

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR VARIATION OF A PREMISES LICENCE
CHARLIES BAR, BARTON UPON HUMBER**

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 Charlie's Bar, Fleetgate, Barton upon Humber
- 1.2 There have been two representations, which have been deemed relevant. These are detailed in paragraph 4.2 and are attached to this report as Appendix 3.

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.
- 2.8 The application to vary the licence was presented before the sub-committee on 4 May 2012, however the hearing was adjourned as not all parties were able to attend.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for variation of a premises licence for Charlie's Bar was received on 7 March 2012. A copy of the application is attached to the report at Appendix 1.
- 3.2 The premises currently holds a Premises Licence, determined on 19 September 2005. A copy of the current Premises Licence is attached to this report at Appendix 2.
- 3.3 There have been two representations received, which have been deemed relevant. These are detailed in paragraph 4.2 and are attached to this report as Appendix 3.
- 3.3 The applicant's solicitor 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 overleaf provides details of any comments received:

| Responsible Authority | Comment |
|---|---|
| Humberside Police | No adverse comments |
| Humberside Fire & Rescue Service | No adverse comments |
| Environmental Health | The Environmental Protection team have raised concerns regarding noise pollution. A copy of their representation is attached to the report at Appendix 3. On 25 April 2012 comments were received from the applicant with regards proposals put before them from the Environmental Protection team. The results of which shall be presented at the meeting. |
| Health & Safety | No comments |
| Health and Safety Executive (if applicable) | No comments |
| Trading Standards | No adverse comments |
| Child Protection | No comments |
| Planning | No comments |
| Interested Parties | Comments |
| Other | There has been a representation from an interested party, which has been deemed relevant. A copy of the representation is attached to this report at Appendix 3. |

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 their application in Appendix 1 attached to this report.

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

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 their application in Appendix 1 attached to this report.

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

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 their application in Appendix 1 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 their application in Appendix 1 attached to this report.

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

6.5 Other Licensing Policy Issues/Statutory Provisions

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

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix 4.

8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application in accordance 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 Neighbourhood & Environmental Services

Civic Centre
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Background Papers used in the preparation of this report Nil