

Case 08/10/18

Application to vary a premises licence under the Licensing Act 2003

Applicant:	Star Pubs & Bars Limited
Premises	Reresby Arms
Premises Address	Vale Road, Thrybergh, Rotherham, S65 4DN

1. Purpose of Report

To consider an application to vary a premises licence made under the Licensing Act 2003 in relation to the premises known as **Reresby Arms, Vale Road, Thrybergh, Rotherham, S65 4DN**.

2. The Application

The application is attached to this report at Appendix A.

The applicant is Star Pubs & Bars Limited.

The grounds for the hearing relate to the receipt of a representation received by a Responsible Authority and an interested party considered to be placed in objection to the granting of the variation for this premises.

The premises currently does benefit from a premises licence for the sale of alcohol.

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 agreed additional conditions following consultation with Trading Standards; these are attached at Appendix C.

The applicant has been invited to attend the hearing.

The responsible authority and interested party 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.