

CANNOCK CHASE DISTRICT COUNCIL**LICENSING SUB COMMITTEE****REPORT OF THE HEAD OF ECONOMIC PROSPERITY****LICENSING ACT 2003****APPLICATION FOR A PREMISES LICENCE- MONDAY 14 MARCH 2022 AT 10.00AM****J. L. BROWN ENTERPRISES LTD, MICRO PUB / NEIGHBOURHOOD BAR,
65-67 LODGE ROAD, BRERETON, RUGELEY, STAFFORDSHIRE, WS15 1HR****1. Reason for Hearing**

This is an application for a Premises Licence by J. L. Brown Enterprises Ltd for a Micro Pub/ Neighbourhood Bar at 65-67 Lodge Road, Brereton, Rugeley, Staffordshire WS15 1HR.

This application has not been granted under Officers' delegated powers because representations have been received from residents on the basis that they are concerned that the licensing objectives may be compromised if the premises licence application were granted. These are relevant representations and the Council, as the licensing authority, must therefore hold a hearing to consider the representations made. A copy of the application form is attached to this report as Annex 1.

2.

Name and Address of Premises.	J.L. Brown Enterprises Ltd 65-67 Lodge Road Brereton Rugeley Staffordshire WS15 1HR
Applicant Details Registered Address.	J.L. Brown Enterprises Ltd 25 Farm Close Etchinghill Rugeley Staffordshire WS15 2XT
Date of Application	11 January 2022
Fees Paid	Band B: £190.00
Licensable Activities Applied For:	Sale by retail of alcohol

Responsible Authority Representation	There are no representations from any of the Council's Responsible Authorities. The Applicant has agreed licence conditions with both Staffordshire Police and the Council's Environmental Protection Team should any Premises Licence be granted.
Representations from other persons	Valid representations have been received from 54 individuals or households. The Council's Licensing Unit is also in receipt of a Petition in respect of the premises licence application. The said representations are attached to this report as Annex 5 .

3. Matters for consideration

- 3.1 On 11 January 2022 an application was received from J.L. Brown Enterprises Ltd, for the grant of a Premises Licence under the Licensing Act 2003. The hours of operation requested on the licence application operating schedule are:
- 3.2 Hours premises are open to the public:
- Monday to Saturday - 11.00hrs to 23.30hrs
Sunday - 11.00hrs to 22.30hrs
New Years Eve - 11.00hrs to 02.00hrs
- 3.3 Hours for the sale by retail of alcohol:
- Monday to Saturday - 11.00hrs to 23.00hrs
Sunday - 11.00hrs to 22.00hrs
New Years Eve - 11.00hrs to 01.00hrs
- 3.4 The application was duly advertised as required by law and the Council's Licensing Unit received 54 valid letters or emails of objection or support to the grant of the Premises Licence as well as a Petition containing 30 names. Four other representations were deemed as not valid and the Senior Licensing Officer wrote to those concerned to advise them of that fact.
- 3.5 Since the application was received, the Applicant has agreed, through discussion with Staffordshire Police and the Council's Environmental Protection Team to the following:
- To include 22 Police conditions onto any Premises Licence which may be granted. The said conditions are attached to this report as Annex 2
 - To include 2 Environmental Health conditions onto any Premises Licence which may be granted. The said conditions are attached to this report as Annex 3.
- 3.6 On 29 January 2022, the Applicant wrote to the Licensing Unit to outline his vision for the premises should it be granted a Premises Licence. The email is one of the valid representations received by the Licensing Unit and is separately attached to this report as Annex 4.

4. Human Rights Act 1998 Implications

- 4.1 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.
- 4.2 The Article also provides for the issue to be determined by an independent tribunal. The right of appeal to the Magistrates' Court against the Council's decision fulfils this.
- 4.3 The Council observes the rules of natural justice, and its procedures are consistent with Article 6 of the Human Rights Act 1998.

5. Legal Implications

- 5.1 This matter concerns an application for a premises licence under section 17 of the Licensing Act 2003 "the Act"
- 5.2 As relevant representations have been made in respect of this application and no agreement has been reached between the parties that a hearing is not required, the licensing authority must hold a hearing to consider the representations made (s.18 (3)(a) of the Act).
- 5.3 The Licensing Sub Committee must have regard to the representations and take such steps, if any, as it considers necessary for the promotion of the licensing objectives (s.18(3)(b) of the Act).
- 5.4 In accordance with s.18(4) of the Act, the steps that can be taken by the Licensing Sub Committee in dealing with this application are limited to:
- (a) grant the premises licence ,together with such modification of the conditions of the licence as considered appropriate for the promotion of the licensing objectives;
 - (b) rejection of the whole or part of the application.
- 5.5 The 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 other persons.
- 5.6 The Applicant and other persons 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 Committee's decision.

6. Financial Implications

- 6.1 Fees for a premises licence are payable upon application. They are not refundable should the application be refused.

- 6.2 Should the application be refused or be granted subject to conditions; the Applicant has a right of appeal to the Magistrates' Court. Should the application be granted, with or without conditions, then equally, the responsible authority and any other persons having made relevant representations, have a right of appeal to the Magistrates Court against the decision.
- 6.3 All appeals carry financial costs, and the Court can set whatever order it deems fit with regards to the payment of costs. 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 appear to be sound.

7. **Annexes**

Annexes Attached	Annex 1	The Premises Licence Application Form.
	Annex 2	Licence conditions agreed between the Applicant and Staffordshire Police.
	Annex 3	Licence conditions agreed between the Applicant and the Council's Environmental Protection Team.
	Annex 4	Email of representation from the Applicant
	Annex 5	Valid letters and emails of representation in respect of the application.

8. **Determination**

Determination Required	<p>Members are asked to determine whether the application for a Premises Licence in respect of J. L. Brown Enterprises Ltd, 65-67 Lodge Road, Brereton, Rugeley, Staffordshire, WS15 1HR, can be granted, having due regard to the 4 Licensing Objectives, Cannock Chase Council's Licensing Policy and Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.</p> <p>The 4 Licensing Objectives are:</p> <ul style="list-style-type: none"> • The Prevention of Crime & Disorder • Ensuring Public Safety • The Prevention of Public Nuisance • The Protection of Children from Harm
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