

CANNOCK CHASE COUNCILLICENSING SUB-COMMITTEE13 AUGUST 2012REPORT OF HEAD OF ENVIRONMENTAL HEALTHLICENSING ACT 2003APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCECO-OP SERVICE STATION/CONVENIENCE STORE, HILL TOP, UXBRIDGE STREET,  
HEDNESFORD, STAFFS, WS12 5DE1. Reason for referral

This application has not been granted under officers delegated powers because a valid representation has been received from a local resident who lives within the vicinity of the Co-op Service Station/ Convenience Store.

2.

Name and Address of Premises.	Co-op Service Station/Convenience Store , Hill Top, Uxbridge Street, Hednesford, Staffs., WS12 5DE
Applicant Details	Somerfield Stores, Limited, Licensing Department, 5 <sup>th</sup> Floor Federation Building, Dantzic Street, Manchester, M60 0AF  A copy of the application to vary the existing licence is given as Annex 1 to this report. Please note that pages 4 to 15 (inc) are not reproduced as they it is not necessary for the applicant to complete them and they have not done so.
Date of Application	19 June 2012.
Fees Paid	Band C: £315.

Current Licensable Activities:	<p>The premises currently has the benefit of a Licence granted on 12 April 2007 under the Licensing Act 2003. A copy of the Premises Licence is given as Annex 2 to this report.</p> <p>The Licence currently permits:</p> <p><u>Sale by Retail of Alcohol; off sales only.</u></p>
Current Licensing Hours:	<p><u>Sale by Retail of Alcohol</u></p> <p><b>Every day 07.00hrs to 23.00hrs.</b></p>
Current Opening Hours	<p><b>Every day 07.00hrs to 23.00hrs.</b></p>
Proposed Variation	<p>The variation sought is to extend the permitted hours for:</p> <p><u>Sale by Retail of Alcohol</u></p> <p><b>Every day 05.00hrs to 24.00hrs.</b></p> <p>Permission is also sought on page 17 of the application, to remove any embedded restrictions relating to trading and/or licensing hours on Bank Holidays and Religious Holidays. No such restrictions currently apply to this Licence.</p>
Responsible Authority Representation	<p>No representations have been received from any of the Responsible Authorities and Members may assume therefore that they are satisfied with all elements of the application.</p>
Valid Representations from other people who are not Responsible Authorities	<p>A letter of representation from a local resident was received by the Council's Licensing Unit within the prescribed period for objection. The letter was received on 12 July 2012 from:</p> <p>Mr. G. Brindley, 80, Uxbridge Street, Hednesford, Staffs, WS12 1DB</p> <p>The map of the premises/area is given as Annex 3 to this report and Mr Brindley's letter is attached as Annex 4.</p>

Promotion of the Licensing Objectives.	Additional steps given by which the applicant intends to promote the 4 licensing objectives are given on page 19 & 20 of the Application Form given as Annex 1 to this report.
Summary of the main effect of the proposed variation to the existing licence.	<p>The main effect of the variation will be:</p> <ul style="list-style-type: none"> <li>To increase the hours during which alcohol may be sold at the premises by one hour at night from 23.00hrs until 24.00hrs and by two hours in the morning, back from 07.00hrs to 05.00hrs. This will have effect on every day.</li> <li>In line with the above, the effect will be to Increase the opening hours of the premises by one hour at night from 23.00hrs until 24.00hrs and by two hours in the morning, back from 07.00hrs to 05.00hrs. This will have effect on every day.</li> </ul>
Premises Licence History	The Service Station was first licensed to Somerfield Stores on 12 April 2007 with the hours currently given upon the Licence. In December 2009 it became a Co-op store but the licence remained in the name of Somerfield Stores. In December 2011 an application was made and subsequently granted to vary the Designated Premises Supervisor at the premises.

### **3. Human Rights Act 1998 Implications**

- 3.1 Article 6 of the Act provides that where a person's civil rights and obligations are being determined, s/he is entitled to a "fair trial". The Council complies with Article 6 in that it gives the person the opportunity to state their case, will make a decision within a reasonable period of time and will give reasons for its decision.
- 3.2 The Article also provides for the issue to be determined by an independent tribunal. The right of appeal to the Court against the Council's decision fulfils this.
- 3.3 The Council observes the rules of natural justice and its procedures are consistent with Article 6 of the Human Rights Act 1998.

