

## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: 13<sup>th</sup> April 2017

Contact Officer: Mark Lomas – 01283 595890

### HEARING FOR AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

<b>Applicants Name</b>	Jupiter Hotels Limited
<b>Premises Name</b>	Mercure Burton on Trent Newton Park Hotel
<b>Address</b>	Newton Solney Burton on Trent DE15 0TD

#### 1. PURPOSE

- 1.1 To determine an application to vary a premises licence received by the Licensing Authority on the 6<sup>th</sup> March 2017 from Jupiter Hotels Limited. The Application is attached at **(Appendix 1)**.

#### 2. BACKGROUND

- 2.1 The applicant is seeking a full variation to a premises licence to extend the hours for the sale by retail of alcohol and provision of regulated entertainment on Sunday to Thursday from 08:00hrs until 00:00hrs and Friday and Saturday from 08:00hrs until 00:30hrs. The applicant is also seeking to extend the hours for the provision of late night refreshment on Sunday to Thursday from 23:00hrs until 00:00hrs and Friday and Saturday from 23:00 until 00:30hrs.

Finally, the applicant has requested the removal of the current conditions referred to in Annex 2 of the premises licence and replace them with a new set of conditions as per the application.

### 3. APPLICATION DETAILS

3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
Sale by retail of alcohol	Sunday – Thursday Friday & Saturday Non-standard timings	08:00hrs – 00:00hrs 08:00hrs – 00:30hrs From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day. Until 01.00hrs the following morning for those patrons taking a table meal. 24 hours for residents and their bona fide guests.
Provision of regulated entertainment	Sunday – Thursday Friday & Saturday Non-standard timings	08:00hrs – 00:00hrs 08:00hrs – 00.30hrs From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day
Provision of late night refreshment	Sunday – Thursday Friday & Saturday	23:00hrs – 00:00hrs 23:00hrs – 00:30hrs
Opening hours of the premises	Monday - Sunday	00.00hrs – 24.00hrs

3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

3.3 A plan is attached at (**Appendix 2**) identifying the location of the premises.

### 4. CONSULTATION RESPONSES

#### 4.1 Interested Parties

John Patch

Representation received during the 28 day consultation period. Full details can be found at (**Appendix 3**).

Susan Ellis

Representation received during the 28 day consultation period. Full details can be found at (**Appendix 4**).

Richard Steele

Representation received during the 28 day consultation period. Full details can be found at (**Appendix 5**).

Claire Babraff	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 6</b> ).
David & Diane Tidy	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 7</b> ).
Mr F J Hill	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 8</b> ).
Kerry Haines	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 9</b> ).

## **5. OTHER RELEVANT CONSIDERATIONS**

- 5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.
- 5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

## **6. DETERMINATION**

- 6.1 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
  1. Grant the licence in accordance with the application.
  2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
  3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
  4. Reject the application.

- 6.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 6.3 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so, it must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 6.4 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

## **7. RIGHT OF APPEAL**

- 7.1 Members should note that the applicant or persons making representations have the right of appeal against any decision made by the Sub-Committee.

## **8. APPENDICES**

1. Application for the variation of a premises licence to be granted under the Licensing Act 2003
2. A plan identifying the location of the premises
3. Representation from John Patch
4. Representation from Susan Ellis
5. Representation from Richard Steele
6. Representation from Claire Babraff
7. Representation from David & Diane Tidy
8. Representation from Mr F J Hill
9. Representation from Kerry Haines