

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR VARIATION OF A PREMISES LICENCE
JOLLY MILLER, BRIGG ROAD, WRABBY, BRIGG, NORTH LINCOLNSHIRE,
DN20 8RH**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application for Variation of a Premises Licence for the Jolly Miller.
- 1.2 There have been 17 representations, which have been deemed relevant. These are detailed in paragraph 4.2. and are attached to this report as Appendices D to T.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
 - The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our 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.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine 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. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided which is relevant to the licensing objectives.
- 2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the licence;
 - To reject the whole or part of the application
- 2.7 Members of the Sub-Committee should be advised that the applicant, statutory consultees and persons making relevant representations may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for the variation of a premises licence for Jolly Miller was received on 2 January 2013. A copy of the application is attached to the report at Appendix A. The nature of the variation application is as follows:

Variation	Detail
Additional Activities	No additional activities
Change of Hours	No additional hours
Add Conditions	To amend occupancy figure to 100 as agreed with the Fire Authority.
Revised Layout of the premises	To amend the plan to include new smoking shelter, games room and internal alterations to lounge.
Other (Specify)	To remove current condition under General Heading, which states the responsible person shall not be less than 21 years of age. To remove all conditions carried forward during the transitional period of the Licensing Act 2003 which relate to Health and Safety.

- 3.2 The premises currently holds a Premises Licence, determined on 16 August 2005. A copy of the current Premises Licence is attached to this report at Appendix B.
- 3.3 There have been 17 representations received which have been deemed relevant. These are detailed in paragraph 4.2 and are attached to this report as Appendices D to T.

3.3 The applicant has been made aware of the representations.

4. OUTCOMES OF CONSULTATION

4.1 An applicant wishing to vary a Premises Licence has to serve a copy of the application form and a plan of the premises on the statutory consultees the same day as the Licensing Authority receives its copy.

4.2 The table below provides details of any comments received:

Responsible Authority	Comment
Humberside Police	Have made representation on the grounds of all of the licensing objectives. Copy attached to this report as Appendix D.
Humberside Fire & Rescue Service	Have made representation on the grounds of Public Safety. Copy attached to this report as Appendix E.
Environmental Health (commercial)	Have made representation on the grounds of prevention of public nuisance. Copy attached to this report as Appendix F.
Health & Safety	No adverse comments received.
Health and Safety Executive (if applicable)	Not applicable.
Trading Standards	Have made representation on the grounds of protection of children from harm. Copy attached to this report as Appendix G.
Child Protection	No adverse comments received.
Planning	No adverse comments received with regards the application, however, planning have ongoing issues with applicant with regards the new smoking shelter.
Primary Care Trust (PCT)	No adverse comments received.
Licensing Authority	Have raised concerns with regards the prevention of crime & disorder and prevention of public nuisance. Copy attached to this report as Appendix H.
Interested Parties	There have been 12 responses which have raised concerns with regards the prevention of public nuisance. Copies are attached to this report as Appendices I to T.

5. OUTCOMES OF MEDIATION

- 5.1 We have a duty to mediate in accordance with our policy. The results of the mediation will be reported at the meeting.

6. LICENSING OBJECTIVES & STATUTORY PROVISIONS

6.1 Prevention of Crime & Disorder

6.1.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 16 of their application in Appendix A attached to this report.

6.1.2 Further information regarding this objective can be found in the Licensing Policy, pages 27-29.

6.1.3 Representations have been received raising concerns with regard to this objective

6.2 Public Safety

6.2.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 16 of their application in Appendix A attached to this report.

6.2.2 Further information regarding this objective can be found in the Licensing Policy, pages 30-32.

6.2.3 Representations have been received raising concerns with regard to this objective.

6.3 Prevention of Public Nuisance

6.3.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 16 of their application in Appendix A attached to this report.

6.3.2 Further information regarding this objective can be found in the Licensing Policy, pages 33-35.

6.3.3 Representations have been received raising concerns with regard to this objective.

6.4 Protection of Children from Harm

6.4.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 16 of their application in Appendix A attached to this report.

6.4.2 Further information regarding this objective can be found in the Licensing Policy, pages 36-39.

6.4.3 Representations have been received raising concerns with regard to this objective.

6.5 Other Licensing Policy Issues/Statutory Provisions

6.5.1 These are detailed in Appendix 1, page 12, under the heading of General.

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix C.

8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and the parties/authorised bodies making relevant representations.

8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6, and attach such conditions considered necessary.

8.3 That the Sub-Committee provides the reasons for its decision.

DIRECTOR OF PLACES

Civic Centre
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Scunthorpe
North Lincolnshire

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Background Papers used in the preparation of this report Nil