable.

Cabinet Member

Councillor Steve Charmley

Local Member

Councillor Vivienne Parry

Appendices Appendix A – Location Plan, Appendix B – Current Licence, Appendix C – Guidance for Hearings