### **4. Legal Implications**

- 4.1 Under the Licensing Act 2003 ('the Act') s.34, the holder of a premises licence is entitled to apply to the licensing authority for variation of the licence.
- 4.2 As relevant representations have been made in respect this application for variation of a premises licence, and no agreement has reached between the parties that a hearing is not

required, the licensing authority must hold a hearing to consider the representations made (s.35 (3) (a) of the Act).

- 4.3 The Licensing Committee/Licensing Sub-Committee must have regard to the representations and take such steps as it considers appropriate for the promotion of the licensing objectives and proportionate to what the decision is intended to achieve. (s.35 (3) (b) of the Act).
- 4.4 In accordance with s.35 (4) of the Act, the steps that can be taken by the Licensing Committee/Licensing Sub-Committee in dealing with this application are limited to:
  - (a) modification of the conditions of the licence;
  - (b) rejection of the whole or part of the application;
- 4.5 The Licensing Committee/Licensing Sub-Committee must only consider relevant representations which for the purposes of this application:
  - (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives;
  - (b) are made by an interested party or responsible authority;
  - (c) have not been withdrawn, and;
  - (d) are not frivolous or vexatious if made by an interested party.
- 4.6 The application for variation of the premises licence does not provide a basis for the entire licence to be reviewed. However, the Licensing Committee/Licensing Sub-Committee is entitled to consider the possible implications and affects of the variation in relation to existing issues that may have arisen concerning the operation of the current premises licence in the context of the promotion of the licensing objectives.
- 4.7 The Applicant, the licence holder and other person who made relevant representations in relation to the application have a right of appeal to the Magistrates Court should they disagree with the Licensing Sub Committees decision.

**5. Financial Implications**

- 5.1 Fees for the variation of a premises licence are payable upon application. They are not refundable should the application be refused. However if the application is refused or granted with conditions, the responsible authority and any party involved in the process, including the applicant, has a right of appeal to the Magistrates Court against the decision. The Court is however, less likely to award costs against the Council if it is satisfied that the council had acted honestly, reasonably and properly and on grounds which appeared to be sound.

**6.**

Annexes Attached	Annex 1	Application Form
	Annex 2	Map of the Premises Location
	Annex 3	Copy of the current Premises Licence
	Annex 4	Copy of a letter from Mr G. Brindley.

7.

<p>Determination Required</p>	<p>Members are asked to determine whether the application for a variation of the Premises Licence in respect of the Co-op Service Station/Convenience Store, Hill Top, Uxbridge Street, Hednesford, Staffs, WS12 5DE, can be granted, with or without conditions, having due regard to the 4 Licensing Objectives, Council's Licensing Policy and Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State.</p> <p>The 4 Licensing Objectives are:</p> <ul style="list-style-type: none"><li>• The Prevention of Crime &amp; Disorder</li><li>• Public Safety</li><li>• The Prevention of Public Nuisance</li><li>• The Protection of Children from Harm</li></ul>
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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Somerfield Stores Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> CCDC/PREM/07/307
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Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Hill Top, Uxbridge Street, Hednesford, Staffs,			
<b>Post town</b>	Cannock	<b>Post code</b>	WS12 5DE

<b>Telephone number at premises (if any)</b>	
<b>Non-domestic rateable value of premises</b>	£36750

Part 2 – Applicant details

<b>Daytime contact telephone number</b>	0161 827 5745		
<b>E-mail address (optional)</b>	licensing@co-operative.coop		
<b>Current postal address if different from premises address</b>	Licensing Department 5 <sup>th</sup> Floor Federation Building Dantzig Street		
<b>Post Town</b>	Manchester	<b>Postcode</b>	M60 0AF

CANNOCK CHASE COUNCIL  
ENVIRONMENTAL HEALTH  
19 JUN 2012  
PASSED TO

**Part 3 - Variation**

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

If not do you want the variation to take effect from

Day Month Year

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**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**  
To amend the licensed and / or trading hours as per section M and O of this application..

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

Please tick yes

- |  |                          |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)  | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/> |

**Provision of entertainment facilities:**

- |  |                          |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I)  | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)   | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input type="checkbox"/> |

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Sale by retail of alcohol** (if ticking yes, fill in box M)

In all cases complete boxes N, O and P



## M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	05:00	00:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	05:00	00:00			
Wed	05:00	00:00			
Thur	05:00	00:00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	05:00	00:00			
Sat	05:00	00:00			
Sun	05:00	00:00			

## N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	05:00	00:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	05:00	00:00	
Wed	05:00	00:00	
Thur	05:00	00:00	
Fri	05:00	00:00	
Sat	05:00	00:00	
Sun	05:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

To remove any embedded restrictions relating to trading and/or licensing hours on Bank Holidays and Religious Holidays.