

ITEM

ITEM

Licensing Sub-Committee – Thursday 5 February 2009

TO DETERMINE THE FOLLOWING APPLICATION RECEIVED UNDER THE LICENSING ACT 2003 FOR THE VARIATION OF A PREMISES LICENCE WHEREBY RELEVANT REPRESENTATIONS HAVE BEEN RECEIVED BUT MEDIATION HAS TAKEN PLACE WITH AMENDMENTS BEING MADE TO THE APPLICATION. AS A RESULT ALL PARTIES CONSIDER A HEARING IS UNNECESSARY.

Report of the Licensing Manager

Statutory Powers: Licensing Act 2003

Financial Implications: There are no direct financial implications to the Council from this Report

Purpose

To determine an application for the Variation of a Premises Licence held for the below named premises in accordance with Section 35 of the Licensing Act 2003.

There is a link to the Council's priorities of CP2: 'Creating the conditions for the growth and maintenance of quality economic activity' and CP3: 'Maintaining the district's distinctive environment whilst enabling access and sensitive development'.

RECOMMENDATION

That the Sub-Committee consider the application to vary the applicants new style Premises Licence together with the agreed amendments to the variation application following representations and to make a determination in respect of this applications, namely to:

- i grant the application as submitted;**
- ii modify the conditions;**
- iii reject whole or part of the application,**

in line with the licensing objectives (Section 4) contained within the Licensing Act 2003 (Section 35(4)).

Background / The Issues

Summary of Applications

1. The following application has been received for the variation of their new style premises licence.
2. The premises in question is currently trading as a public house in the Totnes Town and has submitted a variation application to extend the hours, add other licensable activities and make appropriate changes to the existing conditions attached to the present licence.
3. As regards to the variation application only interested parties or responsible authorities may make representations.
4. The below premises have received relevant representations and following mediation agreement has been reached to amend the application, for example reducing the hours asked for or including additional conditions to achieve the four licensing objectives.
5. Parties have agreed, subject to the amendment conditions being implemented on the licence that a hearing is unnecessary.
6. The current licence can be found in **Appendix A**, the variation application may be found in **Appendix B** and the agreed amendment in are in **Appendix C**.

(Please note that due to the vast amount of paperwork contained within these appendices, full copies have only been circulated to the Sub-Committee Members. Any interested parties who would like to receive full (or part) copies are asked to contact Member Support Services on (01803) 861273).

TOTNES

Dartmouth Inn, 28 Warlands, Totnes TQ9 5EL

Risk Assessment

7. The Sub-Committee will, in considering the applications and any representations have to give consideration to the licensing objectives contained within the Licensing Act 2003 of:
 - a) The prevention of Crime and Disorder;
 - b) Public Safety;
 - c) The prevention of public nuisance; and
 - d) The Protection of children from harm.
8. In addition, due consideration should also be given to the Council's Licensing Policy Statement.
9. Failure to adequately consider these issues could result in the Council facing an appeal to the Magistrates Court.

Conclusion

10. The Responsible Authority who made representations are satisfied that the implementation of the agreed amendments (appendix C) will satisfy the licensing objectives. The granting of this licence subject to the amendments will not set the licence in stone. Parties can request a review of the licence at any time if the objectives are not met.

Graham Munson
Licensing Manager

Licensing Sub-Committee
5th February 2009

Ian Bollans
Head of Environmental Health

Background Documents:

- Representations received from those residents or those having businesses in the vicinity of the premises to be licensed (where applicable) and written agreement agreeing the proposed amendments addressing the licensing objectives, agreeing a hearing is unnecessary.
- Representations received from Responsible Authorities (where applicable) and written agreement agreeing the proposed amendments addressing the licensing objectives, agreeing a hearing is unnecessary.
- Written agreement from the applicant and / or agent agreeing to the proposed amendments and that a hearing is unnecessary.
- Guidance on Meeting the Licensing Objectives.
- Guidance issued under Section 182 of the Licensing Act 2003.
- The District Council's Statement of Licensing Policy.