

LICENSING SUB COMMITTEE

DATE OF COMMITTEE

09 September 2020

REPORT OF THE ASSISTANT DIRECTOR GROWTH & REGENERATION

To consider an application to grant a premises licence in respect of The Lighthouse Bar, 59-60 Church Street, Tamworth, Staffordshire, B79 7DG 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 The Lighthouse Bar, 59-60 Church Street, Tamworth, Staffordshire, B79 7DG 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 15 July 2020 an application for a Premises Licence under Section 17 of the Licensing Act 2003 in respect of The Lighthouse Bar, 59-60 Church Street, Tamworth, Staffordshire, B79 7DG. During the 28 day consultation period, Tamworth Borough Council received two representations from interested parties which have not been withdrawn.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 decision of the Licensing Sub-Committee is appealed 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, Anchor Bay Taverns Ltd, The Woodpecker, Oak Walk, Birmingham, B31 4HA being the applicant for the premises licence, may appeal against a decision to reject the application and the member of the public may appeal against the decision to grant the application.

SUSTAINABILITY IMPLICATIONS

The effective regulations of licensing activities contribute 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 under Section 17 of the Licensing Act 2003 made by Anchor Bay Taverns Ltd in respect of The Lighthouse Bar, 59-60 Church Street, Tamworth, Staffordshire, B79 7DG was received by the Licensing Team of Tamworth Borough Council on 15 July 2020. The location of The Lighthouse Bar is shown on the location plan given in **Appendix 1**.

The application seeks to provide the licensable activities of Films, Boxing or wrestling, live music, Recorded music, Performances of dance, late night refreshment and the Supply of alcohol for consumption on and off the premises. The application also states the opening times when the premises are open to the public. A copy of the application is at **Appendix 2**.

The applicant has also proposed 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

Staffordshire Police entered into discussions with the applicant “Anchor Bay Taverns Ltd” believing that granting of the premises licence with the hours and conditions submitted in the application form would not promote the licensing objectives.

On the 11 August 2020 Staffordshire Police and the applicant agreed amendments to the operating schedule which Staffordshire Police believe will promote the licensing objectives. The amended operating schedule included a reduction to the terminal hours for the licensable activities, opening times when the premises are open to the public and amended conditions. A copy of revised operating schedule is at **Appendix 5**.

No other representations have been received from Responsible Authorities.

Interested parties

On the 10 August 2020 Tamworth Borough Council received five representations letters from interested parties in response to the application on the basis that granting a premises licence would undermine the four Licensing objectives.

On the 11 August 2020, following mediation by Tamworth Borough Council, three of the representations from the interested parties are withdrawn, leaving only two representation to be considered. A copy of the two representations is at **Appendix 3**.

Also a copy of the three withdrawn representations is at **Appendix 4**.

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.

National Guidance

A link to the National Guidance (April 2018) relevant to this case is at **Appendix 6** of this report. Chapter 8 of the guidance covers applications for premises licences and Chapter 9 covers determining applications.

A link to Tamworth Borough Council’s Statement of Licensing Policy 2020-2023 is at **Appendix 7** of this report. Section 3 of the policy covers applications, hearings and determinations.

Steps the Licensing Sub-Committee May Take

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

National Guidance

A copy of the Home Office Amended Guidance Issued under Section 182 of the Licensing Act 2003 (April 2018) can be found in **Appendix 6**.

Local Policy Considerations

A copy of Tamworth Borough Council's Statement of Licensing Policy 2020-2023 which was in operation at the date when the application for review was made can be found in **Appendix 7**.

The Licensing Sub-Committee must deviate from this national guidance and Tamworth Borough Council's own licensing policy if the facts of the case demand it in the interests of the promotion of the licensing objectives. If the Sub Committee does depart from the guidance and Tamworth Borough Council's policy it must be able to provide full reasons.

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, Anchor Bay Taverns Ltd may appeal against a decision to reject the application under consideration and the interested party 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.

REPORT AUTHOR

If Members would like further information or clarification prior to the meeting please contact Paul Holmes Public Health Officer Telephone: 01827 709347 Email: paul-holmes@tamworth.gov.uk or Colin John Environmental Health Officer Telephone 01827 709429 Email: colin-john@tamworth.gov.uk

LIST OF BACKGROUND PAPERS

- Home Office Guidance April 2018 – Amended Guidance Issued Under Section 182 of the Licensing Act 2003 (see **Appendix 6**)
- Tamworth Borough Council Licensing Policy, 2020-2023 (see **Appendix 7**)

APPENDICES

Appendix 1	Location Plan
Appendix 2	Application to grant a premises licence
Appendix 3	Two Representations letters – Interested Parties
Appendix 4	Three withdrawn Representations letters – Interested Parties
Appendix 5	Staffordshire Police – Revised operating Schedule
Appendix 6	Home Office Guidance April 2018 – Amended Guidance Issued Under Section 182 of the Licensing Act 2003
Appendix 7	Tamworth Borough Council Licensing Policy, 2020-2023