

**LICENSING ACT 2003  
LICENSING SUB COMMITTEE HEARING**

**02 November 2015**

**Report of the Director  
Assets & Environment**

**To consider an application to grant a premises licence in respect of Engine Lane Stores , 26 Engine Lane, Tamworth, Staffordshire, B77 2DH under section 17 of the Licensing Act 2003**

**EXEMPT INFORMATION**

Not applicable

**PURPOSE**

To consider an application to grant a premises licence in respect of Engine Lane Stores, 26 Engine Lane, Tamworth, Staffordshire, B77 2DH under section 17 of the Licensing Act 2003.

**RECOMMENDATIONS**

**The Committee are recommended to take the following steps as it considers appropriate for the promotion of the licensing objectives:**

- a) Grant the application as asked**
- b) Modify the conditions of the licence. Conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Conditions can only be placed on the licence if they are appropriate to promote the licensing objectives**
- c) Reject the whole or part of the application**

**EXECUTIVE SUMMARY**

On 20 August 2015 an application was received by the Tamworth Borough Council for a new premises licence to be granted under section 17 of the Licensing Act 2003 in respect of Engine Lane Stores, 26 Engine Lane, Tamworth, Staffordshire, B77 2DH. Representations have been received from two interested parties which have not been withdrawn. As a consequence this application has not been granted under officers' delegated powers and the matter must be considered by a Licensing Sub Committee at a hearing.

## **RESOURCE IMPLICATIONS**

If the decisions of the Licensing Sub Committee are appealed against there will be a financial resource implication.

## **LEGAL / RISK IMPLICATIONS**

The following parties are entitled to appeal against the decision of the Licensing Sub Committee. In respect of the application to grant a premises licence, Mr Sadet Celik being the applicant for the premises licence, may appeal against a decision to reject the application. The Interested Parties may appeal against the decision to grant the application.

## **SUSTAINABILITY IMPLICATIONS**

The effective regulation of licensing activities contributes to the strategic priority of being healthier and safer in Tamworth.

## **CONCLUSIONS**

The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In making its decision, the Sub Committee must consider the Licensing Authority's own licensing policy and have regard to the national guidance. In particular, the Committee should have due regard to the first paragraph in Section 3 of the Statement of Licensing Policy and paragraph 1.17 of the Home Office guidance which state that each application must be considered on its own merits.

## **Background**

An application for a premises licence to be granted under section 17 of the Licensing Act 2003 made by Mr Sadet Celik for Engine Lane Stores, 26 Engine Lane, Tamworth, Staffordshire, B77 2DH was received by the Licensing Team of Tamworth Borough Council on the 20 August 2015. The location of Engine Lane Stores is shown shaded on the location plan given in **Appendix 1**.

On the 15 September 2015 it was brought to the attention of Tamworth Borough Council by one of the Interested Parties that the applicant had failed to exhibit the required notice in the appropriate manner on the premises. On a revisit by Tamworth Borough Council to check the Public Notice the Public Notice was not on display to the Public 24 hours a day due to the notice not being clearly visible on the entrance door when the door was open. In addition when the security roller shutters were pulled down in the evening the public notice on the door was obscured.

In view of the above the applicant was advised that the application had failed to meet the statutory requirements of the Licensing Act 2003 and that the consultation period of 28

days would be re-started when the Public Notices were displayed on the premises to meet the statutory requirement. The 28 day consultation period started on 16 September 2015.

The application seeks to provide the licensable activity of the supply of alcohol for consumption off the premises at the following times;

Monday - Saturday: 08:00hrs – 22:00hrs.  
Sunday: 08.00hrs – 20:00hrs

The opening times when premises are open to the public are following:

Monday – Sunday: 08.00hrs – 22.00hrs

The applicant has proposed 12 conditions detailed in their application form they intend to take in order to promote the four licensing objectives if the application is granted. A copy of the application is at **Appendix 2**.

### **Responsible Authorities**

No representations have been received from Responsible Authorities.

### **Interested parties**

Tamworth Borough Council has received three objection notices from Interested Parties in response to the application on the basis that granting a premises licence would undermine the four Licensing objectives. A copy of the representations is at **Appendix 3**. Following consultation between the applicant and one of the interested parties, one of the objection notices has been withdrawn.

In making its decision with a view to promoting the licensing objectives in the overall interests of the local community, the Committee is required to give appropriate weight to:

- The steps that are appropriate to promote the prevention of crime and disorder licensing objective ;
- The objection notice and any supporting information presented by all parties;
- The national guidance; and
- The Council's own licensing policy.

A link to the National Guidance (revised March 2015) relevant to this case is given in **Appendix 4** of this report. Chapter 8 of the guidance covers applications for premises licences and paragraphs 8.92 – 8.95 in particular cover transfers of premises licences. Chapter 9 covers determining applications.

A link to Tamworth Borough Council's Statement of Licensing Policy is given at **Appendix 5** of this report. Section 3 of the policy covers applications, hearings and determinations. Sections 8 and 9 cover the licensing objectives and in particular the prevention of crime and disorder objective.

The Licensing Sub Committee must take one of the following steps it considers appropriate for the promotion of the licensing objective:

- a) Grant the application as asked
- b) Modify the conditions of the licence, by altering or omitting or adding to them
- d) Reject the whole or part of the application

## **Right of appeal**

There is a right of appeal against the decision made by this Licensing Sub Committee. Licensing authorities are therefore expected to record in full the reasons for any decision that they make.

The applicant, Mr Sadet Celik, may appeal against a decision to reject the application under consideration and the Interested Parties may appeal against the decision to grant the application.

Any such appeal must be made to the Magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

On an appeal the magistrates' court may –

- (a) dismiss the appeal,
- (b) substitute for the decision appealed against for any other decision which could have been made by the licensing authority, or
- (c) remit the case to the licensing authority to dispose of in accordance with the direction of the court, and
- (d) may make such order as to costs as it thinks fit.

## **LIST OF BACKGROUND PAPERS**

- Home Office Guidance (revised March 2015) – Issued Under Section 182 of the Licensing Act 2003 ( Appendix 4)
- Tamworth Borough Council Licensing Policy, 2015 - 2020 (Appendix 5)

*“If Members would like further information or clarification prior to the meeting please contact Paul Holmes, Public Health Officer Telephone: 01827 709 347  
Email: [paul-holmes@tamworth.gov.uk](mailto:paul-holmes@tamworth.gov.uk)*

## **Appendices**

Appendix 1	Location plan.
Appendix 2	Application to grant a premises licence
Appendix 3	Interested Parties – Objection Notices
Appendix 4	Link to National Policy Guidance ( March 2015)
Appendix 5	Link to Tamworth Borough Council Licensing Policy, 2015-2020