

Case 22/06/18

Application for a premises licence under the Licensing Act 2003

<b>Applicant:</b>	<b>Nicholas McGowan and Kevin Lewis</b>
<b>Premises</b>	<b>Spud Buddies</b>
<b>Premises Address</b>	<b>Car park of the Three Horseshoes, 133 Bawtry Road, Wickersley, Rotherham, S66 2BW</b>

### **1. Purpose of Report**

To consider an application for a premises licence made under the Licensing Act 2003 in relation to the premises known as Spud Buddies, car park of the Three Horseshoes, 133 Bawtry Road, Wickersley, Rotherham, S66 2BW.

### **2. The Application**

The application is attached to this report at Appendix A.

The applicants are Nicholas McGowan and Kevin Lewis.

The grounds for the hearing relate to the receipt of representations received by interested parties considered to be placed in objection to the granting of a licence for this premises.

The premises currently does not benefit from a licence to allow them to provide late night refreshment.

### **3. Reasons for Referral**

The representations are attached to this report at Appendix B

In considering an application the licensing authority has to exercise discretion when representations, either positive or negative, are received from a responsible authority and interested parties.

It is for the licensing authority to decide if a representation is relevant to the licensing objectives and not frivolous or vexatious. If the licensing authority decides that a representation is relevant then the authority must hold a hearing to consider that representation.

The applicant has been invited to attend the hearing.

The interested parties who have made representations on the application have been invited to attend the hearing.

### **4. Financial Implications**

There are no specific financial implications arising from this application. However additional costs may be incurred should the matter go to appeal at the Magistrates Court or higher courts. In such a case it is not possible predict the outcome of any decision by the Courts in relation to costs.

## **5. The Legal Position**

Section 4(1) of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives namely:

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

The Act also requires that the Licensing Authority has regard to its own 'Statement of Licensing Policy' and any guidance issued by the Secretary of State in carrying out its functions.

Once a determination has been made by Members of the Licensing Committee, section 52(11) of the Act states that the determination does not have effect until:

- the end of the period given for appealing against the decision; or
- if the decision is appealed, until the appeal is disposed of.

## **6. Hearing Regulations**

Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State. The Licensing Authority has provided all parties with the information required in the Regulations.

## **7. Options available to the Licensing Committee**

Members of the Licensing Committee authorise officers to:

- Grant a licence;
- Grant a licence with amendments to the application as made;
- Grant a licence with conditions on the licence;
- Grant a licence but exclude a licensable activity (activities) from the scope of the licence;
- Refuse to grant a licence.